

SCHEDULES

SCHEDULE 5

Article 137

PROCEEDINGS ON APPLICATION FOR A DROUGHT ORDER

Notice of application for drought order

- 1.—(1) The applicant for a drought order shall—
 - (a) cause notice of the application to be served in accordance with sub-paragraph (2);
 - (b) cause a notice of the application to be published in at least two newspapers circulating within the area affected by the order; and
 - (c) cause a notice of the application to be published in the Belfast Gazette.
- (2) Notice of the application is to be served as follows—
 - (a) in the case of all orders, on DCAL, DOE and DARD (or whichever of them is not the applicant), and on every district council and every water undertaker (not being the applicant) whose area would be affected by the order;
 - (b) in the case of an order which suspends or modifies any statutory provision, on such persons (if any) as are specified by name in the statutory provision as being persons for whose protection it was enacted or made;
 - (c) in the case of an order concerning the taking of water from a source or the discharge of water or effluent to a place, on every district council in whose area the source, or the place at which water or effluent is to be discharged, is situated, on every navigation authority exercising functions over any watercourse affected by the order and, if the order concerns any consent relating to the discharge of sewage effluent or trade effluent, on the person to whom the consent was given;
 - (d) in the case of an order which authorises the carrying out of any works, on every district council within whose area the works are situated;
 - (e) in the case of an order which authorises the occupation and use of land, on every owner, lessee and occupier of the land;
 - (f) in the case of an order which prohibits or limits the taking of water, on every named person to whom the prohibition or limitation applies.
- (3) A notice for the purposes of this paragraph of an application for a drought order—
 - (a) shall state the general effect of the application;
 - (b) shall specify a place within the area affected by the order where a copy of any relevant map or plan may be inspected by any person free of charge at all reasonable times within a period of 7 days from the date on which it is served or, as the case may be, published;
 - (c) shall state that objections to the application may be made to the Department within 7 days from the date on which it is served or, as the case may be, published; and
 - (d) in the case of an application for an order authorising the occupation and use of land, shall specify the land to which the application relates.

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, SCHEDULE 5 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

- I1** Sch. 5 para. 1 wholly in operation at 1.4.2007; Sch. 5 para. 1 in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power, see art. 1(3)(e); Sch. 5 para. 1 in operation at 1.4.2007 insofar as not already in operation by S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Objections to, and making of, drought order

2.—(1) If any objection is duly made with respect to an application for a drought order and is not withdrawn, then, subject to the provisions of this paragraph, the Department shall, before making the order, either—

- (a) cause a local inquiry to be held; or
- (b) afford an opportunity—
 - (i) to the objector; and
 - (ii) if the objector avails himself of the opportunity, to the applicant and to any other persons to whom it appears to the Department expedient to afford the opportunity, of appearing before and being heard by a person appointed by the Department for the purpose.

(2) Subject to sub-paragraph (3), where, on an application for a drought order, it appears to the Department that a drought order is required to be made urgently if it is to enable the deficiency of supplies of water to be effectively met, it may direct that the requirements of sub-paragraph (1) shall be dispensed with in relation to the application.

(3) Nothing in sub-paragraph (2) shall authorise the Department to fail to consider any objection to a proposed drought order which has been duly made and not withdrawn.

- (4) Notwithstanding anything in sub-paragraph (1), the Department may—
- (a) require any person who has made an objection to a proposed drought order to state in writing the grounds of his objection; and
 - (b) disregard the objection for the purposes of this paragraph if the Department is satisfied—
 - (i) that the objection relates exclusively to matters which can be dealt with on a reference under Schedule 6 or by any person by whom compensation is to be assessed; or
 - (ii) in a case where the order is one confined to the extension of a period specified in a previous order, that the objection is one that has in substance been made with respect to the application for that previous order.

(5) Subject to the requirements of this paragraph, the Department, on being satisfied that the proper notices have been published and served, may, if it thinks fit, make the order in respect of which the application is made with or without modifications.

(6) The Department may cause a local inquiry to be held on any application for a drought order notwithstanding that it is not required to do so by this paragraph.

Commencement Information

- I2** Sch. 5 para. 2 wholly in operation at 1.4.2007; Sch. 5 para. 2 in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with

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respect to the exercise of any such power, see [art. 1\(3\)\(e\)](#); [Sch. 5 para. 2](#) in operation at 1.4.2007 insofar as not already in operation by [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Notice after making of drought order

3. After a drought order has been made, the person on whose application it was made shall cause to be published (in the manner in which notice of the application was required under paragraph 1 to be published) a notice—

- (a) stating that the order has been made; and
- (b) naming a place where a copy of it may be inspected.

Commencement Information

I3 [Sch. 5 para. 3](#) wholly in operation at 1.4.2007; [Sch. 5 para. 3](#) in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power, see [art. 1\(3\)\(e\)](#); [Sch. 5 para. 3](#) in operation at 1.4.2007 insofar as not already in operation by [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)