

# WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

---

## EXPLANATORY MEMORANDUM

### OVERVIEW OF THE ORDER

#### Part V - Use of Water

68. This Part sets out the circumstances when a drought order may be brought into force and the measures involved. It also stipulates that water undertakers have a responsibility to promote the efficient use of water by their customers.

#### *Chapter I – Drought Orders*

69. Chapter I makes provision for the Department to impose drought orders when there is a serious deficiency of supplies of water in any area but requires that consultation should take place with other relevant departments including DOE. Article 137 empowers the Department, where it is satisfied that a serious deficiency of water exists or is threatened in any area, to make a “drought order”. It can only make such an order after an application by DOE or a water undertaker after consultation with DOE (in relation to a serious deficiency of supplies of water) or by DOE or other relevant Departments after consultation with DOE (in relation to a deficiency in the flow or level of inland waters that poses a serious threat to flora or fauna). Schedule 5 outlines the procedure on application for a drought order.
70. [Article 138](#) specifies the duration of a drought order and outlines the provisions that a drought order may contain, including authorising persons to take water from specified sources; authorising undertakers to prohibit or limit the use of water; authorising undertakers to discharge water to specified places; authorising DOE to prohibit or limit the taking of water from specified sources; modifying restrictions/obligations relating to the taking, discharge, supply and treatment of water; and authorising DOE to suspend or vary, or attach conditions to, any consent specified in the order.
71. Where the drought order restricts the use of water, Article 139 provides that the undertaker must publicise the restriction which can apply to consumers generally or a class of consumers. Article 140 provides that drought orders with respect to abstraction and discharges can take precedence over certain existing obligations and rights. It also places DOE under a duty to exercise its powers under such drought orders in a way that supplies of water available to the water undertaker are not seriously affected. Article 141 provides that drought orders can authorise undertakers to conduct works required to comply with the drought order.
72. [Schedule 6](#) specifies the cases where compensation is payable as the result of a drought order and outlines the procedures for making claims for such compensation. Article 142 provides that drought orders do not affect the right of DOE or undertakers to recover charges. It also provides for the Department to recover expenses (related to the drought order) from the water undertaker that applied for the drought order. Article 143

*This Explanatory Memorandum refers to the Water and  
Sewerage Services (Northern Ireland) Order 20063336*

creates offences regarding certain acts that contravene drought orders; it also outlines the penalties for these offences and provides for a due diligence defence.

***Chapter II – Promotion of the Efficient use of Water***

73. Chapter II places a responsibility on every water undertaker to promote the efficient use of water by its customers. The Authority has power to require the undertaker to take action, meet standards, publicise matters and provide information to its customers in promoting efficiency.