STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART IV

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Means of supply

Supply by means of separate service pipes

104.—(1) Subject to the following provisions of this Article, a water undertaker may require the provision of a separate service pipe to any premises which—

(a) consist in a house or any other building or part of a building, being, in the case of a part of a building, a part which is separately occupied; and

(b) are already supplied with water by the undertaker but do not have a separate service pipe.

(2) Where the supply of water to two or more houses is provided wholly or partly by the same service pipe, the water undertaker shall not require the provision of separate service pipes to those houses until—

(a) the service pipe, in so far as it belongs to a person other than the undertaker, becomes so defective as to require renewal or is no longer sufficient to meet the requirements of those houses;

(b) a payment in respect of the supply of water to any of those houses remains unpaid after the end of the period for which it is due;

(c) the houses are, by structural alterations to one or more of them, converted into a larger number of houses;

(d) the owner or occupier of any of those houses has interfered with, or allowed another person to interfere with, the existing service pipe and thereby caused the supply of water to any house to be interfered with; or

(e) the undertaker has reasonable grounds for believing that such interference as is mentioned in sub-paragraph (d) is likely to take place.

(3) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in paragraph (2) has been complied with may be referred to the Authority for determination under Article 61 by either party to the dispute.

(4) If, in the case of any such premises as are described in paragraph (1), the water undertaker which provides a supply of water to those premises serves notice on the consumer requiring the provision of a separate service pipe and setting out the power of the undertaker under paragraph (5)—

(a) that consumer shall, within 3 months after the service of the notice, lay so much of the required pipe as the undertaker is not under a duty to lay by virtue of sub-paragraph (b);

(b) Articles 79 to 85 shall apply as if that consumer had by a connection notice required the undertaker to connect the separate service pipe to those premises with the undertaker's water main;

(c) that consumer shall be presumed, without prejudice to his power to make further demands and requests—

(i) in so far as those premises were provided before the service of the notice with a supply of water for domestic purposes, to have made a demand for the purposes of Article 91 that such a supply is provided by means of the separate service pipe; and

(ii) in so far as those premises were provided before the service of the notice with a supply of water for other purposes, to have requested the undertaker to provide the same supply by means of that pipe as was provided before the service of the notice; and

(d) on providing a supply of water to those premises by means of the separate service pipe, the undertaker may cut off any supply replaced by that supply and may make such disconnections of pipes by which the replaced supply was provided as it thinks fit.

(5) If a person upon whom a notice has been served for the purposes of paragraph (4) fails to comply with the notice, the water undertaker may—

(a) itself carry out the works which that person was required to carry out; and

(b) recover the expenses reasonably incurred by the undertaker in doing so from that person.

(6) Without prejudice—

(a) to the power of a water undertaker by virtue of sub-paragraph (b) of paragraph (4) to impose conditions under Article 82; or

(b) to the power conferred by virtue of sub-paragraph (d) of that paragraph,

any works carried out by a water undertaker by virtue of the provisions of the said sub-paragraph (b) or of paragraph (5) shall be necessary works for the purposes of this Chapter.

Commencement Information

I1 Art. 104 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Changes to legislation:
The Water and Sewerage Services (Northern Ireland) Order 2006, Section 104 is up to date with all changes known to be in force on or before 06 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 23(6) inserted by 2024 c. 13 Sch. 30 para. 41(4)
- art. 27(11) inserted by 2024 c. 13 Sch. 30 para. 42(4)
- art. 29(11) inserted by 2024 c. 13 Sch. 29 para. 4
- art. 265(5)(u) inserted by 2024 c. 13 Sch. 30 para. 43(b)
- art. 293(10A) inserted by 2015 c. 8 (N.I.) Sch. 3 para. 2(b)