
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART III

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER II

ENFORCEMENT AND INSOLVENCY

Enforcement orders

Orders for securing compliance with certain provisions

30.—(1) Subject to paragraph (2) and Articles 31 and 32, where in the case of any company holding an appointment under Chapter I an enforcing authority is satisfied—

(a) that that company is contravening—

(i) any condition of the company's appointment in relation to which it is the relevant enforcement authority; or

(ii) any statutory or other requirement which is enforceable under this Article and in relation to which it is the relevant enforcement authority; or

(b) that that company is likely to contravene any such condition or requirement,

it shall by a final enforcement order make such provision as is requisite for the purpose of securing compliance with that condition or requirement.

(2) Subject to Article 31, where in the case of any company holding an appointment under Chapter I—

(a) it appears to an enforcement authority as mentioned in sub-paragraph (a) or (b) of paragraph (1); and

(b) it appears to that authority that it is requisite that a provisional enforcement order be made, the enforcement authority may (instead of taking steps towards the making of a final order) by a provisional enforcement order make such provision as appears to it requisite for the purpose of securing compliance with the condition or requirement in question.

(3) In determining for the purposes of paragraph (2)(b) whether it is requisite that a provisional enforcement order be made, an enforcement authority shall have regard, in particular, to the extent to which any person is likely to sustain loss or damage in consequence of anything which, in contravention of any condition or of any statutory or other requirement enforceable under this Article, is likely to be done, or omitted to be done, before a final enforcement order may be made.

(4) Subject to Articles 31 and 32, where an enforcement authority has made a provisional enforcement order, it shall confirm the order, with or without modifications, if—

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- (a) it is satisfied that the company to which the order relates—
 - (i) is contravening any condition or statutory or other requirement in relation to which it is the enforcement authority; or
 - (ii) is likely to contravene any such condition or requirement; and
 - (b) the provision made by the order (with any modifications) is requisite for the purpose of securing compliance with that condition or requirement.
- (5) An enforcement order—
- (a) shall require the company to which it relates (according to the circumstances of the case) to do, or not to do, such things as are specified in the order or are of a description so specified;
 - (b) shall take effect at such time, being the earliest practicable time, as is determined by or under the order; and
 - (c) may be revoked at any time by the enforcement authority which made it.
- (6) For the purposes of this Article and the following provisions of this Order—
- (a) the statutory and other requirements which are enforceable under this Article in relation to a company holding an appointment under Chapter I are such of the requirements of any statutory provision as—
 - (i) are imposed in consequence of that appointment; and
 - (ii) are made so enforceable by that statutory provision;
 - (b) the Authority shall be the relevant enforcement authority in relation to the conditions of an appointment under Chapter I; and
 - (c) the relevant enforcement authority in relation to each of the statutory and other requirements enforceable under this Article shall be—
 - (i) the Department;
- [^{F1}(ia) DOE;]
- (ii) the Authority; or
 - (iii) [^{F2}any] of the above,
- according to whatever provision is made by the statutory provision by which the requirement is made so enforceable.
- (7) In this Article and the following provisions of this Chapter—
- “enforcement authority” means—
- (a) [^{F3}the Department;
 - (ab) DOE; or]
 - (b) the Authority;
- “enforcement order” means a final enforcement order or a provisional enforcement order;
- “final enforcement order” means an order under this Article other than a provisional enforcement order;
- “provisional enforcement order” means an order under this Article which, if not previously confirmed in accordance with paragraph (4), will cease to have effect at the end of such period (not exceeding 3 months) as is determined by or under the order.
- (8) Where any act or omission constitutes a contravention of a condition of an appointment under Chapter I or of a statutory or other requirement enforceable under this Article, the only remedies for that contravention, apart from those available by virtue of this Article, shall be those for which

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express provision is made by or under any statutory provision and those that are available in respect of that act or omission otherwise than by virtue of its constituting such a contravention.

Textual Amendments

- F1** Art. 30(6)(c)(ia) inserted (12.4.2016) by [Environmental Better Regulation Act \(Northern Ireland\) 2016 \(c. 13\), ss. 19\(2\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(1) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F2** Word in art. 30(6)(c)(iii) substituted (12.4.2016) by [Environmental Better Regulation Act \(Northern Ireland\) 2016 \(c. 13\), ss. 19\(3\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(1) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F3** Words in art. 30(7) substituted (12.4.2016) by [Environmental Better Regulation Act \(Northern Ireland\) 2016 \(c. 13\), ss. 19\(4\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(1) (as inserted by 2016 c. 13 (N.I.), s. 23))

Modifications etc. (not altering text)

- C1** Art. 30 applied by [Water \(Northern Ireland\) Order 1999 \(S. I. 1999/662 \(N.I. 6\)\)](#), art. 28A(6) (as inserted (1.4.2007) by [Water and Sewerage Services \(Northern Ireland\) Order 2006 \(S. I. 2006/3336 \(N.I. 21\)\)](#), arts. 1(2), **284** (with arts. 8(8), 121(3), 307)); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)
- C2** Art. 30 applied by S.R. 2007/147, reg. 26(6) (as substituted (15.7.2009) by [Water Supply \(Water Quality\) \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/246\)](#), **reg. 2(11)**)
- C3** Art. 30 applied by S.R. 2007/147, reg. 28(7) (as substituted (15.7.2009) by [Water Supply \(Water Quality\) \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/246\)](#), **reg. 2(13)**)
- C4** Art. 30 applied (3.8.2009) by [Water Supply \(Water Fittings\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/255\)](#), **reg. 9** (with reg. 2(4))
- C5** Art. 30 applied (27.10.2017) by [The Water Supply \(Water Quality\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/212\)](#), regs. 1, **29(7)**

Commencement Information

- II** Art. 30 wholly in operation at 1.4.2007; art. 30 in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power, see art. 1(3)(e); art. 30 in operation at 1.4.2007 insofar as not already in operation by 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. 23(6) inserted by [2024 c. 13 Sch. 30 para. 41\(4\)](#)
- art. 27(11) inserted by [2024 c. 13 Sch. 30 para. 42\(4\)](#)
- art. 29(11) inserted by [2024 c. 13 Sch. 29 para. 4](#)
- art. 265(5)(u) inserted by [2024 c. 13 Sch. 30 para. 43\(b\)](#)
- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)