
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART IV
WATER SUPPLY
CHAPTER II
SUPPLY DUTIES

Disconnections

Disconnections for the carrying out of necessary works

99.—(1) Subject to the following provisions of this Article, a water undertaker may—

- (a) disconnect a service pipe which, for the purposes of providing a supply of water to any premises, is connected with any water main of that undertaker; or
- (b) otherwise cut off a supply of water to any premises,

if it is reasonable for the disconnection to be made, or the supply to be cut off, for the purposes of the carrying out of any necessary works.

(2) The power of a water undertaker under this Article to cut off a supply of water shall include power to reduce a supply of water.

(3) Except in an emergency or in the case of a reduction which is immaterial, the power of a water undertaker under this Article to cut off or reduce a supply shall be exercisable in relation to any premises only after the undertaker has served reasonable notice on the consumer of the proposal for the carrying out of the necessary works.

(4) Where a water undertaker exercises its power under this Article to make any disconnection or to cut off or reduce a supply of water to any premises for the purposes of the carrying out of any necessary works, it shall owe a duty to the consumer to secure—

- (a) that those works are carried out with reasonable dispatch; and
- (b) that any supply of water to those premises for domestic purposes is interrupted for more than 24 hours for the purposes of the carrying out of those works only if an emergency supply has been made available (whether or not in pipes) within a reasonable distance of the premises.

(5) Any breach by a water undertaker of the duty owed by virtue of paragraph (4) which causes any person to whom it is owed to sustain loss or damage shall be actionable at the suit of that person.

Disconnections for non-payment of charges

100.—(1) Subject to the following provisions of this Article, a water undertaker may disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker, or may otherwise cut off a supply of water to any premises, if the occupier of the premises—

- (a) is liable (whether in his capacity as occupier or under any agreement with the undertaker) to pay charges due to the undertaker in respect of the supply of water to those premises; and
- (b) has failed to do so before the end of the period of 7 days beginning with the day after he is served with notice requiring him to do so.

(2) The power conferred by paragraph (1) is not exercisable in relation to any premises specified in Schedule 2.

(3) Where—

- (a) a water undertaker has served a notice for the purposes of sub-paragraph (b) of paragraph (1) on a person; and
- (b) within the period of 7 days mentioned in that sub-paragraph, that person serves a counter-notice on the undertaker stating that he disputes his liability to pay the charges in question,

the undertaker shall not in respect of that notice exercise his power by virtue of that paragraph in relation to any premises except at a time when that person is the occupier of the premises and those charges are enforceable against that person in a manner specified in paragraph (4).

(4) For the purposes of paragraph (3) charges are enforceable in a manner specified in this paragraph against a person if—

- (a) the undertaker is able to enforce a judgment against that person for the payment of the charges; or
- (b) that person is in breach of an agreement entered into, since the service of his counter-notice, for the purpose of avoiding or settling proceedings by the undertaker for the recovery of the charges.

(5) A water undertaker which exercises its power under this Article to disconnect any pipe or otherwise to cut off any supply of water may recover, from the person in respect of whose liability the power is exercised, any expenses reasonably incurred by the undertaker in making the disconnection or in otherwise cutting off the supply.

(6) Where—

- (a) a water undertaker has power under this Article to disconnect any pipe to any premises, or otherwise to cut off any supply to any premises; and
- (b) a supply of water is provided to those premises and to other premises wholly or partly by the same service pipe,

the undertaker may exercise that power so as to cut off the supply to those other premises if and only if the same person is the occupier of the premises in relation to which the charges are due and of the other premises.

Disconnections at request of customer

101.—(1) Subject to the following provisions of this Article, a water undertaker may—

- (a) disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker; or
- (b) otherwise cut off a supply of water to any premises,

if notice specifying the time after which a supply of water to those premises will no longer be required has been served on the undertaker by a consumer and that time has passed.

(2) No person shall be liable to a water undertaker for any expenses incurred by the undertaker in exercising the power conferred on the undertaker by this Article.

General duties of undertakers with respect to disconnections

102.—(1) Where a water undertaker—

- (a) disconnects a service pipe to any inhabited house, or otherwise cuts off a supply of water to such a house; and
- (b) does so without restoring the supply to that house before the end of the period of 24 hours beginning with the time when it is cut off,

the undertaker shall, no later than 48 hours after that time, serve notice that it has cut off that supply on the district council in whose district the house is situated.

(2) A water undertaker which fails, without reasonable excuse, to serve a notice on a district council as required by paragraph (1) shall be guilty of an offence under this Article.

(3) A water undertaker shall be guilty of an offence under this Article if—

- (a) it disconnects a service pipe to any premises, or otherwise cuts off a supply of water to any premises, in a case in which it has no power to do so under Articles 99 to 101, Article 115 or any other statutory provision; or
- (b) in disconnecting any such pipe or cutting off any such supply it fails, without reasonable excuse, to comply with any requirement of the provisions in pursuance of which it disconnects the pipe or cuts off the supply.

(4) A water undertaker which is guilty of an offence under this Article shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.