

**2019 No. 32**

**EXITING THE EUROPEAN UNION, NORTHERN  
IRELAND**

**FLOOD RISK MANAGEMENT, NORTHERN IRELAND**

**WATER INDUSTRY, NORTHERN IRELAND**

**The Water and Floods (Amendment) (Northern Ireland) (EU  
Exit) Regulations 2019**

*Sift requirements satisfied* 27th November 2018

*Made* - - - - 9th January 2019

*Laid before Parliament* 14th January 2019

*Coming into force in accordance with regulation 1(1)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21(a)(i) and (b) of Schedule 7 to, the European Union (Withdrawal) Act 2018(a).

The requirements of paragraph 3(2) of Schedule 7 to the European Union (Withdrawal) Act 2018 (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**PART 1**

**Introduction**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Water and Floods (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and come into force on exit day.

(2) These Regulations extend to Northern Ireland only.

## PART 2

### Amendment of primary legislation

#### **Amendment of the Water and Sewerage Services (Northern Ireland) Order 2006**

**2.**—(1) The Water and Sewerage Services (Northern Ireland) Order 2006(a) is amended as follows.

- (2) In Article 6(11)(b), for “EU obligation” substitute “retained EU obligation”.
- (3) In Article 135(c)—
  - (a) in the heading, at the end insert “etc.”;
  - (b) in paragraph (1)—
    - (i) in the words before sub-paragraph (a), omit “enabling Her Majesty’s Government in the United Kingdom to give effect”;
    - (ii) for sub-paragraph (a) (but not the final “or”), substitute—  
“(a) giving effect to any retained EU obligation;”;
    - (iii) at the beginning of sub-paragraph (b), insert “enabling Her Majesty’s Government in the United Kingdom to give effect”;
  - (c) in paragraph (2)—
    - (i) in the words before sub-paragraph (a), omit “enabling Her Majesty’s Government in the United Kingdom to give effect”;
    - (ii) for sub-paragraph (a) (but not the final “or”), substitute—  
“(a) giving effect to any retained EU obligation;”;
    - (iii) at the beginning of sub-paragraph (b), insert “enabling Her Majesty’s Government in the United Kingdom to give effect”.
- (4) In Article 185(3)(a)(d), for the words from “enabling” to “obligation or” substitute—  
“giving effect to any retained EU obligation or enabling Her Majesty’s Government in the United Kingdom to give effect”.
- (5) In Article 189(3)(a)(e), for the words from “enabling” to “obligation or” substitute—  
“giving effect to any retained EU obligation or enabling Her Majesty’s Government in the United Kingdom to give effect”.
- (6) In Article 265(3)(n)(f), for “an EU obligation” substitute “a retained EU obligation”.
- (7) In Schedule 1, in paragraph 3(3)(e), omit “or EU instrument”.

## PART 3

### Amendment of subordinate legislation

#### **Amendment of the Water Supply (Water Fittings) Regulations (Northern Ireland) 2009**

**3.**—(1) The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009(g) are amended as follows.

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- (a) S.I.2006/ 3336 (N.I. 21), amended by S.I. 2011/1043.
  - (b) Article 6(11) was amended by S.I. 2011/1043.
  - (c) Article 135 (1) and (2) was amended by S.I. 2011/1043.
  - (d) Article 185(3)(a) was amended by S.I. 2011/1043.
  - (e) Article 189(3)(a) was amended by S.I. 2011/1043.
  - (f) Article 265(3)(n) was amended by S.I. 2011/1043.
  - (g) S.R.2009 No. 255, amended by S.R. 2015 No. 363.

- (2) In regulation 1(2), omit the definitions of “EEA Agreement” and “EEA State”.
- (3) In regulation 4—
  - (a) omit paragraph (2)(a);
  - (b) in paragraph (2)(c), omit “of an EEA State”;
  - (c) in paragraph (6)(a)—
    - (i) omit “, a European Technical Assessment within the meaning of the Regulation mentioned in Regulation 4(2)(a)”;
    - (ii) omit “of an EEA State”.

**Amendment of the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009**

**4.**—(1) The Water Environment (Floods Directive) Regulations (Northern Ireland) 2009(a) are amended as follows.

- (2) In regulation 2, omit the definition of “the Floods Directive”.
- (3) In regulation 3, for “the Floods Directive” substitute “these Regulations”.
- (4) In regulation 4—
  - (a) in paragraph (1), for “the Floods Directive” substitute “these Regulations”;
  - (b) in paragraph (2), for “the Floods Directive” substitute “these Regulations”.
- (5) In regulation 17(1)(a)(ix), for “of Article 4 of the Water Framework Directive” substitute “, within the meaning of regulation 2(2) of the 2017 Regulations”(b).
- (6) In regulation 23, for “the Floods Directive” substitute “these Regulations”.
- (7) In Part I of Schedule 3, omit paragraph 4(d).

9th January 2019

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

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(a) S.R.2009 No. 376, amended by S.R. 2017 No. 81 and S.R. 2018 No. 137.  
(b) S.R. 2017 No. 81.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21(a)(i) and (b) to Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the UK from the European Union.

These Regulations make amendments to Northern Ireland legislation in the fields of water and floods. Part 2 amends the Water and Sewerage Services (Northern Ireland) Order 2006 and Part 3 amends the Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 and the Water Environment (Floods Directive) Regulations (Northern Ireland) 2009.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

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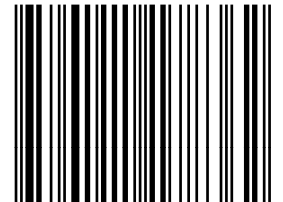
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