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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

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

**PART IV  
WATER SUPPLY  
CHAPTER II  
SUPPLY DUTIES**

*Domestic connections*

**Conditions of connection with water main**

**82.**—(1) Subject to paragraph (3) and Articles 83 and 84, where the owner or occupier of any premises (“the relevant premises”) serves a connection notice on a water undertaker, the undertaker may make compliance with one or more of the requirements specified in paragraph (2) a condition of its complying with the duties to which it is subject by virtue of that notice.

(2) The requirements mentioned in paragraph (1) are—

- (a) a requirement that such security as the undertaker may reasonably require has been provided for the discharge of any obligations imposed by virtue of Article 79(7) or 80(7) (b) on the person who served the connection notice;
- (b) a requirement, in a case where the connection required by the connection notice is necessary as a consequence of a disconnection made by reason of any person’s failure to pay any charges, that the person serving the connection notice has paid any amount owed by him to the undertaker—
  - (i) in respect of a supply of water to the relevant premises; or
  - (ii) in respect of expenses reasonably incurred in the making of the disconnection;
- (c) a requirement that a separate service pipe has been provided—
  - (i) to each house or building on the relevant premises; or
  - (ii) where different parts of a building on the relevant premises are separately occupied, to each of those parts or to any of them;
- (d) a requirement, in relation to the relevant premises—
  - (i) that such a requirement as may be imposed under Article 106 has been complied with; or
  - (ii) in a case where such a requirement could be imposed but for there already being such a cistern as is mentioned in that Article, that the cistern and its float-operated valve are in good repair;

- (e) a requirement that there is no contravention in relation to the water fittings used or to be used in connection with—
  - (i) the supply of water to the relevant premises; or
  - (ii) the use of water in those premises,of such of the requirements of regulations under Article 114 as are prescribed for the purposes of this sub-paragraph; and
- (f) a requirement that every such step has been taken as has been specified in any notice served on any person under Article 115 in relation to the relevant premises.

(3) No condition shall be imposed by a water undertaker under paragraph (2)(c) unless it is reasonable to do so in order to ensure that the undertaker will be able to perform its functions, in relation to the supply of water to the relevant premises or any part of those premises, efficiently.

(4) A condition shall not be imposed by a water undertaker under this Article or Article 81 on a person who has served a connection notice except by a counter-notice served on that person before the end of the period of 14 days beginning with the day after the service of the connection notice.

(5) Any dispute as to whether any requirement of a kind mentioned in paragraph (2)(a), (b), (c) or (d) has been complied with may be referred to the Authority for determination under Article 61 by either party to the dispute.

- (6) Any dispute between a water undertaker and any other person as to whether—
  - (a) any security required by a condition imposed under paragraph (2)(a) was reasonably required,
  - (b) the expenses referred to in paragraph (2)(b)(ii) were incurred reasonably, or
  - (c) in a particular case, paragraph (3) prevents a water undertaker from imposing a condition under paragraph (2)(c),

may be referred to the Authority for determination under Article 61 by either party to the dispute.

(7) This Article shall be without prejudice to the provisions of Articles 197 and 343 of the [Insolvency \(Northern Ireland\) Order 1989 \(NI 19\)](#) (conditions of supply after insolvency).