
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 255

**The Water Supply (Water Fittings)
Regulations (Northern Ireland) 2009**

PART III

ENFORCEMENT ETC.

Penalties for contravening Regulations

7.—(1) Subject to paragraph (2), a person who—

- (a) contravenes any of the provisions of regulation 3(1), (2) or (3) or 6(1) or (2);
- (b) commences an operation listed in the Table in regulation 5(1) without giving the notice required by that paragraph;
- (c) commences an operation listed in the Table in regulation 5(1) without the consent required by that paragraph; or
- (d) carries out an operation listed in the Table in regulation 5(1) in breach of a condition imposed under regulation 5(4);

is guilty of an offence and liable on summary conviction to a fine not exceeding £1000.

(2) In any proceedings against an owner or occupier for an offence under paragraph (1) which is based on the installation, alteration, repair, connection or disconnection of a water fitting, it shall be a defence to prove—

- (a) that the work in question was carried out by or under the direction of an approved contractor, and
- (b) that the contractor certified to the person who commissioned that work that the water fitting complied with the requirements of these Regulations.

Inspections, measurements and tests

8. Any person designated in writing—

- (a) for the purposes of Article 114(4) or 231(3) of the Order, by a water undertaker, or
- (b) for the purposes of Article 124(2) by the Department of the Environment;

may carry out such inspections, measurements and tests on premises entered by that person or on water fittings or other articles found on any such premises, and take away such samples of water or of any land, and such water fittings and other articles, as that person may consider necessary for the purposes of securing compliance with the requirements of Schedule 2.

Enforcement

9.—(1) A water undertaker shall enforce the requirements of these Regulations in relation to the area for which it holds an appointment under Part III of the Order.

(2) The duty of a water undertaker under this regulation shall be enforceable under Article 30 of the Order by the Department.

Relaxation of requirements

10.—(1) Where a water undertaker considers that any requirement of Schedule 2 to these Regulations would be inappropriate in relation to a particular case, the undertaker may apply to the Department to authorise a relaxation of that requirement.

- (2) The Department shall not grant any authorisation applied for unless—
- (a) the water undertaker has made to the Department a written application;
 - (b) the Department is satisfied that a copy of the application has been served by the water undertaker on any persons or bodies likely to be affected by the relaxation; and
 - (c) the Department is satisfied that the authorisation does not constitute a potential danger to human health.
- (3) The water undertaker shall provide with its application a statement—
- (a) of the grounds on which the authorisation is sought; and
 - (b) of the requirements of Schedule 2 which are considered inappropriate.
- (4) The Department may grant the authorisation applied for with such modifications as it sees fit.
- (5) Any authorisation granted shall specify—
- (a) the grounds on which it is granted; and
 - (b) the extent to which a departure from the requirements of Schedule 2 is authorised.
- (6) The Department shall not grant an authorisation before the expiration of one month from the giving of the notice, and shall take into consideration any objection which may have been received by it.
- (7) A water undertaker to whom an authorisation is granted in a particular case may relax the requirements of Schedule 2 in that case in accordance with the terms of that authorisation.
- (8) The Department may at any time modify or revoke an authorisation granted.
- (a) The Department shall not revoke or modify an authorisation without giving at least one months notice of its intention to do so to the water undertaker unless it appears to it that immediate revocation or modification is required in the interests of public health.

Approval by the water undertaker

11.—(1) Where the water undertaker approves a method of installation under regulation 4, the undertaker shall give notice of the approval to the Department and shall publish it in such manner as the undertaker considers appropriate.

(2) This regulation applies to the revocation or modification of an approval as it applies to the giving of that approval.

Disputes

12. Any dispute between a water undertaker and a person who has installed or proposes to install a water fitting—

- (a) as to whether the water undertaker has unreasonably withheld consent, or attached unreasonable conditions, under regulation 5; or
- (b) as to whether the water undertaker has unreasonably refused to apply to the Department for a relaxation of the requirements of these Regulations,

shall be referred to arbitration by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Department.

Publication of information

13.—(1) The water undertaker shall, not later than 30th June in each year, publish a report relating to the preceding year containing—

- (a) a statement of the number of staff involved in the enforcement of these regulations;
- (b) a statement of the number of inspections carried out during the year;
- (c) a statement of the number of notifications received during the year and consents granted;
- (d) a statement of the number of infringements;
- (e) a statement of the number of infringements rectified to comply with regulation requirements;
- (f) a statement of the number of enforcement actions taken; and
- (g) a statement of the number of disputes.

(2) At the same time as it publishes a report in accordance with paragraph (1) the water undertaker shall send a copy of it to the Department.

Contamination incidents; remedial works and recovery of expenses

14. Where a person has caused or permitted contamination of the public drinking water supply by contravening a provision of these Regulations, the water undertaker may—

- (a) carry out such works and take other steps as necessary for remedying the contravention; and
- (b) recover any expenses reasonably incurred in remedying the contravention from that person.

Revocation of Regulations

15. The Water Regulations (Northern Ireland) 1991 are revoked⁽¹⁾.

(1) S.R. 1991/50