
STATUTORY INSTRUMENTS

2006 No. 3336

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART IV

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLY

Waste, contamination, misuse, etc.

Waste from water sources

111.—(1) Subject to paragraphs (2) and (3), a person shall be guilty of an offence under this Article if—

- (a) he causes or allows any underground water to run to waste from any well, borehole or other work; or
- (b) he abstracts from any well, borehole or other work water in excess of his reasonable requirements.

(2) A person shall not be guilty of an offence by virtue of paragraph (1)(a) in respect of anything done for the purpose—

- (a) of testing the extent or quality of the supply; or
- (b) of cleaning, sterilising, examining or repairing the well, borehole or other work in question.

(3) Where underground water interferes or threatens to interfere with the carrying out or operation of any underground works (whether waterworks or not), it shall not be an offence under this Article, if no other method of disposing of the water is reasonably practicable, to cause or allow the water to run to waste so far as may be necessary for enabling the works to be carried out or operated.

(4) A person who is guilty of an offence under this Article shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(5) On the conviction of a person under this Article, the court may—

- (a) order that the well, borehole or other work to which the offence relates shall be effectively sealed; or
- (b) make such other order as appears to the court to be necessary to prevent waste of water.

(6) If any person fails to comply with an order under paragraph (5), then, without prejudice to any penalty for contempt of court, the court may, on the application of DOE, authorise DOE to take such steps as may be necessary to execute the order; and any expenses incurred in taking any such steps shall be recoverable summarily as a civil debt from the person convicted.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 111 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) Any person designated for the purpose by DOE shall, on producing some duly authenticated document showing his authority, have a right at all reasonable times—

- (a) to enter any premises for the purpose of ascertaining whether there is, or has been, any contravention of the provisions of this Article on or in connection with the premises;
- (b) to enter any premises for the purpose of executing any order of the court under this Article which DOE has been authorised to execute in those premises.

(8) Part I of Schedule 4 shall apply to the rights of entry conferred by paragraph (7).

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Commencement Information

- II** [Art. 111](#) wholly in operation at 1.4.2007, see [art. 1\(2\)](#) and [S.R. 2007/194](#), **art. 2(2)**, [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)