Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Water and Sewerage Services (Northern Ireland) Order 2006 ISBN 0-11-080049-4*

Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2006 No. (N.I.)

NORTHERN IRELAND

The Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006

Made - - - -	*2006*
Coming into operation	*1st August 2006*

At the Court at Buckingham Palace, the ** day of ** 2006

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:–

Introductory

Title and commencement

1.—(1) This Order may be cited as the Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006.

(2) This Order comes into operation on 1st August 2006.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order "the Department" means the Department for Regional Development.

Information sharing

Information sharing

3.—(1) This Article applies to any information which is held—

(a) by the Department of Finance and Personnel for the purposes of–

(i) its functions under the Rates (Northern Ireland) Order 1977 (NI 28) or the Rates (Capital Values, etc.) (Northern Ireland) Order 2006 (NI 4); or

(ii) the administration of housing benefit;

(b) by the Northern Ireland Housing Executive for the purposes of–

(i) its functions under the Housing (Northern Ireland) Orders 1981 to 2003; or

(ii) the administration of housing benefit.

(2) Information to which this Article applies must, if an authorised officer so requires, be supplied to–

(a) the Department; or

(b) any person or body providing services to the Department,

for the purpose of enabling or assisting the recipient to make arrangements in connection with the development, introduction and implementation of a charges scheme.

(3) Any requirement under paragraph (2) must specify–

(a) the description of information which is to be supplied;

(b) in the case of information to be supplied to a person other than the authorised officer, the name and address of that person;

(c) the form in which the information is to be supplied; and

(d) the date by which the information is to be supplied.

(4) Such a requirement must not specify under paragraph (3)(d) a date later than 31st March 2007.

(5) This Article–

(a) does not limit the circumstances in which information may be supplied apart from this Article; but

(b) has effect despite any restriction on the purposes for which information may be disclosed or used.

(6) In paragraph (2) "a charges scheme" means a scheme for charging for services provided by a person who supplies water through pipes to, or provides sewerage services in respect of, any premises; and the arrangements referred to in that paragraph include in particular–

(a) arrangements for identifying those owning or occupying premises;

(b) arrangements for identifying those who may be eligible for any special assistance under the scheme and for providing that assistance; and

(c) arrangements for billing and recovery of the charges which may be imposed in accordance with the scheme.

(7) In this Article–

"authorised officer" means an officer of the Department authorised for the purposes of this Order by the Department;

"housing benefit" means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7).

Unauthorised disclosure of information relating to particular persons

4.—(1) A person to whom this Article applies commits an offence if he discloses without lawful authority any information–

(a) which he acquired in the course of his employment;

(b) which is, or is derived from, information supplied under Article 3; and

(c) which relates to a particular person.

(2) This Article applies to any person who is employed–

(a) in the Department; or

(b) in the provision of services to the Department for the purposes of any arrangements mentioned in Article 3(2);

and "employment" in relation to any such person shall be construed accordingly.

(3) It is not an offence under this Article to disclose information which has previously been disclosed to the public with lawful authority.

(4) It is a defence for a person charged with an offence under this Article to show that at the time of the alleged offence–

(a) he believed that he was making the disclosure in question with lawful authority and had no reasonable cause to believe otherwise; or

(b) he believed that the information in question had previously been disclosed to the public with lawful authority and had no reasonable cause to believe otherwise.

(5) A person who is guilty of an offence under this Article shall be liable–

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.

(6) For the purposes of this Article a disclosure of information is to be regarded as made with lawful authority if, and only if, it is made–

(a) in accordance with his official duty by a civil servant;

(b) by any other person, in accordance with an authorisation given by the Department;

(c) in accordance with any statutory provision or order of a court;

(d) for the purposes of any criminal proceedings; or

(e) with the consent of the person to whom the information relates.

Abstraction and impounding of water

Abstraction and impounding of water

5.—(1) The Water (Northern Ireland) Order 1999 (NI 6) is amended as follows.

(2) For Article 20 substitute–

"**Abstraction and impounding of water**

20.—(1) Subject to paragraph (2), the Department may by regulations make such provision as appears to it to be expedient for the purpose of—

(a) controlling, restricting or prohibiting the abstraction of water from underground strata or waterways;