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STATUTORY INSTRUMENTS

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**2006 No. 3336 (N.I. 21)**

**NORTHERN IRELAND**

The Water and Sewerage Services  
(Northern Ireland) Order 2006

*Made - - - - 14th December 2006  
Coming into operation in accordance with Article  
1(2) to (4)*

THE WATER AND SEWERAGE SERVICES  
(NORTHERN IRELAND) ORDER 2006

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#### *— Cases where Schedule applies*

- 1. (1) This Schedule applies in each of the cases specified...
  - Making and effect of scheme*
- 2. (1) The existing appointee, acting with the consent of the...
  - Contents of scheme*
- 3. (1) A scheme under this Schedule— (a) shall specify the...
  - Transfer of appointment*
- 4. (1) Where a scheme under this Schedule is made in...
  - Employment contracts*
- 5. (1) This paragraph applies if rights and liabilities under a...
  - Effect on third parties*
- 6. (1) Sub-paragraph (2) applies where (apart from that sub-paragraph) a...
  - External assets, etc.*

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7. (1) This paragraph applies in any case where a scheme...  
— *Further transitional provision*
8. (1) The Department may, if it thinks it appropriate to...

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1. (1) Any dwelling which is occupied by a person as...
2. (1) Any house in multiple occupation which does not constitute...
3. (1) Accommodation for the elderly in which a person has...
4. A hospital within the meaning of Article 2(2) of the...
5. (1) Premises used— (a) for the provision of primary medical...
6. Any of the following (within the meaning of the Health...
7. A school within the meaning of the Education and Libraries...
8. (1) Premises used by— (a) an institution of further education...
9. Premises used for the provision of day care for children...
10. A prison, young offenders centre or juvenile justice centre.
11. Any premises which are used solely for detaining persons under...
12. Premises occupied for the purposes of the police.
13. Premises occupied for the purposes of the Northern Ireland Fire...
14. Premises occupied for the purposes of the provision of an...

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1. (1) Where the Authority or a water undertaker applies to...  
— *Supply of copies of draft orders*
2. The applicant for an order under Article 105(5) shall, at...  
— *Modifications of proposals*
3. (1) On an application for an order under Article 105(5),...  
— *Consideration of objections, etc.*
4. Where an application for an order to which this Schedule...

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1. (1) Where this Part of this Schedule applies to any...

*Warrants to exercise right*

2. (1) Subject to sub-paragraph (3), if it is shown to...

*Supplementary power of person making entry*

3. Any person entitled to enter any premises by virtue of...

*Obstruction of person exercising right*

4. Any person who intentionally obstructs any person upon whom a...

*Duty of persons exercising rights to maintain confidentiality*

5. (1) Without prejudice to Article 265 and subject to sub-paragraphs...

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## PART II — OTHER RIGHTS OF ENTRY AND RELATED POWERS

### *Notice of Entry*

6. (1) Without prejudice to any power exercisable by virtue of...

### *Warrant to exercise right or power*

7. (1) If it is shown to the satisfaction of a...

### *Manner of exercise of right or power*

8. A person designated as the person who may exercise any...

### *Supplementary powers of person making entry, etc.*

9. A person authorised to enter any premises by virtue of...

### *Duty to secure premises*

10. A person who enters any premises in the exercise of...

### *Compensation*

11. (1) Where any person exercises any right or power to...

### *Obstruction of person exercising right or power*

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### *Interpretation of Part II*

13. (1) In this Part of this Schedule “relevant authority”, in...

## SCHEDULE 5 — PROCEEDINGS ON APPLICATION FOR A DROUGHT ORDER

### *— Notice of application for drought order*

1. (1) The applicant for a drought order shall—  
*— Objections to, and making of, drought order*
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*— Notice after making of drought order*
3. After a drought order has been made, the person on...

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1. (1) Where a relevant undertaker proposes to acquire, otherwise than...
2. (1) Except with the consent of the Authority, no application...
3. (1) The power to make a vesting order under paragraph...
4. (1) Nothing in this Schedule shall authorise the acquisition, without...
5. Schedule 6 to the Local Government Act (Northern Ireland) 1972...

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PART II — LAND OF RELEVANT UNDERTAKERS EXCLUDED FROM  
COMPULSORY PURCHASE

6. Where— (a) an application for a vesting order is made...

SCHEDULE 8 — PROCEDURE RELATING TO BYELAWS UNDER ARTICLE 218

— *Confirmation of byelaws*

1. (1) Byelaws made by a relevant undertaker under Article 218...  
— *Confirmation with or without modifications*
2. (1) Subject to the following sub-paragraphs, where byelaws are submitted...  
— *Commencement of byelaws*
3. (1) The Department may fix the date on which any...  
— *Availability of confirmed byelaws*
4. (1) Byelaws made by a relevant undertaker and confirmed under...  
— *Revocation of byelaws*
5. Without prejudice to paragraph (5) of Article 218, if it...  
— *Proof of byelaws etc.*
6. The production of a printed copy of byelaws purporting to...

SCHEDULE 9 — ORDERS CONFERRING COMPULSORY WORKS POWERS

— *Applications for orders*

1. (1) Where a water undertaker applies to the Department for...  
— *Supply of copies of draft orders*
2. A water undertaker applying for a compulsory works order shall,...  
— *Powers on an application*
3. (1) On an application for a compulsory works order, the...  
— *Consideration of objections etc.*
4. (1) If, where an application for a compulsory works order...  
— *Notice after making of order*
5. (1) As soon as practicable after a compulsory works order...  
— *Compulsory acquisition provisions*
6. The statutory provisions for the time being in force with...  
— *Compensation in respect of powers other than acquisition powers*
7. (1) If the value of any estate in any relevant...  
— *Protection of public undertakings*
8. The provisions of Article 248 and of Part I of...  
— *Interpretation*
9. In this Schedule— “compulsory works order” means an order under...

SCHEDULE 10 — PROTECTIVE PROVISIONS IN RESPECT OF CERTAIN  
UNDERTAKINGS

PART I — PROVISIONS APPLYING GENERALLY

*General provisions protecting undertakings*

1. (1) Nothing in this Order conferring power on a relevant...

*Protection for statutory powers and jurisdiction*

2. Nothing in any provision of this Order conferring power on...

*Special protection for certain undertakings in respect of street works*

3. (1) Subject to the following provisions of this paragraph and...



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*Protection for telecommunication systems*

4. Paragraph 23 of Schedule 2 to the Telecommunications Act 1984...  
PART II — FURTHER PROTECTIVE PROVISIONS IN RESPECT OF  
SEWERAGE POWERS

*Protection for airports, railways etc.*

5. (1) Subject to the provisions of this paragraph, nothing in...

*Saving for Part I and other powers*

6. The provisions of this Part of this Schedule are without...

SCHEDULE 11 — THE TRANSFER SCHEME

— *Interpretation*

1. (1) In this Schedule— “specified” means specified in the transfer...  
— *Contents of transfer scheme*
2. (1) The transfer scheme— (a) shall specify the assets and...  
— *Modification of the transfer scheme*
3. (1) If, at any time after the transfer date but...  
— *Proof of title by certificate*
4. A certificate issued by the Department to the effect that—...  
— *Employment contracts*
5. (1) This paragraph applies if rights and liabilities under a...  
— *Effect on third parties*
6. (1) Sub-paragraph (2) applies where (apart from that sub-paragraph) a...  
— *Compensation*
7. (1) Where, in consequence of any provision included in a...  
— *External assets etc.*
8. (1) This paragraph applies in any case where the transfer...

SCHEDULE 12 — AMENDMENTS

— *The Public Health (Ireland) Act 1878 (c. 52)*

1. (1) In section 2 for the definition of “sewer” substitute—...  
— *The Water Supplies and Sewerage Act (Northern Ireland) 1945 (c. 17)*
2. (1) In section 4(1)(a) for “the Ministry of Development” substituted...  
— *The Requisitioned Land and War Works Act 1948 (c. 17)*
3. The undertaking of a relevant undertaker shall be deemed to...  
— *The Interpretation Act (Northern Ireland) 1954 (c. 33)*
4. In section 46(1) at the appropriate places in alphabetical order...  
— *The Lough Neagh and Lower Bann Drainage and Navigation Act (Northern Ireland) 1955 (c. 15)*
5. In section 2(1)(a) at the end add “ and every...  
— *The Nuclear Installations Act 1965 (c. 57)*
6. In section 27(1)(c), in the substituted paragraph (ca), after “Northern...  
— *The Fisheries Act (Northern Ireland) 1966 (c. 17)*
7. In section 11A(5) for “Article 9(1)” substitute “ Article 7A(3)(a)...  
— *The Mineral Development Act (Northern Ireland) 1969 (c. 35)*
8. (1) For the purposes of section 40, where pipes in...  
— *The Land Registration Act (Northern Ireland) 1970 (c. 18)*
9. In Schedule 11 for paragraph 28 substitute— Any of the following matters under the Water and Sewerage...

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- *The Drainage (Northern Ireland) Order 1973 (NI 1)*
- 10. (1) In Article 2(2), in the definition of “the Commission”,...
  - *The Northern Ireland Assembly Disqualification Act 1975 (c. 25)*
- 11. (1) In Part II of Schedule 1, in the entry...
  - *The Rates (Northern Ireland) Order 1977 (NI 28)*
- 12. (1) In Article 39E(1)(a), for “for the purposes of water...
  - *The Health and Safety at Work (Northern Ireland) Order 1978 (NI 9)*
- 13. (1) In Article 30(3)(c) at the end add—
  - *The Pollution Control and Local Government (Northern Ireland) Order 1978 (NI 19)*
- 14. (1) In Article 42(2)(a) for the words “or the Water...
  - *The Statutory Rules (Northern Ireland) Order 1979 (NI 12)*
- 15. In Part I of Schedule 1, in the entry relating...
  - *The Housing (Northern Ireland) Order 1981 (NI 3)*
- 16. In Article 88E(2)(b) for “or electricity” substitute “electricity, water...
  - *The Judgments Enforcement (Northern Ireland) Order 1981 (NI 6)*
- 17. (1) In Article 2(2), in the definition of “company”, at...
  - *The Civil Aviation Act 1982 (c. 16)*
- 18. (1) For the purposes of the Civil Aviation Act 1982,...
  - *The Telecommunications Act 1984 (c. 12)*
- 19. (1) In section 98(9)— (a) in paragraph (c) of the...
  - *The General Consumer Council (Northern Ireland) Order 1984 (NI 12)*
- 20. In Schedule 1, in paragraph 10(8) after “consultation with” insert...
  - *The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (NI 1)*
- 21. (1) A water undertaker or sewerage undertaker shall be deemed...
  - *The Wildlife (Northern Ireland) Order 1985 (NI 2)*
- 22. In Article 3(1), in the definition of “authorised person” after...
  - *The Airports Act 1986 (c. 31)*
- 23. In section 74(3) at the end add—
  - *The Companies (Northern Ireland) Order 1986 (NI 6)*
- 24. In Articles 418(5)(a) and 453(2) after “under this Order” insert...
  - *The Business Names (Northern Ireland) Order 1986 (NI 7)*
- 25. In Article 3(1)(c) after “Order 1986” insert “ (or which...
  - *The Consumer Protection (Northern Ireland) Order 1987 (NI 20)*
- 26. In Article 29(3) at the end add—
  - *The Insolvency (Northern Ireland) Order 1989 (NI 19)*
- 27. (1) In Article 197(3) for sub-paragraph (b) substitute—
  - *The Food Safety (Northern Ireland) Order 1991 (NI 7)*
- 28. In Article 50(1) for the words from “the Department of...
  - *The Planning (Northern Ireland) Order 1991 (NI 11)*
- 29. (1) In Article 2(2), at the end of the definition...
  - *The Social Security Administration (Northern Ireland) Act 1992 (c. 8)*
- 30. (1) In section 103B (2A) after paragraph (h) insert—
  - *The Electricity (Northern Ireland) Order 1992 (NI 1)*
- 31. (1) In Schedule 4— (a) in paragraph 1(1) in the...
  - *The Radioactive Substances Act 1993 (c. 12)*
- 32. (1) In section 47(1), in paragraph (c) of the definition...
  - *The Roads (Northern Ireland) Order 1993 (NI 15)*
- 33. In Article 2(2), in the definition of “statutory undertaker”, after...
  - *The Airports (Northern Ireland) Order 1994 (NI 1)*

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34. In Article 49(3) at the end add—
  - *The Street Works (Northern Ireland) Order 1995 (NI 19)*
35. (1) In Article 7(5)(a) for “the Department” substitute “ the...
  - *The Gas (Northern Ireland) Order 1996 (NI 2)*
36. In Schedule 3— (a) in paragraph 1(1) in the definition...
  - *The Ombudsman (Northern Ireland) Order 1996 (NI 8)*
37. (1) In Schedule 2 , in the entry relating to...
  - *The Industrial Pollution Control (Northern Ireland) Order 1997(NI 18)*
38. In Article 2(11)(c) for “1973” substitute “ 2006 ”.
  - *Waste and Contaminated Land (Northern Ireland) Order 1997 (NI 19)*
39. (1) In Article 20 for paragraph (6) substitute—
  - *The Water (Northern Ireland) Order 1999 (NI 6)*
40. (1) In Article 32(12) for “to (9)” substitute “ and...
  - *The Postal Services Act 2000 (c. 26)*
41. In Schedule 7 in paragraph 3(3)(hh), for “1973” substitute “...
  - *The Utilities Act 2000 (c. 27)*
42. In section 105(6)(1) at the end add “ or the...
  - *The Freedom of Information Act 2000 (c. 36)*
43. In Part VII of Schedule 1 at the appropriate place...
  - *The Capital Allowances Act 2001 (c. 2)*
44. In section 274(1), in Table B, in item 4 at...
  - *The Social Security Fraud Act (Northern Ireland) 2001 (c. 17)*
45. In section 4(1) at the end add—
  - *The Enterprise Act 2002 (c. 40)*
46. (1) In section 136(7) at the end add(
  - *The Company Directors Disqualification (Northern Ireland) Order 2002 (NI 4)*
47. In Article 13E(2)(b) for “Energy” substitute “ Utility ”.
  - *The Energy (Northern Ireland) Order 2003 (NI 6)*
48. (1) In Article 2(2) in the definition of “the Authority”...
  - *The Fire and Rescue Service (Northern Ireland) Order 2006 (NI 9)*
49. (1) In Article 16(2) for “Article 35(2) of the Water...

#### SCHEDULE 13 — REPEALS

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