
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER I

UNDERTAKERS' POWERS

Compulsory works orders

Compulsory works orders

228.—(1) Where a water undertaker is proposing, for the purposes of, or in connection with, the carrying out of any of its functions—

- (a) to carry out any engineering or building operations; or
- (b) to discharge water into any inland waters or underground strata,

the undertaker may apply to the Department for an order under this Article (“a compulsory works order”).

(2) Subject to the following provisions of this Article, the Department may, on an application under paragraph (1), by order—

- (a) confer such compulsory powers; and
- (b) grant such authority,

as it considers necessary or expedient for the purpose of enabling any engineering or building operations or discharges of water to be carried out or made for the purposes of, or in connection with, the carrying out of the functions with respect to which the application was made.

(3) Schedule 9 shall have effect with respect to applications for compulsory works orders and with respect to such orders.

(4) Subject to the provisions of Schedule 9, a compulsory works order may—

- (a) without prejudice to Article 216, confer power to acquire compulsorily any land, including power to acquire land by the creation of new rights and interests;
- (b) apply for the purposes of the order, either with or without modifications, any of the relevant provisions of this Part which do not apply for those purposes apart from by virtue of this sub-paragraph;
- (c) make any authority granted by the order subject to such conditions as may be specified in the order;
- (d) amend or repeal any local statutory provision;

(e) contain such supplemental, consequential and transitional provision as the Department considers appropriate.

(5) Nothing in any compulsory works order shall exempt any water undertaker from any restriction imposed by the Water Order in relation to the abstraction or impounding of water.

(6) A compulsory works order may grant authority for discharges of water by a water undertaker where the undertaker has no power to take water, or to require discharges to be made, from the inland waters or other source from which the discharges authorised by the order are intended to be made; but nothing in so much of any such order as grants authority for any discharges of water shall have the effect of conferring any such power.

(7) In this Article the reference to the relevant provisions of this Part is a reference to the provisions of this Part except Articles 233 and 235, the provisions of Chapter II and any provision of this Part which is one of the relevant sewerage provisions.