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DRAFT STATUTORY INSTRUMENTS

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**1999 No.**

**Water (Northern Ireland) Order 1999**

**PART III**

**POWERS OF DEPARTMENT OF AGRICULTURE  
IN RELATION TO WATERWAYS**

*Principal powers of Department in relation to waterways*

**Schemes extending outside Northern Ireland**

**47.—**(1) The Department may co-operate with any persons outside Northern Ireland (in this Article referred to as an “external authority”) in the preparation and carrying out of schemes for the improvement or alteration of any waterway which is situated partly inside and partly outside Northern Ireland, and for the use, control or maintenance of works in relation to any such waterway whether provided in pursuance of any such scheme or otherwise.

(2) For the purposes of any such scheme, the Department may enter into and carry into effect any arrangement or agreement with an external authority—

- (a) for the carrying out of any work or the doing of any act or thing specified in the arrangement or agreement, or for the settlement of claims for compensation for loss or injury arising therefrom (including the investigation of such claims and, where necessary, the assessment and payment of compensation, the carrying out of remedial works in settlement or partial settlement and the securing in advance of releases from claims)—
  - (i) by the Department or by the external authority, or by the Department and the external authority acting jointly;
  - (ii) by the external authority as agent for and on behalf of the Department;
  - (iii) by the Department as agent for and on behalf of the external authority
- (b) for making any resources (including plant, machinery, equipment, accommodation and services of staff) of one party to the arrangement or agreement available to the other;

but nothing in the arrangement or agreement shall diminish in any respect any responsibility of any party for any act or thing done by it or on its behalf.

(3) A scheme under paragraph (1) shall specify—

- (a) the extent of the works to be carried out; and
- (b) the manner in which, and the persons by whom and in what proportion, the cost of carrying out the scheme and of maintaining or operating anything constructed thereunder are to be borne.

(4) For the purposes of carrying into effect in Northern Ireland any scheme under paragraph (1), the Department or any agent authorised by it to act on its behalf may carry out any such works as are referred to in Article 43(3)(a) to (d), and the Department may, without prejudice to any other

provision of this Article, exercise any power exercisable by it under any other provision of this Part or the Drainage Order.

(5) Nothing in this Article or in any scheme, arrangement or agreement made thereunder shall—

- (a) prejudice the application of any provision of this Part in relation to any waterway, or part of a waterway, which is in Northern Ireland; or
- (b) prevent the Department from preparing and carrying into effect any canal scheme under this Part, or exercising any other function under this Part or the Drainage Order, in relation to so much of any waterway as is in Northern Ireland;

and so much of any scheme under this Article as relates to a part of any waterway in Northern Ireland may be treated as a separate scheme for the purposes of any provision of this Part.