

WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

EXPLANATORY MEMORANDUM

OVERVIEW OF THE ORDER

Part Iv – Water Supply

Chapter III Quality and Sufficiency of Supply

51. Chapter III sets out requirements for the maintenance of water quality and offences for failures in respect of water quality. It also deals with private water supplies.
52. [Article 107](#) enables the Department in respect of public supplies and DOE, in respect of private water supplies, to make regulations outlining how wholesomeness is to be determined. The regulations may specify what substances and concentrations are allowed and for what purpose the water may be used. It also enables the Department in respect of public supplies and DOE, in relation to private water supplies, to authorise relaxations and departures from the prescribed requirements. [Articles 108](#) places a duty on the undertaker to provide only water that is wholesome (while it is in the undertaker's pipes) when supplying water for domestic or food production purposes (the term means the manufacturing, processing, preserving or marketing of food or drink – [Article 136](#)). [Article 109](#) allows the Department to make regulations to require the undertaker to take measures to preserve water quality including monitoring, analysis and recording of quality, the use of certain processes or products, standards, procedures and penalties. [Article 110](#) makes it an offence for the undertaker to supply water that is unfit for human consumption.
53. [Article 111](#) makes it an offence to waste water from a water source (a well, borehole or open water). Failure to comply with a court order to prevent waste may result in DOE being authorised to carry out remedial work and recover expenses from the convicted person. [Article 112](#) makes it an offence, whether by act or neglect, to pollute any water used for human consumption, domestic purposes or the manufacturing of food or drink.
54. [Article 113](#) makes it an offence, whether by act or neglect, for the owners or occupiers of premises to waste, misuse or contaminate water by failing to maintain water fittings.
55. [Article 114](#) allows the Department to make regulations to ensure avoidance of waste, contamination and misuse of water, for the specification of the types of water fittings that may be used, required or prohibited, and for the enforcement of the regulations.
56. [Articles 115](#) enables the undertaker to serve a notice on any person requiring them to take specified steps to avoid misuse, waste or contamination of the water supply and, in an emergency, to disconnect the supply of water to the premises. Where the undertaker disconnects it must inform the consumer (it is an offence for the undertaker to fail to do so) of the steps to be taken before the supply is reinstated. Where disconnection

This Explanatory Memorandum refers to the Water and Sewerage Services (Northern Ireland) Order 20063336

does not occur but the consumer fails to carry out any required steps the undertaker has power to carry out those steps itself and recover any expenses.

57. [Article 116](#) gives an undertaker power to issue temporary hosepipe bans after notifying the public. It is an offence to contravene the ban.
58. [Article 117](#) places a duty upon the Department to require the undertaker, in situations where a wholesome supply of piped water cannot be delivered and where there is a danger to life or health, to provide water by other means (bottled water for example). Before doing so the Department must be satisfied that there is a danger to health or life and that supplies can be delivered at a reasonable cost. In such cases the Department is liable for any charges incurred but has power to recoup them from the owner or occupier of the premises affected.

Articles 118–123 Private supplies

59. These Articles set out DOE's general functions regarding private supplies, and replace the existing provisions on private water supplies contained in the Water and Sewerage Services (Northern Ireland) Order 1973. They allow it to take all steps necessary to keep itself informed of the wholesomeness and sufficiency of private supplies, including maintenance of a register. Where a private supply is, has been or is likely to become unwholesome or insufficient, DOE may serve notice on the relevant person. The contents of the notice are specified as are the steps a person may be required to take. Any notice may not take effect until the specified period has elapsed. Where an objection is received the notice cannot take effect until the objection is withdrawn or the notice confirmed by the Appeals Commission. The role of the Appeals Commission is outlined, and a person has 28 days in which to appeal from the date a notice is served, with exceptions to this rule specified. The steps DOE can take should a person fail to comply with a notice within the specified period are described, as is the fact that any requirement of a notice is a statutory charge.
60. [Article 122](#) provides DOE with powers to do works where it is designated to take steps in relation to private water supplies. In those circumstances, certain provisions of Part VIII apply as if they applied to DOE.
61. [Article 123](#) provides DOE with a power to obtain information on private water supplies. Failure to comply with a notice served by DOE is an offence.

Articles 124–125 Enforcement

62. [Article 124](#) confers rights of entry on persons designated by DOE in relation to its responsibilities for private water supplies. These powers also extend to the Department in respect of assessing potential contamination of water sources and waterworks that could impact on the public supply. General requirements and procedures in relation to rights of entry under this Chapter are set out in Schedule 4.
63. [Article 125](#) provides the Department and DOE separately with a power to appoint inspectors to act on their behalf. The inspectors' responsibilities relate to the Departments' functions concerning the quality and sufficiency of public and private water supplies respectively. The Department and DOE, acting jointly, also have a power to appoint a Chief Inspector of Drinking Water.