

WATER AND SEWERAGE SERVICES (NORTHERN IRELAND) ORDER 2006

S.I. 2006 3336

EXPLANATORY MEMORANDUM

OVERVIEW OF THE ORDER

Part IV – Water Supply

Chapter II - Water Supply Duties

42. Chapter II sets out the duties of the undertaker to supply water to its customers.
43. [Articles 74 and 75](#) set out the arrangements for the undertaker to follow when providing bulk supplies of water to another undertaker.
44. [Articles 76 to 106](#) establish the circumstances governing the supply of water to the undertaker's customers including the making of new connections to the water supply system. Article 76 places a duty on the undertaker to provide a water main (i.e. the main conduit for supplying water to an area such as a street) sufficient for domestic purposes when requested to do so. Articles 86 to 90 also allow the undertaker to make agreements with people, who have decided to provide their own water mains and services pipes, to adopt the mains or pipes so that they become owned and maintained by the undertaker. Articles 79 and 80 place an accompanying duty on the undertaker to connect premises to the water supply system, including carrying out any ancillary work (Article 80) such as laying services pipes (i.e. pipes connecting the household plumbing to the water main), when requested to do so¹. Where the undertaker agrees to adopt mains or pipes, the agreement can include terms for connection of those mains or pipes to the water supply system but, whether the undertaker adopts or provides the mains and pipes itself, only the undertaker can make a connection to the water supply system (Article 89). Finally, Articles 91 to 93 and 105 set out the duty of the undertaker to supply its customers with a supply of water for domestic purposes, to maintain the connection with the water mains and to maintain standards of constancy and pressure. The term, "sufficient for domestic purposes" is set out in Article 2(4) – (6) as meaning drinking, washing, cooking, central heating and sanitary purposes. It can include water used for the purposes of a profession but not a laundry or other business (Article 2(4) to (6)). The duty to maintain pressure means that water must be able to reach the top-most storey of every building although there are height related exceptions. The undertaker can require the installation of a cistern (Article 106) in certain circumstances and the Department can relax the pressure requirements in accordance with the procedures set out in Schedule 3.
45. [Article 94](#) applies to supplies of water for non-domestic purposes. As with other supplies, the undertaker is obliged to provide the supply but may decline to do so if, taken along with the undertaker's existing and probable future supply obligations, it

¹ There is no significant change to the general rule governing responsibility for water pipes. The water main and the service pipe up to the edge of the private property are the responsibility of the undertaker. The internal plumbing and service pipe within the private property are the responsibility of the owner.

would involve unreasonable expenditure by the undertaker or put at risk its ability to meet existing or probable supply commitments. The terms of the supply are to be agreed between the person making the request and the undertaker (Article 95).

46. While the undertaker is required to provide mains, connections and supplies of water, its customers are required to meet certain obligations, including financial ones. The provision of a water main, the making of a connection to supply water or any work necessary as a result of an adoption (Article 88) will be at the expense of the person making the request (as is currently the case). Articles 77, 82(2)(a) and 88 additionally enable the undertaker to require financial securities from those requesting water mains, connection work or work arising from an agreement to adopt (see the DRD consultation document on “Charges for connections to the water and sewerage networks” published June 2006 for more detail). The Government has also announced that charges will be introduced for the supply of water. The details of the relevant charges will be set out in the undertaker’s charges scheme (see paragraphs on finance and charges below under Part VII).
47. [Articles 81](#) and [82](#) (and, in respect of adoption, [Article 86](#)) enable the undertaker to impose conditions, in addition to the financial ones mentioned above before it connects or adopts any new pipes to its system. These conditions include the provision of appropriate information to the undertaker, that certain standards of plumbing and fittings have been met, that appropriate means of maintaining water pressure have been installed ([Article 106](#)) and any requirements as to separate service pipes have been met ([Article 104](#)). [Article 81](#) requires the undertaker to insist that a water meter be installed in all newly connected premises.
48. The provisions described above provide the undertaker with financial security and enable it to ensure that consistent standards are met in the development of the public water supply system. Other provisions offer protections for consumers. [Articles 77\(4\)](#), [78](#), [83](#) and [85](#) set out time limits for the completion of work by the undertaker and for it to pay quarterly interest on any securities deposited with it if work is not completed within three months of a prescribed date. If the undertaker breaches its duty to supply the main or connection within the prescribed time it will be liable in certain circumstances to the person making the request for any loss or damage they suffer ([Article 76\(4\)](#) and [79\(6\)](#)). A similar provision applies ([Article 93](#)) if the undertaker fails in its domestic supply duty. It is an offence, in certain circumstances, for the undertaker to fail in its duty to supply water at constancy and pressure ([Article 105\(10\)](#)) or to limit supplies of water to its customers ([Article 103](#)). Disputes between an undertaker and customer about such matters as interest payments, reasonableness of securities demanded, the situation of connection points, extension of time limits, agreements (or refusal to make agreements) on adoption ([Article 87](#)) or the terms of any agreement for supply of water for non-domestic purposes ([Article 95](#)) may be referred to the Authority for resolution.
49. An undertaker is not in breach of its duty to supply water if it is allowed to disconnect supplies in the circumstances set out in [Articles 99 to 102](#) and [Schedule 2](#). The undertaker may cut off or reduce supplies for the purpose of carrying out necessary works as long as it gives reasonable notice to customers who are affected (unless in the case of emergencies or negligible effect). If the disconnection lasts more than 24 hours the undertaker must make an emergency supply of water available and, after 48 hours, must inform the district council. The undertaker may also disconnect non-domestic water supplies for non-payment of charges after following the appropriate procedures (set out in [Article 100](#)). However, [Schedule 2](#) to the Order lists premises that may not be disconnected for this reason. This includes domestic premises, residential homes for the elderly, hospitals and other medical facilities, schools, educational establishments and other child care facilities and prisons and emergency service premises. Disconnection can also be made at the request of the customer ([Article 101](#)). Under [Article 115](#) the undertaker can, in an emergency, disconnect premises in order to avoid misuse, waste or contamination of the water supply and decline to reconnect until remedial work is

*This Explanatory Memorandum refers to the Water and
Sewerage Services (Northern Ireland) Order 20063336*

performed. It is an offence for the undertaker to disconnect other than in accordance with the circumstances set out in the legislation.

50. [Articles 96 to 98](#) set out specific water supply duties for public purposes – principally concerning making water available for fire fighting.