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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 446**

**Drainage (Environmental Assessment)  
(Amendment) Regulations (Northern Ireland) 1998**

**Part III**

**Drainage Schemes**

**Amendment of drainage schemes**

17. For Article 16 there shall be substituted—

**“Amendment of drainage schemes**

16.—(1) Where, in the course of carrying out works specified in a drainage scheme, the Department considers that any provisions of that scheme ought to be substantially varied, it may, subject to paragraphs (2) and (3), after consultation with the Drainage Council and after giving notice to—

- (a) such person as the Department considers likely to be materially affected; and
- (b) any person or member State which made representations under Article 12(3)(d) or Article 12A(3) or (9) or Article 12B(4),

direct that such variations be made therein as appear to be necessary.

(2) The Department shall not direct that any variation be made in a drainage scheme unless it has first taken into consideration—

- (a) the environmental statement (if any) relating to the works specified in the scheme;
- (b) any information relevant to it and obtained pursuant to Article 12A(8);
- (c) the works specified in the scheme as the Department proposes to vary it;
- (d) any representations made in accordance with Article 12(3)(d) or Article 12A(3) or (9) which are received by the Department within the time limits therein respectively specified; and
- (e) any representations made by another member State in accordance with Article 12B(4) in relation to the likely environmental effects of those works and which are received within the time limit therein specified.

(3) Where, pursuant to paragraph (1), the Department gives notice of the variation of a drainage scheme which has been made subject to an environmental statement such notice shall be given in writing and shall indicate the reasons and considerations upon which the variation was based and that the Department has taken into consideration the matters specified in paragraph (2)(a) to (e).

(4) Where a direction given under this Article varies a drainage scheme, that scheme shall have effect, and be deemed always to have had effect, subject to that direction and,

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accordingly, references in this Order to a drainage scheme shall, in relation to that scheme, be construed and have effect as referring to that scheme as varied by that direction.

(5) A direction given under this Article shall not have effect so as to authorise the Department to purchase land compulsorily for the purposes of the drainage scheme otherwise than in accordance with, and subject to, the provisions of Article 10(3) and (4) and Schedule 3.”.