
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER III

SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS' POWERS

Vesting of works in undertaker

Compensation for loss or damage caused by works etc.

242.—(1) In executing any works under this Part a relevant undertaker shall—

- (a) cause as little detriment and inconvenience and do as little damage as possible; and
- (b) make good, or pay compensation for, any loss or damage caused by, or in consequence of, the execution of the works.

(2) Compensation shall not be payable to any person under paragraph (1)(b) in relation to any matter as to which he has been in default.

(3) Any question arising as to—

- (a) the entitlement of any person to compensation under this Article; or
- (b) the amount payable by way of that compensation,

shall, in default of agreement, be referred to and determined by the Lands Tribunal; and Articles 4 and 5 of the [Land Compensation \(Northern Ireland\) Order 1982 \(NI 9\)](#) shall apply with appropriate modifications to such determination.

(4) Compensation under this Article in respect of damage to land shall not be payable to any person from whom any land has been acquired by the undertaker under this Order and to whom any compensation is payable under Article 8(1) to (3) of the [Land Compensation \(Northern Ireland\) Order 1982 \(NI 9\)](#) by the undertaker in respect of injurious affection of the first-mentioned land.

(5) In assessing compensation under this Article in respect of damage to land regard shall be had to any benefit which the person entitled to the compensation may derive from any works which have been or are to be carried out, or any use of land, by the person causing the damage.

(6) In assessing compensation under this Article in respect of damage to land regard shall also be had to any undertaking given by the person causing the damage—

- (a) to make alterations or additions to any works;
- (b) to construct additional works;
- (c) to vary or abandon any use of land;
- (d) to abandon part of any land acquired or any ancillary rights; or

(e) to grant other lands or easements.

(7) Where for the purpose of assessing the amount of any compensation payable under this Article the value of any land is required to be determined, that value shall be determined in accordance with rules (2) to (4) of Article 6(1) of the [Land Compensation \(Northern Ireland\) Order 1982 \(NI 9\)](#).