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STATUTORY INSTRUMENTS

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**1999 No. 662**

**The Water (Northern Ireland) Order 1999**

**PART III**

**POWERS OF DEPARTMENT OF AGRICULTURE  
IN RELATION TO WATERWAYS**

*Principal powers of Department in relation to waterways*

**Canal schemes**

**42.**—(1) Where the Department intends to carry out works under Article 41 in relation to a specified canal, the Department may prepare a scheme (a “canal scheme”) for the carrying out of those works.

(2) A canal scheme shall contain such particulars and shall be in such form as the Department may consider fit and, in particular, and without prejudice to the generality of the foregoing, shall contain such provisions as the Department may consider necessary for the protection of rights or interests affected by the scheme.

(3) Every reference in this Part to a canal scheme shall be construed as including every map, drawing, plan, section and schedule annexed to such scheme.

(4) Without prejudice to the generality of any other provision of this Part, the Department may, for the purposes of its functions under this Part—

- (a) in relation to a specified canal, undertake, construct and maintain all such canal works and do all such things as are mentioned in Schedule 4;
- (b) reconstruct any works interfered with under the powers of a canal scheme, or construct new works in lieu thereof either in the same or a different place or position.

(5) In this Part “specified canal” means a waterway specified in an order subject to negative resolution made by the Department for the purposes of this Article, being a waterway which, in the opinion of the Department is, or has been, a canal.

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**Modifications etc. (not altering text)**

- C1** Arts. 41-56: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 3 Pt. 2** (with art. 9(2))

**Changes to legislation:**

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, Section 42.