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STATUTORY INSTRUMENTS

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**1999 No. 1148**

**The Water Supply (Water Fittings) Regulations 1999**

**PART III**

**ENFORCEMENT ETC.**

**Penalty for contravening regulations**

- 7.—(1) Subject to the following provisions of this regulation, a person who—
- (a) contravenes any of the provisions of regulation 3(1), (2) or (3) or 6(1) or (2);
  - (b) commences an operation listed in the Table in regulation 5(1) without giving the notice required by that paragraph;
  - (c) commences an operation listed in the Table in regulation 5(1) without the consent required by that paragraph; or
  - (d) carries out an operation listed in the Table in regulation 5(1) in breach of a condition imposed under regulation 5(4);

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) In any proceedings against an owner or occupier for an offence under paragraph (1) which is based on the installation, alteration, repair, connection or disconnection of a water fitting, it shall be a defence to prove—

- (a) that the work in question was carried out by or under the direction of an approved contractor, and
- (b) that the contractor certified to the person who commissioned that work that the water fitting complied with the requirements of these Regulations.

**Modification of section 73 of the Act**

8. In section 73 of the Act (offences of contaminating, wasting and misusing water etc.), after subsection (1) there shall be inserted:—

- “(1A) In any proceedings under subsection (1) above it shall be a defence to prove—
- (a) that the contamination or likely contamination, or the wastage, misuse or undue consumption, was caused (wholly or mainly) by the installation, alteration, repair or connection of the water fitting on or after 1st July 1999;
  - (b) that the works were carried out by or under the direction of an approved contractor within the meaning of the Water Supply (Water Fittings) Regulations 1999; and
  - (c) that the contractor certified to the person who commissioned those works that the water fitting complied with the requirements of those regulations.”

### **Inspections, measurements and tests**

9. Any person designated in writing—

- (a) for the purposes of section 74(4) or 170(3), by a water undertaker, or
- (b) for the purposes of section 84(2), by any local authority,

may carry out such inspections, measurements and tests on premises entered by that person or on water fittings or other articles found on any such premises, and take away such samples of water or of any land, and such water fittings and other articles, as that person may consider necessary for the purposes for which those premises were entered.

### **Enforcement**

10.—(1) A water undertaker shall enforce the requirements of these Regulations in relation to the area for which it holds an appointment under Part I of the Act.

(2) The duty of a water undertaker under this regulation shall be enforceable under section 18 of the Act—

- (a) by the regulator; or
- (b) with the consent of or in accordance with a general authorisation given by the regulator, by the Director.

### **Relaxation of requirements**

11.—(1) Where a water undertaker considers that any requirement of Schedule 2 to these Regulations would be inappropriate in relation to a particular case, the undertaker may apply to the regulator to authorise a relaxation of that requirement.

(2) The water undertaker shall give notice of any proposed relaxation in such manner and to such persons as the regulator may direct.

(3) The regulator may grant the authorisation applied for with such modifications and subject to such conditions as he thinks fit.

(4) The regulator shall not grant an authorisation before the expiration of one month from the giving of the notice, and shall take into consideration any objection which may have been received by him.

(5) A water undertaker to whom an authorisation is granted under paragraph (3) in a particular case may relax the requirements of Schedule 2 in that case in accordance with the terms of that authorisation.

### **Approval by the regulator or the water undertaker**

12.—(1) Before approving a specification under regulation 4 or under Schedule 2, the regulator shall consult—

- (a) every water undertaker;
- (b) such trade associations as he considers appropriate; and
- (c) such organisations appearing to him to be concerned with the interests of water users as he considers appropriate.

(2) Where the regulator approves a specification under regulation 4 or under Schedule 2, he shall give notice of the approval to all persons who were consulted under paragraph (1) and shall publish it in such manner as he considers appropriate.

(3) Where the water undertaker approves a method of installation under regulation 4, the undertaker shall give notice of the approval to the regulator and shall publish it in such manner as the undertaker considers appropriate.

(4) This regulation applies to the revocation or modification of an approval as it applies to the giving of that approval.

### **Disputes**

**13.** Any dispute between a water undertaker and a person who has installed or proposes to install a water fitting—

- (a) as to whether the water undertaker has unreasonably withheld consent, or attached unreasonable conditions, under regulation 5 above; or
- (b) as to whether the water undertaker has unreasonably refused to apply to the regulator for a relaxation of the requirements of these Regulations,

shall be referred to arbitration by a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the regulator.

### **Revocation of byelaws**

**14.** The byelaws referred to in column (2) of Schedule 3, being made or having effect as if made by the water undertakers referred to in column (1) of Schedule 3 under section 17 of the Water Act 1945(1), are hereby revoked.