
STATUTORY INSTRUMENTS

1993 No. 3165

**The Water and Sewerage Services
(Amendment) (Northern Ireland) Order 1993**

Miscellaneous amendments of the principal Order

Contamination, waste and misuse of water

9.—(1) After Article 40 of the principal Order there shall be inserted—

“Offences of contaminating, wasting and misusing water, etc.

40A.—(1) If any person who is the owner or occupier of any premises to which a supply of water is provided by the Department intentionally or negligently causes or suffers any water fittings for which he is responsible to be or remain so out of order, so in need of repair or so constructed or adapted, or to be so used—

- (a) that water in a main or other pipe of the Department or in a pipe connected with such a main or pipe is or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
- (b) that water that has been supplied by the Department to those premises is or is likely to be contaminated before it is used; or
- (c) that water so supplied is or is likely to be wasted or, having regard to the purposes for which it is supplied, misused,

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

(2) Any person who uses any water supplied to any premises by the Department for a purpose other than one for which it is supplied to those premises shall, unless the other purpose is the extinguishment of a fire, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) Where a person is convicted of an offence under paragraph (2) the Department may recover such amount as may be reasonable in respect of any water wasted or misused in consequence of the commission of the offence from that person summarily as a civil debt.

(4) For the purposes of this Article the owner or occupier of any premises shall be regarded as responsible for every water fitting serving those premises which is not a water fitting which the Department is liable to maintain.

(5) Where a person is convicted of an offence under paragraph (1)(a) or (b), the Department may recover from him the expenses reasonably incurred by it in carrying out works of repair or re-instatement necessitated by his action.

(6) Nothing in this Article, in so far as it relates to the construction or installation of any water fitting, shall apply to any water fitting installed in any premises before the coming into operation of this Article.

Regulations for preventing contamination, waste, etc., and with respect to water fittings

40B.—(1) Without prejudice to Article 40(1) and (2) (regulations as to water and sewerage services), the Department may make regulations—

- (a) for securing that water in a main or other pipe of the Department is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, by the return of any substance from any premises to that main or pipe;
- (b) for securing that water which is in any pipe connected with any such main or other pipe or which has been supplied by the Department to any premises is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, before it is used;
- (c) for securing that water fittings installed and used by persons to whom water is or is to be supplied by the Department are safe and do not cause or contribute to the erroneous measurement of any water or the reverberation of any pipes.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may—

- (a) prohibit the installation, connection or use of the fittings if they have not been approved under the regulations or if they contravene the regulations;
- (b) require the fittings, for the purposes of provision made by virtue of sub-paragraph (a), to be of such a size, nature, strength or workmanship, to be made of such materials or in such a manner or to conform to such standards as may be prescribed by or approved under the regulations;
- (c) impose such other requirements as may be prescribed with respect to the installation, arrangement, connection, testing, disconnection, alteration and repair of the fittings and with respect to the materials used in their manufacture, installation or use;
- (d) make provision enabling the Department to disconnect a service pipe or otherwise cut off the supply of water to premises where the Department has reason for believing—
 - (i) that damage to persons or property is being or is likely to be caused by any damage to, or defect in, any water fittings used in connection with the supply of water to those premises which are not water fittings of the Department;
 - (ii) that water in a main or other pipe of the Department is being or is likely to be contaminated by the return of any substance from those premises to that main or pipe;
 - (iii) that water which is in any pipe connected with any main or other pipe of the Department or which has been supplied by the Department to those premises is being or is likely to be contaminated before it is used; or
 - (iv) that water which has been or is to be so supplied is being or is likely to be wasted or, having regard to the purposes for which it is supplied, misused;

and with respect to the procedure for requiring owners or occupiers to carry out remedial work before a supply of water is restored by the Department, including provision for the Department to undertake such work and recover the costs from such owners or occupiers.

(3) In this Article “safe” has the same meaning as in Part II of the Consumer Protection Act 1987(1).”.

