
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART V

USE OF WATER

CHAPTER II

PROMOTION OF THE EFFICIENT USE OF WATER

Duty to promote efficient use of water

145.—(1) It shall be the duty of every water undertaker to promote the efficient use of water by its customers.

(2) The duty of a water undertaker under this Article shall be enforceable under Article 30—

- (a) by the Department; or
- (b) with the consent of or in accordance with a general authorisation given by the Department, by the Authority.

(3) Nothing in this Part shall have effect to authorise or require a water undertaker to impose any requirement on any of its customers or potential customers.

Commencement Information

- II** [Art. 145](#) 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](#))

Power of the Authority to impose requirements on water undertakers

146.—(1) The Authority may require a water undertaker, in its performance of its duty under Article 145, to—

- (a) take any such action; or
- (b) achieve any such overall standards of performance,

as the Authority may specify in the document imposing the requirement.

(2) Where the Authority, in the document imposing a requirement on a water undertaker under paragraph (1), stipulates that any contravention of the requirement by the undertaker will be a breach of its duty under Article 145, any contravention of that requirement by the undertaker shall be a breach of that duty.

(3) Without prejudice to the generality of paragraph (1), a requirement under that paragraph may—

Changes to legislation: The Water and Sewerage Services (Northern Ireland) Order 2006, CHAPTER II is up to date with all changes known to be in force on or before 02 March 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. (See end of Document for details) View outstanding changes

- (a) require a water undertaker to make available to its customers or potential customers such facilities as may be specified in the document imposing the requirement;
 - (b) require a water undertaker to provide or make available to its customers or potential customers such information as may be specified in the document imposing the requirement, and may specify the form in which, the times at which or the frequency with which any such information is to be provided or made available.
- (4) In exercising its powers under this Article in relation to any water undertaker, the Authority shall have regard to the extent to which water resources are available to that undertaker.
- (5) Before imposing any requirement on a water undertaker under paragraph (1) the Authority shall consult that undertaker.
- (6) Nothing in this Article authorises the Authority to impose any requirement on a water undertaker which has or may have the effect of authorising or requiring that undertaker to impose any requirement on any of its customers or potential customers.

Commencement Information

I2 [Art. 146](#) 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](#))

Publicity of requirements imposed under Article 146

147.—(1) Where, under Article 146(1), the Authority imposes any requirement on a water undertaker, the Authority may arrange for that requirement to be publicised in any such manner as the Authority may consider appropriate for the purpose of bringing it to the attention of that undertaker's customers.

(2) Without prejudice to the generality of paragraph (1), the Authority may arrange for such publicising of the requirement as is mentioned in that paragraph by—

- (a) itself publicising the requirement or causing it to be publicised; or
- (b) directing the undertaker to inform or arrange to inform its customers of the requirement.

Commencement Information

I3 [Art. 147](#) 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](#))

Information as to compliance with requirements under Article 146

148.—(1) Where a water undertaker is subject to any requirement imposed under Article 146(1), the Authority may arrange for there to be given to the customers of that undertaker at such times or with such frequency, and in any such manner, as the Authority may consider appropriate, such information about the level of performance achieved by the undertaker in relation to that requirement as appears to the Authority to be expedient to be given to those customers.

(2) Without prejudice to the generality of paragraph (1), the Authority may arrange for such giving of information as is mentioned in that paragraph by—

- (a) itself disseminating the information or causing it to be disseminated; or
- (b) directing the undertaker to give or arrange to give the information to its customers.

(3) At such times and in such form or manner as the Authority may direct, a water undertaker shall provide the Authority with such information as may be specified in the direction in connection

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with the undertaker's performance in relation to any requirement imposed upon the undertaker under Article 146(1).

(4) A water undertaker who fails without reasonable excuse to do anything required of him by paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I4 [Art. 148](#) 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\(b\)](#)