

STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART II

REGULATORY AUTHORITIES AND GENERAL DUTIES

The Northern Ireland Authority for Utility Regulation

The Authority

3.—(1) The body corporate established by Article 3 of the Energy Order as the Northern Ireland Authority for Energy Regulation shall hereafter be known as the Northern Ireland Authority for Utility Regulation.

(2) In addition to the functions referred to in paragraph (1) of that Article, the Authority shall carry out the functions conferred or imposed on it by or under this Order (referred to in this Order as the “water and sewerage functions” of the Authority).

(3) In Schedule 1 to the Energy Order for paragraph 1 (membership of the Authority) substitute—

“**1.—(1)** The Authority shall consist of—

- (a) a chairman; and
- (b) not fewer than three other members,

appointed by the Department of Finance and Personnel.

(2) The Department of Finance and Personnel shall consult the chairman before appointing any other member.”

(4) In that Schedule for “the Department” in every other place where it occurs substitute “ the Department of Finance and Personnel ”.

Commencement Information

- II** [Art. 3](#) 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](#))

Forward work programme of the Authority

4.—(1) The Authority shall, before each financial year, publish a document (the “forward work programme”) containing a general description of the projects which it plans to undertake during the year in the exercise of its functions under this Order (other than projects comprising routine activities in the exercise of those functions).

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: The Northern Ireland Authority for Utility Regulation is up to date with all changes known to be in force on or before 21 January 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

(2) That description shall include the objectives of each project.

(3) The forward work programme for any year shall also include an estimate of the overall expenditure which the Authority expects to incur during the year in the exercise of its functions under this Order.

(4) The forward work programme prepared under this Article may, if the Authority so decides, be combined in a single programme with the forward work programme of the Authority prepared under Article 5 of the Energy Order.

(5) Before publishing the forward work programme for any year (other than one which is combined as mentioned in paragraph (4)), the Authority shall give notice—

- (a) containing a draft of the forward work programme; and
- (b) specifying the time within which representations or objections to the proposals contained in it may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(6) The notice under paragraph (5) shall be published by the Authority in such manner as it considers appropriate for the purpose of bringing the matters contained in it to the attention of persons likely to be affected by them.

(7) The Authority shall send a copy of any notice given by it under paragraph (5) to the Council and the Department.

Commencement Information

I2 Art. 4 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)

Annual report of the Authority

5.—(1) The Authority shall, as soon as practicable after the end of each financial year, make to the Department a report (the “annual report” for that year) on—

- (a) its activities during that year in the exercise of its functions under this Order; and
- (b) the activities of the [F1CMA] during that year in respect of any references made by the Authority under this Order.

(2) The annual report for each year shall include—

- (a) a general survey of developments in respect of matters falling within the scope of the Authority's functions under this Order;
- (b) a report on the progress of the projects described in the forward work programme for that year prepared under Article 4;
- (c) a summary of final and provisional orders made, and penalties imposed, by the Authority under Part III during the year; and
- (d) a report on such other matters as the Department may from time to time require.

(3) The annual report for each year shall set out any general directions given by the Department under Article 60(3).

(4) The Department shall consult the Authority before exercising the power under paragraph (2) in relation to any matter.

(5) The annual report prepared under this Article may, if the Authority so decides, be combined in a single report with the annual report of the Authority prepared under Article 6 of the Energy Order.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: The Northern Ireland Authority for Utility Regulation is up to date with all changes known to be in force on or before 21 January 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*

(6) Where the annual report prepared under this Article is not so combined, the Department shall—

- (a) lay a copy of the report before the Assembly; and
- (b) arrange for the report to be published in such manner as the Department considers appropriate.

(7) The Authority may also—

- (a) prepare other reports with respect to any matter falling within the scope of its functions under this Order; and
- (b) arrange for any such report to be published in such manner as it considers appropriate.

(8) The Authority shall send—

- (a) a copy of each annual report published under paragraph (6)(b) to the Council; and
- (b) a copy of each report under paragraph (7) to the Department and the Council.

(9) In making or preparing any report under this Article the Authority shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.

Textual Amendments

- F1** Word in [art. 5\(1\)\(b\)](#) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), [art. 1\(1\)](#), [Sch. 1 para. 248](#) (with [art. 3](#))

Commencement Information

- I3** Art. 5 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:

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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\(b\)](#)