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STATUTORY INSTRUMENTS

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**1973 No. 69**

**Drainage (Northern Ireland) Order 1973**

**PART I**  
**INTRODUCTORY**

**Title and commencement**

**1.—(1)** This Order may be cited as the Drainage (Northern Ireland) Order 1973 ...  
*Commencement ...*  
*Paras.(2)(3)—Commencement*

**Interpretation**

**2.—(1)** The Interpretation Act (Northern Ireland) 1954 shall apply to the interpretation of Article 1 and the following provisions of this Order as it applies to an Act of the Parliament of Northern Ireland.

(2) In this Order—

[<sup>F1</sup>“another member State” means a member State other than the United Kingdom;]

[<sup>F2</sup>“another EEA State” means an EEA State other than the United Kingdom;]

“authorised” means authorised by the Ministry;

“bank” means any bank, wall or embankment adjoining or confining, or constructed for the purposes of or in connection with, any watercourse, or for the protection of any land from flooding;

[<sup>F2</sup>“the Commission” means the Water Appeals Commission established under Article 7 of the Water and Sewerage Services (Northern Ireland) Order 1973;]

“dam” includes a lock, weir or other structure whatsoever which is likely to affect the flow of water in any watercourse;

“designated sea defences” means sea defences designated by the Drainage Council under this Order;

“designated watercourse” means a watercourse designated by the Drainage Council under this Order;

[<sup>F2</sup>“the Directive” means Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment as amended by Council Directive [97/11/EC](#);]

“drainage” includes protection;

“the Drainage Council” has the meaning assigned to it by Article 3(1);

“drainage scheme” means a scheme prepared under Article 11(1);

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: There are currently no known outstanding effects for the Drainage (Northern Ireland) Order 1973, PART I. (See end of Document for details)*

[<sup>F2</sup>“EEA State” means a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993;]

“embankment” includes an embankment which is part of any sea defence works;

[<sup>F2</sup>“environmental statement” means a statement that includes—

- (a) such of the information referred to in Part I of Schedule 2A as is reasonably required to assess the environmental effects of the drainage scheme and which the Department can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile, but
- (b) at least the information referred to in Part II of Schedule 2A;]

[<sup>F2</sup>“environmental information” means information in an environmental statement and any other information provided in accordance with this Order in relation to an application or referral for a determination under Article 12A(7) or Article 12E(5) in relation to the likely environmental effects of the scheme which is the subject of the application;]

“fish pass” means a channel for the free run or migration of fish in, over or in connection with an obstruction in a watercourse, and includes a fish ladder or any contrivance which facilitates the passage of fish;

[<sup>F2</sup>“local newspaper” means a newspaper circulating in the immediate locality of a proposed drainage scheme;]

“the Minister” and “the Ministry” mean respectively the Minister and the Ministry of Agriculture;

“occupier”, in relation to any land, includes an agent or other person entrusted by any owner, occupier or person having an estate therein with the management thereof;

“protection” means protection against flooding but not erosion by the sea;

“sea defences” means any works designed for the protection against flooding by the sea of land and existing at the commencement of this Order;

“sea defence works” means any works of construction, reconstruction, alteration, improvement, repair, maintenance, demolition or removal for the purpose of the protection against flooding by the sea of any land, and includes the sowing or planting of vegetation for that purpose;

“sluice” includes any appliance capable of regulating the flow of water and all structures and apparatus connected with that appliance;

“statutory provision” has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954 ;

“transferred provision” has the meaning assigned to it by section 1(*g*) of the said Act of 1954;

“tree” includes bush and shrub;

“watercourse” means any channel or passage of whatever kind, whether natural or artificial, through which water flows and, without prejudice to the generality of the foregoing, includes any river, stream, canal, ditch, drain, cut, culvert, dyke, sluice, valve, sewer, overland carrier, millrace or layde, but does not include any drain or sewer, or any water main or service pipe under the control of the Ministry of Development<sup>F3</sup>.

[<sup>F2</sup>(2A) In this Order, any reference to significant effects on the environment shall include a reference to such effects on the environment in another EEA State.]

[<sup>F1</sup>(2A) In this order, any reference to significant effects on the environment shall include a reference to such effects on the environment in another member State.]

*Para.(3) rep. by SLR 1976*

- F1** SR 1998/446
- F2** SR 2001/394
- F3** Now D/Env., SRO (NI) 1973/504

**Status:**

Point in time view as at 01/01/2006.

**Changes to legislation:**

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