

SCHEDULES

SCHEDULE 6

Article 57(3).

PROCEDURE FOR MAKING ORDERS UNDER ARTICLE 57(1)

Modifications etc. (not altering text)

C1 Sch. 6: transfer of functions (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 2** (with art. 9(2))

1. Where the [^{F1}Department][^{F2}proposes] to adopt a water management programme by order under Article 57(1), [^{F3}the Department] shall publish, in the Belfast Gazette and, at least once in each of two successive weeks, in one or more newspapers circulating in the area to which the programme relates, a notice—

- (a) stating that a water management programme has been prepared in draft;
- (b) indicating the area to which the draft programme applies;
- (c) specifying a place where a copy of the draft programme may be inspected free of charge at all reasonable times during the period of 28 days beginning with the date of the first publication in a newspaper; and
- (d) stating that any person may, within that period, by notice in writing to [^{F4}the] Department object to the making of an order adopting the draft programme.

F1 Word in Sch. 6 substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 70(2)** (with art. 9(2))

F2 Word in Sch. 6 para. 1 substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 70(3)(a)** (with art. 9(2))

F3 Words in Sch. 6 para. 1 substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 70(3)(b)** (with art. 9(2))

F4 Word in Sch. 6 para. 1(d) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 70(3)(c)** (with art. 9(2))

2. [^{F5}The] Department shall, if so requested by any person, furnish him with a copy of the draft programme on payment of such reasonable charge as it may determine.

F5 Word in Sch. 6 para. 2 substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 70(4)** (with art. 9(2))

3. The [^{F1}Department] may alter the terms of the draft programme in such manner as [^{F6}the Department thinks] fit, but where the [^{F1}Department][^{F7}proposes] to alter significantly any such draft programme [^{F8}the Department shall] cause to be published such additional notices as appear to [^{F9}the Department] to be necessary.

- F1** Word in Sch. 6 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(2)** (with art. 9(2))
- F6** Words in Sch. 6 para. 3 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(5)(a)** (with art. 9(2))
- F7** Word in Sch. 6 para. 3 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(5)(b)** (with art. 9(2))
- F8** Words in Sch. 6 para. 3 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(5)(c)** (with art. 9(2))
- F9** Words in Sch. 6 para. 3 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(5)(d)** (with art. 9(2))

4. If, before the end of the period of 28 days referred to in paragraph 1, notice in writing of an objection is received by ^{F10}the Department from any person appearing to it to be a person who may be affected by the draft programme or the draft programme as proposed to be altered under paragraph 3, the ^{F1}Department, before making an order under Article 57(1) adopting the programme shall, unless the objections are met or withdrawn or the ^{F1}Department^{F11} is satisfied that they are solely of a frivolous or vexatious nature, cause an inquiry to be held by the Appeals Commission.

- F1** Word in Sch. 6 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(2)** (with art. 9(2))
- F10** Word in Sch. 6 para. 4 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(6)(a)** (with art. 9(2))
- F11** Words in Sch. 6 para. 4 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(6)(b)** (with art. 9(2))

5. Sub-paragraphs (2) and (3) of paragraph 3 of Schedule 1 apply in relation to an inquiry under paragraph 4 as they apply in relation to an inquiry under sub-paragraph (1) of that paragraph.

6. An objection shall not be made to the Appeals Commission in respect of any watercourse in relation to which the Lands Tribunal has, on a review of a determination by the Drainage Council for Northern Ireland, or of a refusal by that Council to make a determination, decided that the watercourse should or should not be a designated watercourse.

7. After the expiry of the period of 28 days referred to in paragraph 1 and, where an inquiry is held by the Appeals Commission, after considering the report of the Commission, the ^{F1}Department may make the order under Article 57(1) adopting the programme in the terms of the draft or in those terms altered in such manner as ^{F12}the Department thinks fit.

- F1** Word in Sch. 6 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(2)** (with art. 9(2))
- F12** Words in Sch. 6 para. 7 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(7)** (with art. 9(2))

8. If the ^{F1}Department adopt a water management programme under Article 57(1), ^{F13}the Department shall make such arrangements as appear to ^{F13}the Department to be appropriate for the publication of the programme and of notices stating that it has been made.

- F1** Word in Sch. 6 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(2)** (with art. 9(2))
- F13** Words in Sch. 6 para. 8 substituted (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 6 para. 70(8)** (with art. 9(2))

9. In this Schedule “designated watercourse” and “watercourse” have the meanings assigned by Article 2(2) of the Drainage Order.

Changes to legislation:

There are currently no known outstanding effects for the The Water (Northern Ireland) Order 1999, SCHEDULE 6.