
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER III

TRADE EFFLUENT

References and reviews relating to special category effluent

Compensation in respect of determinations made for the protection of public health etc.

192.—(1) Subject to paragraph (2), DOE shall be liable to pay compensation to the relevant person in respect of any loss or damage sustained by that person as a result of any notice under Article 190 containing DOE's determination on a review which—

- (a) has been carried out for the protection of public health or of flora and fauna dependent on an aquatic environment; and
- (b) but for being so carried out would have been prohibited by virtue of Article 185(2) or 189(2).

(2) DOE shall not be required to pay any compensation under this Article if the determination in question is shown to have been given in consequence of—

- (a) a change of circumstances which could not reasonably have been foreseen at the time when the period of two years mentioned in Article 185(2) or, as the case may be, Article 189(2) began to run; or
- (b) consideration by DOE of material information which was not reasonably available to DOE at that time.

(3) No person shall be entitled to any compensation under Article 183 in respect of anything done in pursuance of Article 191.

(4) In this Article “the relevant person” means—

- (a) in relation to a review of a consent, the holder of the consent;
- (b) in relation to a review of an agreement, the owner or occupier of the trade premises in question, according to whether it is the owner or the occupier who is a party to the agreement.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 192 is up to date with all changes known to be in force on or before 17 May 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*

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Commencement Information

- II** [Art. 192](#) 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\(b\)](#)