
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Provisions protecting public sewers

Power to investigate defective drain [^{F1}, sewer or sustainable drainage system]

171.—(1) Where it appears to a sewerage undertaker that there are reasonable grounds for believing—

(a) that any drain connecting with a public sewer, or any private sewer so connecting, [^{F2}or any sustainable drainage system from which water is discharged, whether directly or indirectly, into any such drain or private sewer,] is in such a condition as to be injurious or likely to cause injury to health or as to be a nuisance; or

(b) that any such drain [^{F3}, private sewer or system] is so defective as to admit subsoil water, the undertaker may examine the condition of the drain [^{F4}, sewer or system] and, for that purpose, may apply any test, other than a test by water under pressure and, if the undertaker deems it necessary, open the ground.

(2) If on examination the drain [^{F5}, sewer or system] is found to be in proper condition, the undertaker shall, as soon as possible, reinstate any ground which has been opened by it and make good any damage done by the undertaker.

Textual Amendments

- F1** Words in art. 171 heading substituted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, [Sch. 2 para. 11\(2\)](#)
- F2** Words in art. 171(1)(a) inserted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, [Sch. 2 para. 11\(3\)\(a\)](#)
- F3** Words in art. 171(1)(b) substituted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, [Sch. 2 para. 11\(3\)\(b\)](#)
- F4** Words in art. 171(1) substituted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, [Sch. 2 para. 11\(3\)\(c\)](#)
- F5** Words in art. 171(2) substituted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, [Sch. 2 para. 11\(4\)](#)

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 171 is up to date with all changes known to be in force on or before 10 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](#)*

Commencement Information

- II** Art. 171 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)

Changes to legislation:

The Water and Sewerage Services (Northern Ireland) Order 2006, Section 171 is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

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\(b\)](#)