
DRAFT STATUTORY INSTRUMENTS

1999 No.

Water (Northern Ireland) Order 1999

PART IV

MISCELLANEOUS AND GENERAL

Water management programmes

57.—(1) The Departments may by order adopt a water management programme with respect to the water resources of any area.

(2) A water management programme may contain—

- (a) an assessment of the quantity and quality of the water resources of the area;
- (b) a description of the present pattern of use of those resources;
- (c) a forecast of the future demand for the use of those resources;
- (d) proposals for the future use and management of those resources;
- (e) provisions with respect to such matters relating to those resources as appear to the Departments to be appropriate.

(3) Schedule 6 shall have effect with respect to the making of orders under paragraph (1).

(4) A water management programme shall become operative on the date appointed for the purpose in the order under paragraph (1) adopting the programme.

(5) The Departments shall, at intervals which do not exceed 7 years, review any water management programme adopted under this Article.

(6) In this Article and in Schedule 6 “the Departments” means the Department of the Environment and the Department of Agriculture acting jointly.

Northern Ireland Water Council

58.—(1) There shall continue to be a council known as the Northern Ireland Water Council.

(2) The Water Council shall advise—

- (a) the Department of the Environment on the exercise of its functions under this Order and the Water and Sewerage Services (Northern Ireland) Order 1973; and
- (b) the Department of Agriculture on the exercise of its functions under this Order.

(3) The Water Council shall be appointed by the Heads of the Departments and shall consist of not more than 15 persons each of whom shall—

- (a) hold office for a period of 3 years; and
- (b) be eligible for re-appointment.

(4) The Heads of the Departments shall appoint the chairman of the Water Council.

(5) The Department of the Environment may pay to members of the Water Council such travelling, subsistence or other allowances as that Department may determine.

(6) Where the place of a member becomes vacant before the expiration of his term of office, the vacancy shall be filled by appointment by the Heads of the Departments and any person so appointed shall—

- (a) hold office for the remainder of the term of the former member;
- (b) be eligible for re-appointment.

(7) The Water Council may regulate its own proceedings.

(8) In this Article “the Heads of the Departments” means the Head of the Department of the Environment and the Head of the Department of Agriculture acting jointly.

Power of Lagside Corporation to make byelaws

59. For Article 19 of the Lagside (Northern Ireland) Order 1989 there shall be substituted the following Article—

“Byelaws as to use of river and certain adjacent land

19.—(1) The Corporation may make byelaws—

- (a) regulating the use of the river by vessels;
- (b) requiring vessels using the river to be licensed for that purpose by the Corporation;
- (c) regulating fishing in the river;
- (d) requiring persons fishing in the river to obtain a permit for that purpose from the Corporation;
- (e) regulating the grant, renewal and revocation of licences under sub-paragraph (b) and permits under sub-paragraph (d), the conditions subject to which such licences and permits are to be granted and prescribing the fees payable in respect of the grant or renewal of such licences or permits;
- (f) regulating the construction, condition, safety and control of vessels which may use the river and the equipment to be carried on such vessels;
- (g) regulating the movement of vessels, and the use of lights, on the river;
- (h) for the levying by the Corporation of charges in respect of the use of the river or any service or facility provided by the Corporation on the river or on land adjacent to the river;
- (i) for the removal by the Corporation of vessels or objects from the river in such circumstances as may be specified in the byelaws, the storage and disposal by the Corporation of vessels or objects so removed and the recovery by the Corporation of the costs of removal, storage and disposal;
- (j) regulating the conduct of persons on the river or on land adjacent to the river and under the management of the Corporation;
- (k) prohibiting the erection of any structure in the river or on land mentioned in sub-paragraph (j) without the consent of the Corporation;
- (l) prohibiting the carrying on of any commercial activity on the river or on any land mentioned in sub-paragraph (j) without the consent of the Corporation;
- (m) for such other purposes as appear to the Corporation to be appropriate in furthering the object of the Corporation.

(2) Byelaws under this Article shall not apply in relation to—

- (a) any part of the river within the limits for the time being of the jurisdiction of the Belfast Harbour Commissioners under the Belfast Harbour Acts 1847 to 1967; or

(b) any land adjacent to any such part of the river.

(3) Byelaws under this Article shall be made and have effect as if sections 91 (except subsection (6)), 92, 93 and 94(1) of the Local Government Act (Northern Ireland) 1972 applied to them as those provisions apply to byelaws made by a district council, and as if—

(a) for any reference in those provisions to a council or to the clerk of the council there were substituted a reference to the Corporation or to the chairman of the Corporation; and

(b) for any reference to the Ministry concerned there were substituted a reference to the Department and the Department of Agriculture acting jointly.

(4) The powers to secure the observance of byelaws made under this Article which are conferred on an authorised officer of the Corporation under section 93 of the Local Government Act (Northern Ireland) 1972 (as applied by paragraph (3)) include power—

(a) to board and inspect any vessel on the river; and

(b) to require any person suspected of contravening a byelaw to furnish his name and address to the officer.

(5) Section 94 of the Public Health Act Amendment Act 1907 (licensing powers of district council in relation to pleasure vessels and persons in charge thereof) shall not apply in relation to any vessel using the river.”.

Protection of watercourses – penalty in relation to nuisance

60. In paragraph 6(ii)(A) of Schedule 6 to the Drainage Order for the words “not exceeding £100” there shall be substituted the words “not exceeding £1,000 or such other sum as the Department may specify by order subject to affirmative resolution”.

Regulations and orders

61.—(1) Regulations made under this Order (other than regulations made under Article 36 by the Secretary of State) shall be subject to negative resolution.

(2) Regulations and orders under this Order may contain consequential, incidental, supplementary and transitional provisions.

Transitional and saving provisions

62.—(1) Nothing in this Order shall affect the operation of section 9(2) of the Northern Ireland (Miscellaneous Provisions) Act 1932.

(2) Nothing in this Order shall be taken as applying to the ordinary use for the purpose of sanitation on vessels in tidal waters of sanitary appliances from which polluting matter passes or can pass into such waters, unless regulations made under Article 14(1)(b) are in operation in relation to those waters.

(3) Any bye-laws made under paragraph 13 of Schedule 7 to the Drainage Order and in operation immediately before the coming into operation of Article 49 shall continue to have effect as if made under that Article.

Amendments and repeals

63.—(1) The statutory provisions set out in Schedule 7 shall have effect subject to the amendments specified in that Schedule.

(2) The statutory provisions specified in Schedule 8 are hereby repealed to the extent specified in the third column of that Schedule.