
STATUTORY INSTRUMENTS

1973 No. 69

Drainage (Northern Ireland) Order 1973

PART II

FUNCTIONS OF DRAINAGE COUNCIL AND MINISTRY

Emergency works: watercourses

8.—(1) Where the Ministry is satisfied that any works are required, as a matter of urgency, to be exercised in relation to any watercourse, or the banks thereof, then, notwithstanding anything contained in this Order, the Ministry may,^{F1} . . . forthwith exercise, in relation to that watercourse, or those banks, all or any of the powers conferred on the Ministry by Article 14 as if a scheme, in respect of that watercourse or those banks, had been confirmed under Article 13.

[^{F1}(1A) The Department shall not incur expenditure exceeding £25,000 in relation to any watercourse or the banks thereof under paragraph (1) without the approval of the Department of Finance and Personnel.]

(2) Where the Ministry proposes to exercise its powers under paragraph (1), it shall as soon as may be furnish to the Drainage Council full particulars of the circumstances requiring the exercise of those powers and of the works which have been executed or which are required to be executed.

(3) If the watercourse in relation to which, or the banks of which, the particulars are furnished is an undesignated watercourse, the Drainage Council shall, on receipt of the particulars, determine whether or not the watercourse is to be treated as a designated watercourse.

(4) Where the Drainage Council determines, in pursuance of paragraph (3), that the watercourse is not to be treated as a designated watercourse, the Ministry may recover from any occupier of land who is, by virtue of Schedule 5, under a liability in respect of any portion of the watercourse the whole, or such proportion (if any) as the Ministry considers equitable, of the cost of the works executed under paragraph (1) in relation to that portion.

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Changes to legislation:

There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973, Section 8.