
DRAFT STATUTORY INSTRUMENTS

2006 No.

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

PART IV

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Means of supply

Supply by means of separate service pipes

104.—(1) Subject to the following provisions of this Article, a water undertaker may require the provision of a separate service pipe to any premises which—

- (a) consist in a house or any other building or part of a building, being, in the case of a part of a building, a part which is separately occupied; and
- (b) are already supplied with water by the undertaker but do not have a separate service pipe.

(2) Where the supply of water to two or more houses is provided wholly or partly by the same service pipe, the water undertaker shall not require the provision of separate service pipes to those houses until—

- (a) the service pipe, in so far as it belongs to a person other than the undertaker, becomes so defective as to require renewal or is no longer sufficient to meet the requirements of those houses;
- (b) a payment in respect of the supply of water to any of those houses remains unpaid after the end of the period for which it is due;
- (c) the houses are, by structural alterations to one or more of them, converted into a larger number of houses;
- (d) the owner or occupier of any of those houses has interfered with, or allowed another person to interfere with, the existing service pipe and thereby caused the supply of water to any house to be interfered with; or
- (e) the undertaker has reasonable grounds for believing that such interference as is mentioned in sub-paragraph (d) is likely to take place.

(3) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in paragraph (2) has been complied with may be referred to the Authority for determination under Article 61 by either party to the dispute.

(4) If, in the case of any such premises as are described in paragraph (1), the water undertaker which provides a supply of water to those premises serves notice on the consumer requiring the provision of a separate service pipe and setting out the power of the undertaker under paragraph (5)—

- (a) that consumer shall, within 3 months after the service of the notice, lay so much of the required pipe as the undertaker is not under a duty to lay by virtue of sub-paragraph (b);
 - (b) Articles 79 to 85 shall apply as if that consumer had by a connection notice required the undertaker to connect the separate service pipe to those premises with the undertaker's water main;
 - (c) that consumer shall be presumed, without prejudice to his power to make further demands and requests—
 - (i) in so far as those premises were provided before the service of the notice with a supply of water for domestic purposes, to have made a demand for the purposes of Article 91 that such a supply is provided by means of the separate service pipe; and
 - (ii) in so far as those premises were provided before the service of the notice with a supply of water for other purposes, to have requested the undertaker to provide the same supply by means of that pipe as was provided before the service of the notice; and
 - (d) on providing a supply of water to those premises by means of the separate service pipe, the undertaker may cut off any supply replaced by that supply and may make such disconnections of pipes by which the replaced supply was provided as it thinks fit.
- (5) If a person upon whom a notice has been served for the purposes of paragraph (4) fails to comply with the notice, the water undertaker may—
- (a) itself carry out the works which that person was required to carry out; and
 - (b) recover the expenses reasonably incurred by the undertaker in doing so from that person.
- (6) Without prejudice—
- (a) to the power of a water undertaker by virtue of sub-paragraph (b) of paragraph (4) to impose conditions under Article 82; or
 - (b) to the power conferred by virtue of sub-paragraph (d) of that paragraph,
- any works carried out by a water undertaker by virtue of the provisions of the said sub-paragraph (b) or of paragraph (5) shall be necessary works for the purposes of this Chapter.

Duties of undertakers as respects constancy and pressure

105.—(1) Subject to the following provisions of this Article, it shall be the duty of a water undertaker to cause the water in such of its water mains and other pipes as—

- (a) are used for providing supplies of water for domestic purposes; or
- (b) have fire-hydrants fixed on them,

to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area.

(2) Nothing in paragraph (1) shall require a water undertaker to provide a supply of water at a height greater than that to which it will flow by gravitation through its water mains from the service reservoir or tank from which that supply is taken.

(3) For the purposes of this Article a water undertaker shall be entitled to choose the service reservoir or tank from which any supply is to be taken.

(4) Nothing in paragraph (1) shall impose any duty on a water undertaker to maintain the constancy or pressure of any supply of water during any period during which it is reasonable for that supply to be cut off or reduced for the purposes of the carrying out of any necessary works.

(5) The Department may by order modify the application of the preceding provisions of this Article in relation to any water undertaker.

- (6) The Department shall not make an order under paragraph (5) except—
- (a) in accordance with Schedule 3; and
 - (b) on an application made in accordance with that Schedule by the Authority or by the water undertaker in relation to which the order is made.
- (7) Subject to paragraph (6), an order under paragraph (5) shall be subject to negative resolution.
- (8) An order under paragraph (5) may—
- (a) require the payment of compensation by a water undertaker to persons affected by the order; and
 - (b) contain such supplemental, consequential and transitional provision as the Department considers appropriate.
- (9) The obligations of a water undertaker under this Article shall be enforceable under Article 30 by the Authority.
- (10) In addition, where a water undertaker is in breach of a duty under this Article, the undertaker shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (11) In any proceedings against any water undertaker for an offence under paragraph (10) it shall be a defence for that undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Requirements by undertaker for maintaining pressure

- 106.**—(1) A water undertaker may require that any premises consisting in—
- (a) any building or part of a building the supply of water to which need not, in accordance with provision contained in or made under this Order, be constantly laid on under pressure; or
 - (b) any relevant house to which water is required to be delivered at a height greater than a point 10.5 metres below the draw-off level of the service reservoir or tank from which a supply of water is being provided by the undertaker to those premises,
- shall be provided with a cistern which has a float-operated valve and is fitted on the pipe by means of which water is supplied to those premises.
- (2) A water undertaker may, in the case of such a house as is mentioned in sub-paragraph (b) of paragraph (1), require that a cistern the provision of which is required under that paragraph shall be capable of holding sufficient water to provide an adequate supply to the house for a period of 24 hours.
- (3) If, where a water undertaker provides a supply of water to any premises, the consumer, after having been required to do so by notice served on him by the undertaker, fails before the end of the period specified in the notice—
- (a) to provide a cistern in accordance with a requirement under this Article; or
 - (b) to put any such cistern and its float-operated valve into good repair,
- the water undertaker may itself provide a cistern, or carry out any repairs necessary to prevent waste of water.
- (4) The period specified for the purposes of paragraph (3) in a notice under this Article shall be a period of not less than 28 days beginning with the day after the service of the notice.
- (5) Where a water undertaker provides a cistern or carries out any repairs under paragraph (3), it may recover the expenses reasonably incurred by it in doing so from the owner of the premises in question.

(6) In this Article “relevant house” means any house other than a house in relation to which the following two conditions are satisfied, that is to say—

- (a) the erection of the house was commenced before the transfer date; and
- (b) no such requirement as is mentioned in paragraph (1) or (2) could have been imposed by the Department in relation to the house under any statutory provision having effect immediately before that date.