Strategic Planning and Corporate Services Group
Strategic Support Division



Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o'
Fairmin, Environment an' Kintra Matthers
www.daera-ni.gov.uk

Your reference
Our reference

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10 November 2026

Dear Janice,

Fisheries, Aquaculture and Water Environment Bill - Further Query

Thank you for your letter of 21 October, in which you sought clarification from the Department regarding a request by an Assembly Researcher on the reference to Article 20(3)(j)(i) of the Water (NI) Order 1999 **(**the 1999 Order) in paragraph 11(e) in Part 2 of the Schedule to the Bill. In particular, you queried whether there would be merit in referring to, within the Bill, or alternatively within the Explanatory and Financial Memorandum (EFM), the replacement provision contained in the *Water and Sewerage Services (Miscellaneous Provisions) (Northern Ireland) Order 2006 (the 2006 Order)*, to provide greater clarity for readers.

The Researcher contacted the Department to advise that they were unable to find Article 20(3)(j)(i) in the 1999 Order. The Department took the view that the Researcher had been looking at an unamended version of that Order and advised that the provision had been amended and directed them to the amending provision.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

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Unlike subordinate legislation which usually includes a footnote, to advise the reader that a provision has previously been amended where relevant, the convention in primary legislation when referring to another statute is to refer to the statute in force at the time (i.e. as amended) and without footnote. As Article 20 was replaced in full by the 2006 Order to include paragraph (3)(j)(i), the Bill does not refer to the amending provision in the 2006 Order.

The Bill amends a number of provisions in a number of Acts which have previously been amended. To include reference to all of these would render the Explanatory and Financial Memorandum (which will become the Explanatory Notes to the Bill when approved) unwieldy. The legislation.gov.uk website provides an up-to-date version of the Acts being amended and is extensively annotated showing specific amendments.

I hope this is of assistance but should you require anything further please contact me directly.

Yours sincerely,



Paul McGranaghan
Departmental Assembly Liaison Officer

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