
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

PART IV

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLY

Insufficient or unwholesome piped supplies

Functions of the Department where piped supplies insufficient or unwholesome

117.—(1) This Article applies to a case in which it is not practicable at reasonable cost for a water undertaker, by supplying water in pipes, to provide or maintain such a supply of wholesome water to any particular premises in its area as (so far as those premises are concerned) is sufficient for domestic purposes.

(2) In any case to which this Article applies, it shall be the duty of the Department, if it is satisfied—

- (a) that the insufficiency or unwholesomeness of the supply of water for domestic purposes to those premises is such as to cause a danger to life or health; and
- (b) that it is practicable at reasonable cost for the water undertaker, by providing it otherwise than in pipes, to provide to those premises such a supply of wholesome water as is sufficient for those purposes,

to require the undertaker, under paragraph (3), to provide a supply of water to those premises otherwise than in pipes.

(3) Where, in a case to which this Article applies—

- (a) the insufficiency or unwholesomeness of the supply of water for domestic purposes to the premises in question is such as to cause a danger to life or health;
- (b) it is practicable at reasonable cost for the water undertaker, by providing it otherwise than in pipes, to provide to those premises such a supply of wholesome water as (so far as those premises are concerned) is sufficient for domestic purposes; and
- (c) the Department notifies the undertaker of the danger to life or health and requires the undertaker to provide a supply otherwise than in pipes,

it shall be the duty of the undertaker, for such period as may be required by the Department, to provide any supply to those premises which it is practicable at reasonable cost to provide otherwise than in pipes and which it is required to provide by the Department.

(4) Where under this Article the Department requires the provision by a water undertaker of a supply of water to any premises, the Department—

- (a) shall be liable to the undertaker for any charges payable by virtue of Chapter I of Part VII in respect of the provision of that supply; but
 - (b) shall have power to recover the whole or any part of any charges paid by virtue of this paragraph from the owner or occupier of the premises to which the supply is provided.
- (5) In this Article references to the provision of a supply of water to any premises otherwise than in pipes shall have effect, in a case in which it is practicable at reasonable cost to provide a supply (whether or not in pipes) to a place within a reasonable distance of those premises, as including references to the provision of a supply to that place.
- (6) The duty of a water undertaker under paragraph (3) shall be enforceable under Article 30 by the Authority.