
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Connections between public sewers

New connections with public sewers

167.—(1) Where, on the application of any qualifying person—

- (a) it appears to the Authority that it is necessary or expedient for the purposes of this Part that the sewerage undertaker specified in the application (“the established undertaker”) should permit a main connection into its sewerage system and
- (b) the Authority is satisfied that the making of such a connection cannot be secured by agreement,

the Authority may by order require the established undertaker to allow the connection for such period and on such terms and conditions as may be provided in the order.

(2) In this Article “qualifying person” means—

- (a) a sewerage undertaker; or
- (b) a person who has made an application for an appointment or variation under Article 15 which has not been determined.

(3) In paragraph (1) a “main connection” means a connection—

- (a) between a sewer or disposal main and a sewer or disposal main; or
- (b) a connection which allows a sewer or disposal main to discharge directly into a waste water treatment works.

(4) Where the application is made by a person who is not a sewerage undertaker at the time when the application is made, an order made under this Article in response to that application shall be expressed not to come into force until the applicant becomes a sewerage undertaker for the area specified in the order, or for an area which includes that area.

(5) Subject to paragraph (4), an order under this Article shall have effect as an agreement between the established undertaker and the applicant but may be varied or revoked by a subsequent order made by the Authority on the application of either party to the agreement, as well as by agreement between the parties.

(6) The Authority shall not make an order under this Article unless it has first consulted the Department.

(7) In exercising its functions under this Article, the Authority shall have regard to the desirability of—

- (a) facilitating effective competition within the sewerage services industry;
- (b) the existing undertaker's recovering the expenses of complying with its obligations by virtue of this Article and securing a reasonable return on its capital;
- (c) the existing undertaker's being able to meet its existing obligations, and likely future obligations, to provide sewerage services without having to incur unreasonable expenditure in carrying out works;
- (d) not putting at risk the ability of the existing undertaker to meet its existing obligations, or likely future obligations, to provide such services.