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STATUTORY INSTRUMENTS

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**1973 No. 69**

**Drainage (Northern Ireland) Order 1973**

**PART V**

**EXECUTION AND FINANCING OF CERTAIN WORKS**

**Power of Ministry to carry out works on behalf of other persons**

**25.**—(1) Without prejudice to the provisions of Article 15 or of section 8 of the Agriculture Act (Northern Ireland) 1949, the Ministry may, by agreement with any person, carry out with respect to any watercourse and at the expense of that person any works which that person is required under any statutory provision, or is entitled, to carry out, and that person shall, subject to Article 26, pay the cost of any such work to the Ministry.

(2) The provisions of Article 40(8) shall have effect with respect to an agreement made under this Article, but, subject thereto, nothing in this Order shall diminish in any respect any responsibility of any person for any act or thing done in pursuance of any such agreement by or on behalf of that person.

**Power of Ministry to contribute to cost of works**

**26.** Where the Ministry considers that the carrying out of any works, whether by the Ministry under Article 25 or by any other person, is conducive to the better maintenance or the improvement of any designated watercourse or of any fishery in respect of which the Ministry is liable to provide protection under Article 40, the Ministry may contribute towards the cost of those works such amount as is, in the opinion of the Ministry, commensurate with any benefit derived from the carrying out of those works.

**Agreements with occupiers of land for contributions towards cost of certain works**

**27.**—(1) Where the occupier of any land requests the Ministry to carry out drainage works on a designated watercourse and the Ministry is satisfied that, in the circumstances of the case, the whole cost of the works should not fall to be paid out of public funds, the Ministry may enter into an agreement with the occupier whereby the Ministry shall carry out the drainage works in consideration of the occupier reimbursing to the Ministry such proportion of the cost thereof as may be specified in the agreement.

(2) Any money required to be reimbursed pursuant to any agreement under paragraph (1) shall be recoverable by the Ministry.

**Agreements for contributions towards cost of sea defence works**

**28.**—(1) Without prejudice to the provisions of Article 15, where, before submitting to the Drainage Council, under Article 3(4)( *b*), particulars of any sea defences or, as the case may be, before exercising the power conferred by Article 9, the Ministry is satisfied that the carrying out of drainage work, or, as the case may be, of anything authorised by Article 9, will extinguish

or substantially diminish the liability of any public body or other authority in respect of the reconstruction, repair or maintenance of the sea defences concerned, or otherwise enure for the benefit of such body or authority, the Ministry may, before proceeding under either Article 3(4) or 9, enter into an agreement with the body or authority concerned whereby, in the event of those sea defences being determined by the Drainage Council to be designated sea defences, that body or authority will become liable to pay to the Ministry such sum or sums as may be agreed on by way of contribution towards the expenses that may be incurred by the Ministry in respect of those sea defences.

(2) Any money required to be paid pursuant to any agreement under paragraph (1) shall be recoverable by the Ministry.

**Changes to legislation:**

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