
STATUTORY INSTRUMENTS

1973 No. 70

**Water and Sewerage Services (Northern
Ireland) Order 1973 (REPEALED)**

PART VIII

GENERAL

MISCELLANEOUS

Regulations as to water and sewerage services

40 ^{F1}.—(1) The Ministry may make regulations with respect to the proper provision and maintenance of water and sewerage services under this Order.

(2) Without prejudice to the generality of paragraph (1), regulations made under that paragraph may include provisions for—

- (a) the prevention of waste or of the misuse or contamination of water supplied by the Ministry;
- (b) the provision of adequate drains, sewers, sewage disposal facilities, service pipes and water fittings for any premises;
- (c) the protection against pollution of any water, whether on the surface or underground, belonging to the Ministry or which the Ministry is authorised to take.

(3) Where any instrument which is in force on 30th September 1973 made under a transferred provision relates to a matter with respect to which regulations may be made under paragraph (1), the instrument shall, until it is revoked under paragraph (1), have effect, with any necessary modifications, as if it had been made under paragraph (1).

F1 functions transf. by SR 1999/481
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Offences of contaminating, wasting and misusing water, etc.

40A ^{F2}.—(1) If any person who is the owner or occupier of any premises to which a supply of water is provided by the Department intentionally or negligently causes or suffers any water fittings for which he is responsible to be or remain so out of order, so in need of repair or so constructed or adapted, or to be so used—

- (a) that water in a main or other pipe of the Department or in a pipe connected with such a main or pipe is or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
- (b) that water that has been supplied by the Department to those premises is or is likely to be contaminated before it is used; or

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Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: MISCELLANEOUS. (See end of Document for details)

(c) that water so supplied is or is likely to be wasted or, having regard to the purposes for which it is supplied, misused,
that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Any person who uses any water supplied to any premises by the Department for a purpose other than one for which it is supplied to those premises shall, unless the other purpose is the extinguishment of a fire, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Where a person is convicted of an offence under paragraph (2) the Department may recover such amount as may be reasonable in respect of any water wasted or misused in consequence of the commission of the offence from that person summarily as a civil debt.

(4) For the purposes of this Article the owner or occupier of any premises shall be regarded as responsible for every water fitting serving those premises which is not a water fitting which the Department is liable to maintain.

(5) Where a person is convicted of an offence under paragraph (1)(a) or (b), the Department may recover from him the expenses reasonably incurred by it in carrying out works of repair or re-statement necessitated by his action.

(6) Nothing in this Article, in so far as it relates to the construction or installation of any water fitting, shall apply to any water fitting installed in any premises before the coming into operation of this Article.

F2 functions transf. by SR 1999/481

Regulations for preventing contamination, waste, etc., and with respect to water fittings

40B^{F3}.—(1) Without prejudice to Article 40(1) and (2) (regulations as to water and sewerage services), the Department may make regulations—

- (a) for securing that water in a main or other pipe of the Department is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, by the return of any substance from any premises to that main or pipe;
 - (b) for securing that water which is in any pipe connected with any such main or other pipe or which has been supplied by the Department to any premises is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, before it is used;
 - (c) for securing that water fittings installed and used by persons to whom water is or is to be supplied by the Department are safe and do not cause or contribute to the erroneous measurement of any water or the reverberation of any pipes.
- (2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may—
- (a) prohibit the installation, connection or use of the fittings if they have not been approved under the regulations or if they contravene the regulations;
 - (b) require the fittings, for the purposes of provision made by virtue of sub-paragraph (a), to be of such a size, nature, strength or workmanship, to be made of such materials or in such a manner or to conform to such standards as may be prescribed by or approved under the regulations;
 - (c) impose such other requirements as may be prescribed with respect to the installation, arrangement, connection, testing, disconnection, alteration and repair of the fittings and with respect to the materials used in their manufacture, installation or use;

- (d) make provision enabling the Department to disconnect a service pipe or otherwise cut off the supply of water to premises where the Department has reason for believing—
- (i) that damage to persons or property is being or is likely to be caused by any damage to, or defect in, any water fittings used in connection with the supply of water to those premises which are not water fittings of the Department;
 - (ii) that water in a main or other pipe of the Department is being or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
 - (iii) that water which is in any pipe connected with any main or other pipe of the Department or which has been supplied by the Department to those premises is being or is likely to be contaminated before it is used; or
 - (iv) that water which has been or is to be so supplied is being or is likely to be wasted or, having regard to the purposes for which it is supplied, misused;

and with respect to the procedure for requiring owners or occupiers to carry out remedial work before a supply of water is restored by the Department, including provision for the Department to undertake such work and recover the costs from such owners or occupiers.

- (3) In this Article safe has the same meaning as in Part II of the Consumer Protection Act 1987.

F3 functions transf. by SR 1999/481

Alteration of or interference with Ministry's works

41 ^{F4}.—^{F5}(1) Any person who, wilfully and without the consent of the Ministry, alters or interferes with any works vested in the Ministry for the purposes of this Order shall be guilty of an offence and shall be liable^{F5}

^{F5}(a) on conviction on indictment to imprisonment for a term not exceeding five years or to a fine or to both^{F5}; and]

^{F5}(b) on summary conviction, to a fine not exceeding the statutory maximum.]

^{F5}(2) Where a person is convicted of an offence under this Article, the Department may recover from him the expenses reasonably incurred by it in carrying out work of repair or re-instatement necessitated by his action.]

F4 functions transf. by SR 1999/481

F5 1993 NI 16

Facilities for recreational use of certain land

42 ^{F6}.—(1) The Ministry may provide facilities for recreation on any land vested in it for the purposes of this Order and may make charges for the use of those facilities.

(2) The Ministry may make regulations as to the use, for recreational purposes, of any such land or facilities on such land.

F6 functions transf. by SR 1999/481

*Status: Point in time view as at 01/01/2006.**Changes to legislation: There are currently no known outstanding effects for the Water and Sewerage Services (Northern Ireland) Order 1973 (REPEALED), Cross Heading: MISCELLANEOUS. (See end of Document for details)***Safety of reservoirs**

43^{F7}.—(1) The Ministry may make regulations with respect to the construction, inspection, maintenance and repair of reservoirs and dams.

(2) Regulations under paragraph (1) shall be subject to affirmative resolution.

F7 functions transf. by SR 1999/481

Supply of water fittings

44^{F8}.—(1) The Ministry may—

- (a) on the request of any person, supply to him, by way either of sale or hire, any water fittings; and
- (b) on such request, install, repair or alter (but not manufacture) any water fittings, whether supplied by it or not; and
- (c) provide any materials and do any work required in connection with such installation, repair or alteration of water fittings.

(2) The Ministry—

- (a) may make reasonable charges for any fitting supplied, or any materials provided or work done, under this Article; and
- (b) may recover those charges summarily as civil debts.

(3) If any fittings let for hire by the Ministry bear either a distinguishing metal plate affixed thereto, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the Ministry as the actual owner of the fittings, those fittings—

- (a) shall, notwithstanding that they are fixed to some part of the premises in which they are situated or be laid in the soil thereunder, continue to be the property of, and removable by, the Ministry; and
- (b) shall not be liable to be taken under [^{F9} the Judgments Enforcement (Northern Ireland) Order 1981] or in any proceedings in bankruptcy against the persons in whose possession they may be;

but nothing in this paragraph shall affect the valuation for rating of any rateable hereditament.

(4) If any person wilfully or negligently injures or suffers to be injured any water fitting belonging to the Ministry—

- (a) he shall be liable on summary conviction to a fine not exceeding^{F10} level 3 on the standard scale]; and
- (b) the Ministry—
 - (i) may do all such work as is necessary for repairing any injury done; and
 - (ii) may recover the expenses reasonably incurred by it in doing so from the offender summarily as a civil debt.

F8 functions transf. by SR 1999/481

F9 1981 NI 6

F10 1984 NI 3

Obstruction

45. Any person who wilfully obstructs an authorised officer of the Ministry in the execution of any functions under this Order shall be guilty of an offence and liable on summary conviction to a fine not exceeding^{F11} level 3 on the standard scale].

F11 1984 NI 3

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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