
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER I

UNDERTAKERS' POWERS

Other works powers

Works in connection with metering

223.—(1) Subject to the following provisions of this Article, to Article 208 and to the provisions of Chapter III, where—

- (a) paragraph (2) applies to a relevant undertaker in respect of any premises; and
- (b) there is either—
 - (i) a service pipe which is connected with a water undertaker's water main and by which a supply of water is or could be provided to those premises or to any building in which those premises are contained; or
 - (ii) a drain or private sewer which connects those premises with a public sewer,the undertaker shall have power, in accordance with Article 233 or otherwise, to carry out any works specified in paragraph (4).

(2) This paragraph applies to a relevant undertaker in respect of any premises if—

- (a) the undertaker has fixed any charges in relation to any premises by reference to volume, or
- (b) the undertaker is entitled so to fix any charges because the person who is the consumer in relation to the premises for the purposes of Chapter I of Part VII has exercised his right to give—
 - (i) a measured charges notice under Article 204, or
 - (ii) any consent for the purposes of Article 205(2)(a)(ii),and has not revoked the measured charges notice or consent under Article 204, or
- (c) the undertaker has given notice of its intention of so fixing any charges—
 - (i) within the period specified in the notice, or
 - (ii) in a case where it is not for the time being entitled so to fix the charges, if and when it becomes entitled to do so.

(3) The power under paragraph (1) to carry out works specified in paragraph (4) shall include power to carry out any such works in a street; and the power conferred by virtue of paragraph (1)(c)

of Article 219 and paragraph (6) of that Article shall apply in relation to the power conferred by this paragraph as they apply in relation to the powers conferred by that Article.

- (4) The works mentioned in paragraphs (1) and (2) are, in relation to any premises—
- (a) works consisting in the installation and connection of any meter for use in determining the amount of any charges which have been or may be fixed in relation to the premises;
 - (b) where the premises comprise a house which is one of two or more houses to which the supply of water is wholly or partly by the same service pipe, works consisting in the installation and connection, for any purpose connected with the installation or connection of such a meter, of a separate service pipe for that house;
 - (c) works for the purpose of maintaining, repairing, disconnecting or removing—
 - (i) any meter which has been installed for use in determining the amount of any charges which have been or may be fixed in relation to the premises; or
 - (ii) any pipes or apparatus installed in the course of any works specified in this Article;
 - (d) works consisting of the installation and connection of any meter for research purposes or for the purpose of maintaining, repairing disconnecting or removing any such meter;
 - (e) any other works appearing to the undertaker to be necessary or expedient for any purpose connected with the carrying out of any works specified in sub-paragraph (a), (b), (c) or (d) including the installation and connection of any pipes or other apparatus on the premises and the alteration or removal of any of the plumbing of the premises.
- (5) A notice given for the purposes of paragraph (2)(c) may relate to particular premises or to any description of premises and shall be given—
- (a) by publishing the notice in the locality in which the premises to which it relates are situated in such a manner as the undertaker considers appropriate for bringing it to the attention of the persons likely to be affected by it; and
 - (b) by serving a copy of the notice on the Department.
- (6) Subject to paragraph (7), any works carried out by a water undertaker by virtue of the provisions of this Article shall be necessary works for the purposes of Chapter II of Part IV.
- (7) Nothing in this Article affects the operation of paragraph (4)(b) of Article 104 in a case where a water undertaker has, under Article 104, required the provision of a separate service pipe to any premises.
- (8) Part II of Schedule 4 shall apply to the powers conferred by this Article.
- (9) Any dispute between a relevant undertaker and any other person (including another such undertaker) as to the exercise of any power under this Article to carry out any works on any premises shall be referred to the arbitration of a single arbitrator appointed—
- (a) by agreement between the undertaker and that person; or
 - (b) in default of agreement, by the Authority.
- (10) Without prejudice to paragraph (3), nothing in Article 219, 220 or 222 shall authorise the installation of any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from, any premises where that apparatus is to be used for the purpose only of determining the amount of any charges fixed, or to be fixed, in relation to those premises wholly or partly by reference to the volume of that water or effluent.