

SCHEDULES

[^{F1}SCHEDULE 5

Article 45(1) and (1A)

Provisions of the Drainage Order applied for the purposes of environmental impact assessment of canal schemes

F1 Sch. 5 substituted (1.12.2019) by [The Waterways \(Environmental Impact Assessment\) Regulations \(Northern Ireland\) 2019 \(S.R. 2019/209\)](#), regs. 1(1), 18(3), **Sch. 4** (with reg. 3(2))

Modifications etc. (not altering text)

C1 Schs. 3-5: transfer of functions (8.5.2016 for specified purposes) 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))

PART 1

Provisions of the Drainage Order applied by Article 45(1)

1. The provisions of the Drainage Order applied by Article 45(1) of this Order are as follows—

<i>Provision</i>	<i>Subject matter</i>
Part 1	Introductory
Article 12	Restrictions on drainage schemes
Article 12ZA	Direction that Articles do not apply
Article 12A	Consultations and determination of whether a drainage scheme has significant effects on the environment
Article 12B	Drainage schemes likely to have significant effects on the environment
Article 12C	Preparation of an environmental statement
Article 12D	Publicity for an environmental statement

Changes to legislation: There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, SCHEDULE 5. (See end of Document for details)

<i>Provision</i>	<i>Subject matter</i>
Article 12E	Assistance in the preparation of an environmental statement
Article 12F	Charges
Article 12G	Drainage schemes likely to have significant effects on the environment in another EEA State
Article 12H	Determination of whether a drainage scheme should be approved
Article 12I	Monitoring
Article 13	Confirmation of drainage schemes
Article 13A	Public participation
Article 14	The carrying out of drainage schemes
Article 15	Provisions in regard to roads, bridges, culverts and embankments
Article 16	Amendment of drainage schemes
Schedule 2A	Information for inclusion in environmental statement
Schedule 2B	Selection criteria referred to in Article 4.3 of the Directive
Schedule 2C	Environmental factors to be taken into account

PART 2

Provisions of the Drainage Order applied by Article 45(1A)

2. The provisions of the Drainage Order applied by Article 45(1A) of this Order are as follows—

<i>Provision</i>	<i>Subject matter</i>
Part 1	Introductory
Article 17	Compensation for certain losses due to construction of drainage works
Article 18	Compensation for injury to canals, fisheries, etc.
Article 19	Matters to be regarded in assessing compensation
Article 20	Disposal of surplus lands, etc
Article 31	Noxious weeds
Article 35	Provisions as to recovery of expenses
Article 36	Miscellaneous offences
Article 38	Limitation of liability for flooding, etc.
Article 39	Protection for officers of the Department
Article 40	Protection of fisheries
Article 40A	Protection of water and sewage undertakers

PART 3

Modifications of the provisions applied by Parts 1 and 2

3. The provisions of the Drainage Order specified in Parts 1 and 2 of this Schedule shall, in their application for the purposes of Part III of this Order have effect with the following modifications—

- (a) references therein to a watercourse shall be construed as references to a waterway;
- (b) references therein to the Drainage Order shall be construed as references to Part III of this Order;
- (c) references therein to—
 - (i) a scheme or drainage scheme carried out under the Drainage Order, or any part thereof;

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- (ii) drainage works; and
 - (iii) drainage purposes or purposes connected with drainage,
- shall respectively be construed as references to—
- (A) a canal scheme;
 - (B) works under any provision contained in Part III of this Order or any canal scheme; and
 - (C) the purposes of any such provision or scheme;
- (d) references therein to sea defences and sea defence works shall be omitted;
 - (e) references to the Drainage Council shall be omitted;
 - (f) in Article 17—
 - (i) for paragraph (4) substitute—
 - “(4) Every claim for compensation under this Article—
 - (a) shall be made in writing to the Department within 3 years from the date of completion of the works from which, or from the operation of which, the claim arises, and such details of the claim as the Department may require shall be furnished in writing to the Department within such a period as the Department may determine, and
 - (b) shall, in default of agreement, be heard and determined by the Lands Tribunal.”;
 - (ii) in paragraph (5), the words “and may allow a sum in respect of the cost of the employment of any” shall be omitted; and
 - (g) in Article 38, after paragraph (2) add—
 - “(3) Every claim duly made for compensation under this Article shall, in default of agreement, be heard and determined by the Lands Tribunal.”]

Changes to legislation:

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, SCHEDULE 5.