
DRAFT STATUTORY INSTRUMENTS

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

Acquisition of land and other rights by the Department

48.—(1) The Department may, for any purpose in connection with its functions under this Part (including the settlement of claims for compensation arising under this Part)—

- (a) by agreement acquire or take on lease any land or acquire land compulsorily;
- (b) dispose of any land for the time being vested in it;
- (c) acquire either by agreement or compulsorily any fisheries, water rights, navigation or other rights; or
- (d) restrict, terminate, or otherwise interfere with easements, fisheries, water rights, inland navigation rights or other rights.

(2) Where the Department desires to acquire, otherwise than by agreement, any land for any purpose referred to in paragraph (1) the Department may make an order (in this Article referred to as a “vesting order”) vesting such land, in the Department.

(3) Schedule 6 to the Local Government Act (Northern Ireland) 1972 shall apply, subject to the modifications specified in Schedule 3 to this Order, for the purpose of the acquisition of land by means of a vesting order under this Article as it applies for the purpose of the acquisition of land by means of a vesting order under that Act.

(4) Nothing in section 5 of the Stormont Regulation and Government Property Act (Northern Ireland) 1933 (which relates to the taking and disposal of land for the public services) shall affect the disposal of any land acquired or taken on lease by the Department under this Article.

(5) The power to make a vesting order under this Article in respect of land—

- (a) which is the property of any public body which has power under any statutory provision to acquire land compulsorily; or
- (b) which is declared by or under any statutory provision to be inalienable,

shall not, where representations objecting to the proposal for making the order have been duly made by the owner of the land and have not been withdrawn, be exercised in relation to that land unless the proposal for making the order has been approved by a resolution of the Assembly.

(6) In paragraph (5) “public body” means a body established by or under any statutory provision.