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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 81**

The Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017

PART 1

Introductory

**Citation, commencement and application**

1. These Regulations—
  - (a) may be cited as the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 and shall come into operation on 22nd May 2017; and
  - (b) shall apply only in relation to river basin districts identified in accordance with regulation 4(1).

**Interpretation**

- 2.—(1) In these Regulations—
  - “artificial or heavily modified body of surface water” means a body of water designated as artificial or heavily modified in accordance with regulation 15;
  - “body of water” means a body of groundwater or a body of surface water;
  - “drinking water protected area” means an area of water identified in accordance with regulation 8;
  - “environmental objectives”, in relation to the river basin district and the part of each international river basin district falling within Northern Ireland, means the objectives set under regulation 12 in accordance with regulation 13;
  - “international river basin district” means a river basin district lying partly in Northern Ireland and partly in the Republic of Ireland;
  - “Northern Ireland” has the meaning given by section 98 of the Northern Ireland Act 1998(1);
  - “principal offices” means the offices of the Department at 17 Antrim Road, Tonagh, Lisburn, BT28 3AL;
  - “programme of measures”, in relation to the river basin district and the part of the international river basin district falling within Northern Ireland, means the programme of measures established under regulation 12 in accordance with regulation 20;
  - “protected area” means an area included on a register in accordance with regulation 10;
  - “public body” includes Northern Ireland departments, district councils and statutory undertakers, any body established or constituted under a statutory provision and any persons

or body who, as a public body and not for their own profit, act under any statutory provision for the improvement of any place or the production or supply of any commodity or service;

“relevant functions” means functions under these Regulations and, so far as material, the enactments listed in Schedule 2;

“river basin district” means the area of land and sea identified by regulation 4(1), made up of a river basin or neighbouring river basins, together with associated groundwater, transitional waters and coastal water, being the main unit for the management of river basins for the purposes of the Directive;

“river basin management plan” means a plan to which Part 6 applies;

“shellfish” means any bivalve or gastropod mollusc;

“shellfish water objectives” means the objectives referred to in regulation 13(4);

“shellfish water protected area” means an area of water designated in accordance with regulation 9;

“status”, in relation to a body of water, is a reference to its surface water status or groundwater status (as the case may be);

“the 2003 Regulations” means the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2003<sup>(2)</sup>;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“the Directive” means [Directive 2000/60/EC](#)<sup>(3)</sup> of the European Parliament and of the Council of 23rd October 2000 establishing a framework for Community action in the field of water policy as last amended by Commission [Directive 2014/101/EU](#)<sup>(4)</sup>;

“the EQS Directive” means [Directive 2008/105/EC](#) of the European Parliament and of the Council on environmental quality standards in the field of water policy<sup>(5)</sup> as amended by [Directive 2013/39/EU](#) of the European Parliament and of the Council<sup>(6)</sup>;

“the Groundwater Directive” means [Directive 2006/118/EEC](#) of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration<sup>(7)</sup> as amended by Commission [Directive 2014/80/EU](#)<sup>(8)</sup>;

“the table of priority substances” means the table in Part A of Annex I to the EQS Directive;

“water undertaker” has the same meaning as “relevant undertaker” in the Water and Sewerage Services Order (Northern Ireland) 2006<sup>(9)</sup>.

(2) Expressions used in both these Regulations and the Directive and which are listed in Schedule 1 have the meaning given there.

(3) Expressions used in both these Regulations and the Directive and not otherwise defined in these Regulations have the same meaning for the purposes of these Regulations as they do for the purposes of the Directive.

(4) The Interpretation Act (Northern Ireland) 1954<sup>(10)</sup> shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

(2) [S.R. 2003 No. 544](#)

(3) [OJ L327, 22.12.2000, p.1-73](#)

(4) [OJ L311, 31.10.2014, p.32](#)

(5) [OJ L348, 24.12.2008, p.84](#)

(6) [OJ L226, 24.08.2013, p.1](#)

(7) [OJ L372, 27.12.2006, p.19](#)

(8) [OJ L182, 21.06.2014, p.52-55](#)

(9) [S.I. 2006 No. 3336 \(N.I. 21\)](#)

(10) [1954 c.33 \(N.I.\)](#)

### **Duties on Departments**

3.—(1) The Department and the Department for Infrastructure must exercise their relevant functions in a manner which secures compliance with the requirements of the Directive, the EQS Directive and the Groundwater Directive.

(2) Without prejudice to the generality of paragraph (1), the Department must determine an authorisation so as, in particular—

- (a) to prevent deterioration of the surface water status or groundwater status of a body of water (subject to the application of regulations 18 and 19); and
- (b) otherwise to support the achievement of the environmental objectives set for a body of water (subject to the application of regulations 16 to 19).

(3) In paragraph (2) “determine an authorisation” means decide whether to grant, vary or revoke or impose conditions (and if so which conditions) on—

- (a) a consent issued under the Water (Northern Ireland) Order 1999(11);
- (b) an authorisation under the Groundwater Regulations (Northern Ireland) 2009(12);
- (c) a licence issued under the Waste Management Licensing Regulations (Northern Ireland) 2003(13);
- (d) a permit issued under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013(14);
- (e) a registration or authorisation under the Radioactive Substances Act 1993(15);
- (f) a licence for an abstraction or impoundment under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006(16).

(4) In exercising its relevant functions, the Department must ensure that the requirements of the Directive for the achievement of its environmental objectives are co-ordinated and must, in particular—

- (a) ensure that the programme of measures is co-ordinated for the whole of the river basin district; and
- (b) consult the relevant competent authority in the Republic of Ireland to ensure co-ordination of the programme of measures for the whole of each international river basin district.

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(11) S.I. 1999/662 (N.I. 6)

(12) S.R. 2009 No. 254

(13) S.R. 2003 No.493

(14) S.R. 2013 No.160

(15) 1993 c.12

(16) S.R. 2006 No. 482