
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VI

SEWERAGE SERVICES

CHAPTER I

GENERAL FUNCTIONS OF SEWERAGE UNDERTAKERS

Principal duties and standards of performance

Procedure for regulations under Article 150

- 152.**—(1) The Department shall not make any regulations under Article 150 unless—
- (a) the Authority has made to the Department a written application complying with paragraph (3);
 - (b) the Department is satisfied that a copy of the application has been served by the Authority on—
 - (i) every sewerage undertaker specified in the application; and
 - (ii) persons or bodies appearing to the Department to be representative of persons likely to be affected by the regulations;
 - (c) such period as the Department considers appropriate has been allowed for the making—
 - (i) by the Authority; or
 - (ii) by any affected sewerage undertaker or person or body on whom a copy of the application has been served under sub-paragraph (b)(ii),
of representations or objections with respect to the Authority's proposals and any modifications proposed by the Department; and
 - (d) the Department has considered the summary mentioned in paragraph (3)(c), the Authority's reasons for its proposals and every representation or objection which has been duly made with respect to those proposals, or any proposed modifications of those proposals, and has not been withdrawn.
- (2) Before making an application to the Department under this Article the Authority shall arrange for such research as it considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.
- (3) An application made by the Authority to the Department complies with this paragraph if it—
- (a) sets out the draft provisions proposed by the Authority for inclusion in regulations under Article 150;

- (b) specifies the sewerage undertaker or undertakers in relation to which it is proposed those provisions should apply;
 - (c) is accompanied by a written summary of the results of the research carried out in accordance with paragraph (2); and
 - (d) summarises the Authority's reasons for its proposals.
- (4) The Department shall not make any regulations under Article 150 except where—
- (a) the only provisions of the regulations are those proposed by the Authority in its application or those provisions with such modifications as the Department considers appropriate; and
 - (b) each of the modifications (if any) of the Authority's proposals to which effect is given by the regulations is a modification the proposal to make which has been notified—
 - (i) to the Authority; and
 - (ii) to any sewerage undertaker appearing to the Department to be likely to be affected by the modifications.