
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART IV

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Domestic supplies

The domestic supply duty

91.—(1) The domestic supply duty of a water undertaker in relation to any premises is a duty, until there is an interruption of that duty—

- (a) to provide to those premises such a supply of water as (so far as those premises are concerned) is sufficient for domestic purposes; and
- (b) to maintain the connection between the undertaker's water main and the service pipe by which that supply is provided to those premises.

(2) Subject to the following provisions of this Article and to Article 92, a water undertaker shall owe a domestic supply duty in relation to any premises to which this Article applies if—

- (a) a demand for a supply of water for domestic purposes has been made, in accordance with paragraph (5), to the undertaker in respect of those premises; or
- (b) those premises are premises to which this Article applies by reason of a supply of water provided before the transfer date,

and there has been no interruption of the domestic supply duty in relation to those premises since that demand was made or, as the case may be, since the transfer date.

(3) This Article applies to any premises if—

- (a) they consist in the whole or any part of a building and are connected by means of a service pipe to one of the undertaker's water mains; and
- (b) the requirements of paragraph (4) are satisfied in relation to those premises.

(4) The requirements of this paragraph are satisfied in relation to any premises if—

- (a) the pipe by means of which the premises are connected to the water main in question was first connected with that main in pursuance of a connection notice served in respect of those premises;
- (b) that pipe was the means by which a supply of water from that main was being supplied to those premises for domestic purposes immediately before the transfer date;

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- (c) the condition specified in sub-paragraph (b) would be satisfied in relation to the premises if any service pipe to those premises had not been temporarily disconnected for the purposes of any necessary works which were being carried out immediately before the transfer date; or
- (d) the condition specified in any of the preceding sub-paragraphs—
- (i) has been satisfied in relation to the premises at any time on or after the transfer date; and
 - (ii) would continue to be satisfied in relation to the premises had not the whole or any part of a service pipe to those premises, or the main with which such a pipe had been connected, been renewed (on one or more previous occasions).
- (5) For the purposes of this Article a demand in respect of any premises is made in accordance with this paragraph if it is made—
- (a) by the person who is the occupier of the premises at the time when the demand is made; or
 - (b) by a person who is the owner of the premises at that time and agrees with the undertaker to pay all the undertaker's charges in respect of the supply demanded.
- (6) For the purposes of this Article—
- (a) there is an interruption of the domestic supply duty owed by a water undertaker in relation to any premises if that supply is cut off by anything done by the undertaker in exercise of any of its disconnection powers, other than a disconnection or cutting off for the purposes of the carrying out of any necessary works; and
 - (b) a domestic supply duty owed in relation to any premises shall not be treated as interrupted by reason only of a change of the occupier or owner of the premises.
- (7) Nothing in this Article shall impose any duty on a water undertaker—
- (a) to provide a supply of water directly from, or maintain any connection with, a water main which is a trunk main or is or is to be used solely for the purpose of supplying water otherwise than for domestic purposes; or
 - (b) to provide a supply of water to any premises, or maintain the connection between a water main and a service pipe to any premises, during any period during which it is reasonable—
 - (i) for the supply of water to those premises to be cut off or reduced; or
 - (ii) for the pipe to be disconnected,
 for the purposes of the carrying out of any necessary works.
- (8) In this Article references to the disconnection powers of a water undertaker are references to the powers conferred on the undertaker by any of Articles 99 to 101 and 115.

Commencement Information

- 11** Art. 91 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Conditions of compliance with domestic supply duty

92.—(1) Where a demand for the purposes of Article 91(2) has been made to a water undertaker in respect of any premises (“the relevant premises”), the undertaker may make compliance with one or more of the requirements specified in paragraph (2) a condition of providing his first supply of water in compliance with that demand.

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

- (a) a requirement, in a case where the demand is made as a consequence of a supply having been cut off by reason of any person's failure to pay any charges, that the person making the demand 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 cutting off any such supply;
 - (b) 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;
 - (c) 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 paragraph; and
 - (d) 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) Any dispute between a water undertaker and any other person as to whether any requirement of a kind mentioned in paragraph (2)(a) or (b) has been complied with may be referred to the Authority for determination under Article 61 by either party to the dispute.
- (4) Any dispute between a water undertaker and any other person as to whether the expenses referred to in paragraph (2)(a)(ii) were incurred reasonably may be referred to the Authority for determination under Article 61 by either party to the dispute.
- (5) 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).

Commencement Information

I2 Art. 92 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, art. 2(2), Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Enforcement of domestic supply duty

93.—(1) A duty imposed on a water undertaker under Article 91—

- (a) to provide a supply of water to any premises; or
- (b) to maintain a connection between a water main and a service pipe by which such a supply is provided,

shall be owed to the consumer.

(2) Where a duty is owed by virtue of this Article to any person, any breach of that duty which causes that person to sustain loss or damage shall be actionable at the suit of that person; but, in any proceedings brought against a water undertaker in pursuance of this paragraph, it shall be a defence for the undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the breach.

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Commencement Information

- I3** Art. 93 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

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