

STATUTORY INSTRUMENT

S.I. No. 456 of 2000

WATER SUPPLIES (APPLICATION FOR PROVISIONAL ORDER) REGULATIONS,  
2000

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The Minister for the Environment and Local Government, in exercise of the powers conferred on him by section 8 of the Water Supplies Act, 1942 (No. 1 of 1942), hereby makes the following Regulations:-

Citation, commencement and purpose.	1.	(1)	These Regulations may be cited as the " Water Supplies (Application for Provisional Order) Regulations, 2000".
		(2)	These Regulations shall come into operation on 1 January, 2001.
		(3)	The purposes for which these Regulations are made include the purpose of giving effect to section 8 of the Act of 1942 as amended by the Planning and Development Act, 2000 (No. 30 of 2000).
Interpretation	2.		In these Regulations:- "the Act of 1942" means the Water Supplies Act, 1942 (No. 1 of 1942).
Revocation	3.		The Water Supplies (Application for Provisional Order) Regulations, 1945 (S.R. and O. No. 265 of 1945) is hereby revoked.
Certificate to accompany an application by a sanitary authority.	4.		The certificate referred to in paragraph (d) of sub-section (2) of section 8 of the of the Act of 1942 which is to accompany an application by a sanitary authority under the said section 8 for a provisional order, shall be in the form set forth in the schedule to these regulations.
Additional documents to accompany application.	5.		<p>In addition to the documents mentioned in paragraphs (a), (b), (c) and (d) of sub-section (2) of section 8 of the Act of 1942, the following documents shall accompany every application by a sanitary authority for a provisional order declaring that a proposal may come into force, that is to say:-</p> <p>(a) one copy of the notice of such proposal given in pursuance of paragraph (d) of sub-section (1) of section 4 of the Act of 1942, and</p> <p>(b) one copy of the newspaper containing the notice of such proposal published in pursuance of paragraph (e) of sub- section (1) of section 4 of the Act of 1942.</p>

## SCHEDULE.

### FORM OF CERTIFICATE UNDER SECTION 8(2) OF THE WATER SUPPLIES ACT, 1942 (AS AMENDED BY THE PLANNING AND DEVELOPMENT ACT, 2000). (Note 1).

WHEREAS on the ... day of ..... the ..... (Note 2)  
(hereinafter referred to as " the sanitary authority ") did make a proposal (hereinafter referred to as  
"the proposal") under the Water Supplies Act, 1942 (hereinafter referred to as " the Act of 1942")  
for the taking of a supply of water at .....

AND WHEREAS .... objection(s) having been duly made to the proposal and not withdrawn, the  
sanitary authority propose to apply to An Bord Pleanála for a provisional order under section 8 of  
the Act declaring that the proposal may come into force:

AND WHEREAS this certificate is to accompany the said application.

NOW THEREFORE I ..... (Note 3) ..... being the principal officer of the sanitary  
authority do hereby certify as follows that is to say :-

1. The following copies lettered and initialled by me before signing this certificate are true copies,  
that is to say :-

(a) the copy marked with the letter " A " of the proposal;

(b) the copy/copies marked with the letter " B " of {the only objection } duly made to the  
proposal

{each of the ..... objections} and not withdrawn (Note 4);

(c) the copy, marked with the letter " C, " of the notice of the proposal given in pursuance of  
paragraph (d) of sub-section (1) of section 4 of the Act;

(d) the copy, marked with the letter " D, " of the notice of the proposal published in pursuance of  
paragraph (e) of sub-section (1) of section 4 of the Act.

2. The procedure required by the Act for the making of the proposal and the said application has  
been duly carried out, and, in particular :-

(a) copies of the proposal and the book of reference relating thereto were deposited at  
....., on the ..... day of ..... 20..., and are still so deposited.

(b) the copies mentioned in the foregoing paragraph have been kept available while so deposited  
for inspection by persons interested in pursuance of paragraph (c) of Section 5 of the Act.

## NOTES.

1. Neither this heading, nor the reference to these notes, nor these notes themselves are to appear  
on the certificate.

2. Here insert the name of the sanitary authority.

3. Here the officer's name and the title of the office he holds should be inserted.

4. The portions which are inappropriate are to be omitted.

GIVEN under the Official Seal of the Minister for the Environment and Local Government this  
20th day of December, 2000.

L.S. Noel Dempsey, T.D.

Minister for the Environment and Local Government

### **Explanatory Note**

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations revoke the Water Supplies (Application for Provisional Order) Regulations, 1945 (S.I. No. 265 of 1945) and provide replacement Regulations to implement section 8 of the Water Supplies Act, 1942 as amended by the Planning and Development Act, 2000. The new Regulation enables applications for a provisional order for the taking of a supply to be made to An Bord Pleanála.

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