EXPLANATORY MEMORANDUM TO

The Water and Sewerage Services (Electronic Communications) Order (Northern Ireland) 2021

S.R. 2021 No. 184

Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001 and is subject to the negative resolution procedure.

1. Purpose

1.1. This Order amends the Water and Sewerage Services (Northern Ireland) Order 2006 to permit notices and documents to be served electronically upon persons who have consented to receive electronic communications for that purpose. The amendment is not intended to replace delivery by post or by hand but provide an additional delivery option.

2. Background

2.1. NI Water intends to provide a digital portal for customers to apply online for certain connections, disconnections and consents that, under the Water and Sewerage Services (Northern Ireland) Order 2006, are required to be served by physical notice.

2.2. Section 24 of the Interpretation Act (Northern Ireland) 1954 requires the service of documents to be done by post or by hand unless a particular manner of service has been directed.

2.3. Section 1 of the Electronic Communications Act (Northern Ireland) 2001 (the 2001 Act) empowers the relevant department (defined in section 2 of that Act) to modify any statutory provision for the purpose of authorising or facilitating the use of electronic communications. The 2001 Act requires that such an order may only be made to permit the use of electronic communications for any purpose where the department considers that the authorisation is such that the extent (if any) to which records of things done for that purpose will be no less satisfactory in cases where use is made of electronic communications than in other cases.

The intention of this Order is to permit persons to consent to the use of electronic communications as an alternative for the purposes of the receiving notices and documents as described in the Water and Sewerage Services (Northern Ireland) Order 2006.

2.4. Consent to receive electronic communications may be withdrawn at any time.

3. Consultation

3.1. There is no requirement to consult in relation to this Order.

4. Equality Impact

4.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on proposals for this Order and has concluded that they did not have any significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment was not necessary.

5. Regulatory Impact

5.1. This Order does not require a Regulatory Impact Assessment as it does not impose a cost on business, charities or voluntary bodies.

6. Financial Implications

6.1. None

7. Section 24 of the Northern Ireland act 1998

7.1. The Department has considered section 24 of the Northern Ireland Act 1998 and no human rights issues have been identified.

8. EU Implications

8.1. Not applicable.

9. Parity or Replicatory Measure

9.1. Not applicable.

10. Additional information

10.1. Not applicable