
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART IV

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Means of supply

Duties of undertakers as respects constancy and pressure

105.—(1) Subject to the following provisions of this Article, it shall be the duty of a water undertaker to cause the water in such of its water mains and other pipes as—

- (a) are used for providing supplies of water for domestic purposes; or
- (b) have fire-hydrants fixed on them,

to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area.

(2) Nothing in paragraph (1) shall require a water undertaker to provide a supply of water at a height greater than that to which it will flow by gravitation through its water mains from the service reservoir or tank from which that supply is taken.

(3) For the purposes of this Article a water undertaker shall be entitled to choose the service reservoir or tank from which any supply is to be taken.

(4) Nothing in paragraph (1) shall impose any duty on a water undertaker to maintain the constancy or pressure of any supply of water during any period during which it is reasonable for that supply to be cut off or reduced for the purposes of the carrying out of any necessary works.

(5) The Department may by order modify the application of the preceding provisions of this Article in relation to any water undertaker.

(6) The Department shall not make an order under paragraph (5) except—

- (a) in accordance with Schedule 3; and
- (b) on an application made in accordance with that Schedule by the Authority or by the water undertaker in relation to which the order is made.

(7) Subject to paragraph (6), an order under paragraph (5) shall be subject to negative resolution.

(8) An order under paragraph (5) may—

- (a) require the payment of compensation by a water undertaker to persons affected by the order; and

(b) contain such supplemental, consequential and transitional provision as the Department considers appropriate.

(9) The obligations of a water undertaker under this Article shall be enforceable under Article 30 by the Authority.

(10) In addition, where a water undertaker is in breach of a duty under this Article, the undertaker shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

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

(11) In any proceedings against any water undertaker for an offence under paragraph (10) it shall be a defence for that undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.