
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VIII

UNDERTAKERS' POWERS AND WORKS

CHAPTER II

PROTECTION OF UNDERTAKERS' WORKS, APPARATUS, ETC.

Protection of meters

Offence of tampering with a meter

237.—(1) If any person—

- (a) so interferes with a meter used by any relevant undertaker in determining the amount of any charges fixed in relation to any premises as intentionally or recklessly to prevent the meter from showing, or from accurately showing, the volume of water supplied to, or of effluent discharged from, those premises; or
- (b) carries out any works which he knows are likely to affect the operation of such a meter or which require the disconnection of such a meter,

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

(2) A person shall not be guilty of an offence under this Article in respect of anything done by him with the consent under Article 238 of the relevant undertaker which uses the meter or (if the meter is used by more than one relevant undertaker) each of those undertakers.

Consent for the purposes of Article 237

238.—(1) Where an application is made to any relevant undertaker for a consent for the purposes of Article 237, the undertaker—

- (a) shall give notice of its decision with respect to the application as soon as reasonably practicable after receiving it; and
- (b) subject to paragraph (2), may make it a condition of giving any consent that the undertaker itself should carry out so much of any works to which the application relates as is specified in the notice of its decision.

(2) On such an application a relevant undertaker shall not refuse its consent, or impose any such condition as is mentioned in paragraph (1)(b), unless it is reasonable to do so.

(3) Where any relevant undertaker has given a notice to any person imposing any such condition as is mentioned in paragraph (1)(b), the undertaker—

- (a) shall carry out those works as soon as reasonably practicable after giving the notice; and
- (b) may recover from that person any expenses reasonably incurred by it in doing so.

(4) Any dispute between a relevant undertaker and any other person (including another such undertaker)—

- (a) as to whether the undertaker or that other person should bear any expenses under paragraph (3); or
- (b) as to the amount of any expenses to be borne by any person under that paragraph,

shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person or, in default of agreement, by the Authority.

(5) Paragraph (3) shall not apply where the person who was given the notice notifies the undertaker that the carrying out of the works to which the condition relates is no longer required.

Financial obligations with respect to any interference with a meter

239.—(1) A relevant undertaker which carries out any works made necessary by the commission of an offence under Article 237 shall be entitled to recover any expenses reasonably incurred in carrying out those works from the person who committed the offence.

(2) Any person who sustains any loss or damage in consequence of any failure by any relevant undertaker—

- (a) to comply with any obligation imposed on it by Article 238; or
- (b) to exercise reasonable care in the performance of the duty imposed by paragraph (3)(a) of that Article,

shall be entitled to recover compensation from the undertaker.

(3) Any dispute between a relevant undertaker and any other person (including another such undertaker)—

- (a) as to whether the undertaker or that other person should bear any expenses under this Article;
- (b) as to whether the undertaker should pay any compensation under this Article; or
- (c) as to the amount of any expenses to be borne by any person under this Article or as to the amount of any such compensation,

shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person or, in default of agreement, by the Authority.

Obstruction of works, etc.

240.—(1) A person who intentionally obstructs any person acting in the execution of—

- (a) any provision of Chapter II or III of Part IV or Article 225, 228, 230, 231 or 250; or
- (b) any of the relevant sewerage provisions,

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

(2) If on an application made by the owner of any premises, it appears to the county court that the occupier of those premises is preventing the owner from carrying out any work which he is required or authorised to carry out under any of the provisions mentioned in paragraph (1)(a) or (b), the court may authorise the owner to enter the premises and execute the work.