
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART IV

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLY

Enforcement

Rights of entry

124.—(1) Any person designated for the purpose by ^{F1}... DOE shall, on producing some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of ascertaining whether there is or has been any contravention of Article 112 in relation to any waterworks on those premises.

(2) Any person designated in writing for the purpose by DOE may—

(a) enter any premises for the purpose, in relation to any private supply, of—

(i) determining whether, and if so in what manner, any power or duty conferred or imposed on DOE by or under any of Articles 118 to 121 should be exercised or performed; or

(ii) exercising any such power or performing any such duty;

(b) carry out such inspections, measurements and tests on premises entered by that person or of articles found on any such premises, and take away such samples of water or of any land or articles, as DOE—

(i) considers appropriate for the purposes of any such power or duty; and

(ii) has authorised that person to carry out or take away.

(3) Any person designated in writing for the purpose by the Department may—

(a) enter any premises for the purpose of—

(i) ascertaining whether any provision contained in or made or having effect under this Order with respect to any water fittings, or with respect to the waste or misuse of water, is being or has been contravened;

(ii) determining whether, and if so in what manner, any power or duty conferred or imposed on any person by regulations under Article 114 should be exercised or performed; or

(iii) exercising any such power or performing any such duty; or

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- (b) 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 has been authorised to carry out or take away in accordance with regulations under that Article.
- (4) Part I of Schedule 4 shall apply to the right of entry conferred by paragraph (1); but nothing in that paragraph or in that Part of that Schedule shall entitle any person designated for the purposes of that paragraph by DOE to have access to any waterworks belonging to a water undertaker.
- (5) Part II of Schedule 4 shall apply to the rights and powers conferred by paragraphs (2) and (3).
- (6) In this Article “waterworks” has the same meaning as in Article 112.

Annotations:

Amendments (Textual)

- F1** Words in [art. 124\(1\)](#) repealed (12.4.2016) by [Environmental Better Regulation Act \(Northern Ireland\) 2016 \(c. 13\)](#), ss. [19\(8\)](#), [27\(1\)](#), [Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(1)(3) (as inserted by 2016 c. 13 (N.I.), s. 23))

Commencement Information

- II** Art. 124 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](#))

Assessors for the enforcement of water quality

125.—(1) [^{F2}DOE] may for the purposes of this Article appoint inspectors to act on its behalf in relation to some or all of—

- (a) the powers and duties conferred or imposed on it by or under Articles 107 to 110 ^{F3}... so far as relating to the quality ^{F4}... of water supplied by a water undertaker; and
- (b) such other powers and duties in relation to the quality ... of water supplied by a water undertaker as are conferred or imposed on [^{F5}DOE] by or under any other statutory provision.

(2) DOE may for the purposes of this Article appoint inspectors to act on its behalf in relation to some or all of—

- (a) the powers and duties conferred or imposed on it by or under Articles 107 and 118 to 123 in relation to the quality and sufficiency of water supplied by means of a private supply; and
- (b) such other powers and duties in relation to the quality and sufficiency of water supplied by means of a private supply as are conferred or imposed on DOE by or under any other statutory provision.

(3) A person may be appointed under both paragraph (1) and (2); and [^{F6}DOE] may designate a person so appointed as the Chief Inspector of Drinking Water.

(4) An inspector appointed under paragraph (1) shall—

- (a) carry out such investigations as [^{F7}DOE] may require him to carry out for the purpose of—
- (i) ascertaining whether any duty or other requirement imposed on an undertaker by or under any of Articles 108 to 110 ^{F8}... is being, has been or is likely to be contravened; or
- (ii) advising [^{F7}DOE] as to whether, and if so in what manner, any of its powers in relation to such a contravention, or any of the powers (including the powers to make

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regulations) which are conferred on it by or under any of Articles 107 to 110 ^{F9}... should be exercised; and

(b) make such reports to [^{F7}DOE] with respect to any such investigation as [^{F7}DOE] may require.

(5) An inspector appointed under paragraph (2) shall—

(a) carry out such investigations as DOE may require him to carry out for the purpose of advising DOE as to whether, and if so in what manner, any of its powers (including the powers to make regulations) which are conferred on it by or under any of Articles 107 and 118 to 121 should be exercised; and

(b) make such reports to DOE with respect to any such investigation as DOE may require.

(6) Without prejudice to the powers conferred by paragraphs (7) and (8), it shall be the duty of a water undertaker—

(a) to give an inspector appointed under paragraph (1) all such assistance; and

(b) to provide an inspector so appointed with all such information,

as that inspector may reasonably require for the purpose of carrying out any such investigation as is mentioned in paragraph (4).

(7) An inspector appointed under paragraph (1) [^{F10}or (2)] who is designated in writing for the purpose by [^{F11}DOE] may—

(a) enter any premises for the purpose of carrying out any such investigation as is mentioned in paragraph (4) [^{F12}or (5)] ;

(b) carry out such inspections, measurements and tests on premises entered by that person or of articles or records found on any such premises, and take away such samples of water or of any land or articles, as that person considers appropriate for the purpose of enabling him to carry out any such investigation; or

(c) at any reasonable time require any water undertaker to supply him with copies of, or of extracts from, the contents of any records kept for the purpose of complying with any duty or other requirement imposed on that undertaker by or under any of Articles 108 to 110 ^{F13}....

^{F14}(8)

(9) Part II of Schedule 4 shall apply to the rights and powers conferred by paragraph (7) ^{F15}....

(10) Any water undertaker which fails to comply with the duty imposed on it by virtue of paragraph (6) shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding £20,000;

(b) on conviction on indictment, to a fine.

(11) Proceedings for an offence under this Article or in relation to the quality ^{F16}... of water supplied by a water undertaker may be instituted and carried on in the name of the Chief Inspector of Drinking Water.

Annotations:

Amendments (Textual)

F2 Word in art. 125(1) substituted (12.4.2016) by [Environmental Better Regulation Act \(Northern Ireland\) 2016 \(c. 13\), ss. 21\(2\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Cross Heading: Enforcement is up to date with all changes known to be in force on or before 20 February 2018. 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. (See end of Document for details)*

- F3** Words in art. 125(1)(a) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(3\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F4** Words in art. 125(1)(a)(b) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(4\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F5** Word in art. 125(1)(b) substituted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(5\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F6** Word in art. 125(3) substituted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(6\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F7** Word in art. 125(4) substituted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(7\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F8** Words in art. 125(4)(a)(i) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(8\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F9** Words in art. 125(4)(a)(ii) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(9\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F10** Words in art. 125(7) inserted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(10\)\(a\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F11** Word in art. 125(7) substituted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(10\)\(b\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F12** Words in art. 125(7)(a) inserted (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(10\)\(c\), 27\(1\)](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F13** Words in art. 125(7)(c) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(10\)\(d\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F14** [Art. 125\(8\)](#) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(11\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F15** Words in art. 125(9) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(12\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))
- F16** Words in art. 125(11) repealed (12.4.2016) by [Environmental Better Regulation Act \(NorthernIreland\) 2016 \(c. 13\), ss. 21\(13\), 27\(1\), Sch. 2](#) (with S.I. 2006/3336 (N.I. 21), art. 302A(4) (as inserted by 2016 c. 13 (N.I.), s. 23))

Commencement Information

- I2** Art. 125 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:

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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. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)