
STATUTORY INSTRUMENTS

2006 No. 3336

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

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER III

SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS' POWERS

Vesting of works in undertaker

Vesting of works in undertaker

241.—(1) Subject to paragraph (3) and to any provision to the contrary contained in an agreement between the relevant undertaker and the person in whom an interest in the pipe [^{F1}, system] or works is or is to be vested—

- (a) every relevant pipe which has been laid, in exercise of any power conferred by this Part or otherwise, by a relevant undertaker; and
- (b) every [^{F2}sustainable drainage system,] water treatment works or waste water treatment works constructed by a relevant undertaker,

shall vest in the undertaker which laid it or, as the case may be, the undertaker which constructed [^{F3}it or] them.

(2) In addition—

- (a) every water main and so much of each service pipe with respect to which a declaration of vesting made by a water undertaker under Chapter II of Part IV takes effect shall also vest in that undertaker; and
- (b) every sewer, lateral drain [^{F4}, sustainable drainage system] or waste water treatment works with respect to which a declaration of vesting made by a sewerage undertaker under Chapter II of Part VI takes effect shall also vest in that undertaker.

(3) Paragraph (1) shall not apply—

- (a) to a service pipe laid in a street other than the street in which the water main with which it connects is situated;
- (b) to a service pipe laid otherwise than in a street where that pipe is laid—
 - (i) in pursuance of the duty imposed by virtue of Article 80(4); or
 - (ii) in substitution for a service pipe belonging to a person other than the person who lays the replacement pipe.

(4) If any water fittings let for hire by a water undertaker are suitably marked, they—

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, Section 241 is up to date with all changes known to be in force on or before 05 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

- (a) shall continue to be the property of and removable by the undertaker, even if they are fixed to some part of the premises in which they are situated or are laid in the soil under any premises; and
- (b) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against a person in whose possession they are;

but nothing in this paragraph affects the valuation for rating of any rateable hereditament.

(5) The preceding provisions of this Article are without prejudice, in relation to any company appointed to be a relevant undertaker, to the vesting of anything in that company by virtue of—

- (a) any transfer scheme under Article 270 or Schedule 1;
- (b) the exercise by any relevant undertaker of any power to acquire property by agreement or compulsorily.

(6) In this Article—

“relevant pipe”—

- (a) in relation to a water undertaker, means any water main (including a trunk main), resource main, discharge pipe or service pipe; and
 - (b) in relation to a sewerage undertaker, means any sewer, lateral drain or disposal main; and
- “water fittings” has the same meaning as in Part IV.

(7) For the purposes of this Article water fittings let on hire by a water undertaker shall be treated as suitably marked for the purposes of this Article if and only if they bear either such a distinguishing metal plate affixed to them or such a distinguishing brand or other mark conspicuously impressed or made on them as sufficiently indicates the undertaker as the actual owner of the fittings.

Textual Amendments

- F1** Word in [art. 241\(1\)](#) 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. 14\(2\)\(a\)](#)
- F2** Words in [art. 241\(1\)\(b\)](#) 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. 14\(2\)\(b\)](#)
- F3** Words in [art. 241\(1\)](#) 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. 14\(2\)\(c\)](#)
- F4** Words in [art. 241\(2\)\(b\)](#) 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. 14\(3\)](#)

Commencement Information

- I1** Art. 241 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:

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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\(b\)](#)