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STATUTORY INSTRUMENTS

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**2006 No. 3336**

**The Water and Sewerage Services  
(Northern Ireland) Order 2006**

**PART VI**

**SEWERAGE SERVICES**

**CHAPTER II**

**PROVISION OF SEWERAGE SERVICES**

*Adoption of sewers [F1, sustainable drainage systems] and waste water treatment works*

**Appeals with respect to adoption**

**162.**—(1) An owner of any sewer, lateral drain [F1, sustainable drainage system] or waste water treatment works may appeal to the Authority if—

- (a) he is aggrieved by the proposal of a sewerage undertaker to make a declaration under Article 159; or
- (b) he is aggrieved by the refusal of a sewerage undertaker to make such a declaration.

[F2(2) A person who has entered into or wants to enter into an agreement under Article 161 may appeal to the Authority about any matter concerning the agreement (including whether it is concluded, its terms and its operation).]

(3) The time for the making of an appeal under paragraph (1) by the owner of any sewer, lateral drain [F3, sustainable drainage system] or waste water treatment works shall be—

- (a) in the case of an appeal by virtue of sub-paragraph (a) of that paragraph, any time within two months after notice of the proposal is served on that owner; and
- (b) in the case of an appeal by virtue of sub-paragraph (b) of that paragraph, any time after receipt of notice of the undertaker's refusal or, if no such notice is given, at any time after the end of two months from the making of the application for the declaration.

(4) On the hearing of an appeal under this Article, the Authority may—

- (a) in the case of an appeal under paragraph (1), allow or disallow the proposal of the sewerage undertaker or, as the case may be, make any declaration which the sewerage undertaker might have made; or
- (b) in the case of an appeal under paragraph (2)—
  - (i) uphold the refusal of the undertaker to grant the application or to modify the terms offered; or
  - (ii) on behalf of the undertaker, refuse the application or enter into any agreement into which the undertaker might have entered on the application;

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**Changes to legislation:** *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 162 is up to date with all changes known to be in force on or before 13 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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and any declaration made under sub-paragraph (a) shall have the same effect as if it had been made by the undertaker in question.

- (5) Where the Authority makes a declaration under paragraph (4)(a), it may, if it thinks fit—
- (a) specify conditions, including conditions as to the payment of compensation by the sewerage undertaker; and
  - (b) direct that its declaration shall not take effect unless any conditions so specified are accepted.

(6) Where the Authority makes an agreement under paragraph (4)(b) on behalf of a sewerage undertaker, it may do so on such terms as it considers reasonable or, as the case may be, on the terms offered by the undertaker subject to such modifications as the Authority considers appropriate for ensuring that the terms of the agreement are reasonable.

(7) The Authority, in deciding on an appeal under this Article whether any declaration or agreement should be made, shall have regard to all the circumstances of the case and, in particular, to the considerations specified in Article 159(5); and for the purposes of this paragraph, in its application in relation to an appeal under paragraph (2), sub-paragraphs (a) to (e) of Article 159(5) shall have effect with the necessary modifications.

#### Textual Amendments

- F1** Words in art. 162(1) inserted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, **Sch. 2 para. 7**
- F2** Art. 162(2) substituted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), **ss. 6(5), 8**
- F3** Words in art. 162(3) inserted (24.5.2016 with application as mentioned in s. 8(1) of the amending Act) by [Water and Sewerage Services Act \(Northern Ireland\) 2016 \(c. 7\)](#), s. 8, **Sch. 2 para. 7**

#### Commencement Information

- I1** Art. 162 wholly in operation at 1.4.2007, see art. 1(2) and [S.R. 2007/194](#), **art. 2(2)**, [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

**Changes to legislation:**

The Water and Sewerage Services (Northern Ireland) Order 2006, Section 162 is up to date with all changes known to be in force on or before 13 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)