
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART II

**FUNCTIONS OF THE DEPARTMENT OF THE ENVIRONMENT
IN RELATION TO MATTERS AFFECTING WATER**

Abstraction and impounding

Power to make scheme of charges in connection with water resources

21.—(1) Where regulations made under Article 20 include provisions prohibiting the abstraction of water or, as the case may be, the construction or alteration of impounding works except in pursuance of a licence granted by the Department and—

- (a) an application is made for any licence under those regulations or for the variation or transfer of any such licence;
- (b) a licence under those regulations to abstract water is granted to any person or there is a variation of any such licence or of the conditions of any such licence; or
- (c) a licence under those regulations to abstract water is in force,

the Department may require the payment to it of such charges as may be specified in or determined under a scheme made by it under this Article.

(2) The persons who shall be liable to pay charges which are required to be paid by virtue of a scheme under this Article shall be—

- (a) in the case of a charge by virtue of paragraph (1)(a), the person who makes the application;
- (b) in the case of a charge by virtue of paragraph (1)(b) or (c), the person to whom the licence is granted or, as the case may be, the person holding the licence which is varied or is in force.

(3) Provision made by a scheme for the purposes of paragraph (1)(c) may impose a single charge in respect of the whole period for which a licence is in force or separate charges in respect of different parts of that period or both such a single charge and such separate charges.

(4) A scheme under this Article may—

- (a) make provision with respect to the times and methods of payment of the charges which are required to be paid by virtue of the scheme; and
- (b) contain supplemental, consequential and transitional provision for the purposes of the scheme.

(5) The Department, in framing a scheme under this Article, shall, so far as practicable, secure that the fees and charges payable under the scheme are sufficient, taking one financial year with another, to cover the expenditure incurred by the Department in exercising its functions under regulations made under Article 20.

(6) Where the Department proposes to make a scheme under this Article the Department shall, in such manner as it considers appropriate for bringing it to the attention of persons likely to be affected by the scheme, publish a notice—

- (a) setting out its proposals and specifying the period within which representations with respect to the proposals may be made; and
- (b) consider any representations which are duly made and not withdrawn;

and, if the Department decides, after considering any such representations, to make a scheme under this Article, the Department may do so either in accordance with the proposals contained in the notice or in accordance with those proposals as modified in such manner as the Department considers appropriate.

(7) The Department shall take such steps as it considers appropriate for bringing the provisions of any scheme made under this Article which is for the time being in operation to the attention of persons likely to be affected by them.