
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

Enforcement

Assessors for the enforcement of water quality

125.—(1) The Department may for the purposes of this Article appoint inspectors to act on its behalf in relation to some or all of—

- (a) the powers and duties conferred or imposed on it by or under Articles 107 to 110 and 117 so far as relating to the quality and sufficiency of water supplied by a water undertaker; and
- (b) such other powers and duties in relation to the quality and sufficiency of water supplied by a water undertaker as are conferred or imposed on the Department by or under any other statutory provision.

(2) DOE may for the purposes of this Article appoint inspectors to act on its behalf in relation to some or all of—

- (a) the powers and duties conferred or imposed on it by or under Articles 107 and 118 to 123 in relation to the quality and sufficiency of water supplied by means of a private supply; and
- (b) such other powers and duties in relation to the quality and sufficiency of water supplied by means of a private supply as are conferred or imposed on DOE by or under any other statutory provision.

(3) A person may be appointed under both paragraph (1) and (2); and the Department and DOE (acting jointly) may designate a person so appointed as the Chief Inspector of Drinking Water.

(4) An inspector appointed under paragraph (1) shall—

- (a) carry out such investigations as the Department may require him to carry out for the purpose of—
 - (i) ascertaining whether any duty or other requirement imposed on an undertaker by or under any of Articles 108 to 110 or Article 117 is being, has been or is likely to be contravened; or
 - (ii) advising the Department as to whether, and if so in what manner, any of its powers in relation to such a contravention, or any of the powers (including the powers to make regulations) which are conferred on it by or under any of Articles 107 to 110 and 117 should be exercised; and

- (b) make such reports to the Department with respect to any such investigation as the Department may require.
- (5) An inspector appointed under paragraph (2) shall—
 - (a) carry out such investigations as DOE may require him to carry out for the purpose of advising DOE as to whether, and if so in what manner, any of its powers (including the powers to make regulations) which are conferred on it by or under any of Articles 107 and 118 to 121 should be exercised; and
 - (b) make such reports to DOE with respect to any such investigation as DOE may require.
- (6) Without prejudice to the powers conferred by paragraphs (7) and (8), it shall be the duty of a water undertaker—
 - (a) to give an inspector appointed under paragraph (1) all such assistance; and
 - (b) to provide an inspector so appointed with all such information,as that inspector may reasonably require for the purpose of carrying out any such investigation as is mentioned in paragraph (4).
- (7) An inspector appointed under paragraph (1) who is designated in writing for the purpose by the Department may—
 - (a) enter any premises for the purpose of carrying out any such investigation as is mentioned in paragraph (4);
 - (b) carry out such inspections, measurements and tests on premises entered by that person or of articles or records found on any such premises, and take away such samples of water or of any land or articles, as that person considers appropriate for the purpose of enabling him to carry out any such investigation; or
 - (c) at any reasonable time require any water undertaker to supply him with copies of, or of extracts from, the contents of any records kept for the purpose of complying with any duty or other requirement imposed on that undertaker by or under any of Articles 108 to 110 or Article 117.
- (8) An inspector appointed under paragraph (2) who is designated in writing for the purpose by DOE may—
 - (a) enter any premises for the purpose of carrying out any such investigation as is mentioned in paragraph (5);
 - (b) carry out such inspections, measurements and tests on premises entered by that person or of articles or records found on any such premises, and take away such samples of water or of any land or articles, as that person considers appropriate for the purpose of enabling him to carry out any such investigation.
- (9) Part II of Schedule 4 shall apply to the rights and powers conferred by paragraph (7) or (8).
- (10) Any water undertaker which fails to comply with the duty imposed on it by virtue of paragraph (6) shall be guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding £20,000;
 - (b) on conviction on indictment, to a fine.
- (11) Proceedings for an offence under this Article or in relation to the quality and sufficiency of water supplied by a water undertaker may be instituted and carried on in the name of the Chief Inspector of Drinking Water.