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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 255**

**The Water Supply (Water Fittings)  
Regulations (Northern Ireland) 2009**

**PART I  
PRELIMINARY**

**Citation, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 and shall come into operation on 3<sup>rd</sup> August 2009.

(2) In these Regulations—

“approved contractor” means a person who—

- (a) has been approved by the water undertaker for the area where a water fitting is installed or used, or
- (b) has been certified as an approved contractor by an organisation specified by the Secretary of State or the National Assembly of Wales under The Water Supply (Water Fittings) Regulations 1999<sup>(1)</sup>;

“the Department” means the Department for Regional Development;

<sup>F1</sup> ...<sup>(2)</sup>

<sup>F2</sup> ...<sup>(3)(4)</sup>

“EEA State” means a State which is a contracting party to the EEA Agreement;

<sup>F1</sup> ...

“fluid category” means a category of fluid described in Schedule 1;

“greywater” means waste water from baths, showers, wash basins and washing machines;

<sup>F1</sup> ...

“material change of use” means a change in the purpose for which, or the circumstances in which, premises are used, such that after that change the premises are used (where previously they were not so used)—

- (a) as a dwelling;
- (b) as an institution;
- (c) as a public building; or

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(1) [S.I. 1999/1148](#)

(2) OJNo. L40, 11.2.89, p. 12.

(3) Cmnd 2073

(4) Cmnd 2183.

(d) for the purposes of the storage or use of substances which if mixed with water result in a fluid which is classified as either fluid category 4 or 5;

“the Order” means The Water and Sewerage Services (Northern Ireland) Order 2006;

“reclaimed water” means greywater after treatment which can be used for non-wholesome applications;

“supply pipe” means so much of any service pipe as is not vested in a water undertaker; and

“water undertaker” means a company appointed under Article 13(1) of the Order.

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#### Textual Amendments

**F1** Words in [reg. 1\(2\)](#) omitted (28.11.2015) by virtue of [The Water Supply \(Water Quality\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/363\)](#), regs. 1(1), **3(1)**

**F2** Words in [reg. 1\(2\)](#) omitted (31.12.2020) by virtue of [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), **3(2)**; 2020 c. 1, Sch. 5 para. 1(1)

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#### Commencement Information

**I1** [Reg. 1](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

### Application of Regulations

**2.—(1)** Subject to paragraphs (2) to (4), these Regulations apply to any water fitting installed or used, or to be installed or used, in premises to which water is or is to be supplied by a water undertaker.

(2) These Regulations do not apply to a water fitting installed or used, or to be installed or used, in connection with water supplied for purposes other than domestic or food production purposes, provided that—

- (a) the water is metered;
- (b) the supply of the water is for a period not exceeding one month, or, with the written consent of the water undertaker, three months; and
- (c) no water can return through the meter to any pipe vested in a water undertaker.

(3) Except for the purposes of paragraph 14 of Schedule 2 (Prevention of cross connection to unwholesome water), these Regulations do not apply to water fittings which are not connected or to be connected to water supplied by a water undertaker.

(4) Nothing in these Regulations shall require any person to remove, replace, alter, disconnect or cease to use any water fitting which was lawfully installed or used, or capable of being used, before 3<sup>rd</sup> August 2009.

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#### Commencement Information

**I2** [Reg. 2](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

## PART II REQUIREMENTS

### Restriction on installation etc. of water fittings

3.—(1) No person shall—

- (a) install a water fitting to convey or receive water supplied by a water undertaker, or alter, disconnect or use such a water fitting; or
- (b) cause or permit such a water fitting to be installed, altered, disconnected or used,

in contravention of the following provisions of this Part.

(2) No water fitting shall be installed, connected, arranged or used in such a manner that it causes or is likely to cause—

- (a) waste, misuse, undue consumption or contamination of water supplied by a water undertaker; or
- (b) the erroneous measurement of water supplied by a water undertaker.

(3) No water fitting shall be installed, connected, arranged or used which by reason of being damaged, worn or otherwise faulty, causes or is likely to cause—

- (a) waste, misuse, undue consumption or contamination of water supplied by a water undertaker; or
- (b) the erroneous measurement of water supplied by a water undertaker.

#### Commencement Information

**I3** Reg. 3 in operation at 3.8.2009, see **reg. 1(1)**

### Requirements for water fittings etc.

4.—(1) Every water fitting shall—

- (a) be of an appropriate quality and standard; and
- (b) be suitable for the circumstances in which it is used.

(2) For the purposes of this regulation, a water fitting is of an appropriate quality or standard only if—

<sup>F3</sup>(a) .....

<sup>F4</sup>(b) .....

- (c) it conforms to an appropriate British Standard or some other national specification <sup>F5</sup>... which provides an equivalent level of protection and performance; or
- (d) it conforms with the terms of a specification approved by the Secretary of State or the National Assembly of Wales under The Water Supply (Water Fittings) Regulations 1999.

(3) Every water fitting shall comply with the requirements of Schedule 2 as it applies to that fitting.

(4) Where any requirement of Schedule 2 relates to a water system, every water fitting which forms part of that system shall be fitted or, as the case may be, altered or replaced so as to comply with that requirement.

(5) Every water fitting shall be installed, connected, altered, repaired or disconnected in a workmanlike manner.

(6) For the purposes of this regulation, a water fitting is installed, connected, altered, repaired or disconnected in a workmanlike manner only if the work is carried out so as to conform—

- (a) to an appropriate British Standard<sup>F6</sup>... or some other national specification <sup>F7</sup>... which provides an equivalent level of protection and performance;
- (b) to a specification approved by the Secretary of State or the National Assembly of Wales under The Water Supply (Water Fittings) Regulations 1999; or
- (c) to a method of installation approved by the water undertaker.

#### Textual Amendments

- F3** Reg. 4(2)(a) omitted (31.12.2020) by virtue of [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), **3(3)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Reg. 4(2)(b) omitted (28.11.2015) by virtue of [The Water Supply \(Water Quality\) \(Amendment\) Regulations \(Northern Ireland\) 2015 \(S.R. 2015/363\)](#), regs. 1(1), **3(2)(b)**
- F5** Words in reg. 4(2)(c) omitted (31.12.2020) by virtue of [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), **3(3)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in reg. 4(6)(a) omitted (31.12.2020) by virtue of [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), **3(3)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 4(6)(a) omitted (31.12.2020) by virtue of [The Water and Floods \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/32\)](#), regs. 1(1), **3(3)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

- I4** Reg. 4 in operation at 3.8.2009, see [reg. 1\(1\)](#)

#### Notification

5.—(1) Subject to paragraph (2), any person who proposes to install a water fitting in connection with any of the operations listed in the Table below—

- (a) shall give notice to the water undertaker that he proposes to begin work;
- (b) shall not begin that work without the consent of the water undertaker which shall not be withheld unreasonably; and
- (c) shall comply with any conditions to which the water undertaker's consent is subject.

#### Table

1. The erection of a building or other structure, not being a pond or swimming pool.
2. The extension or alteration of a water system on any premises other than a house.
3. A material change of use of any premises.
4. The installation of—
  - (a) a bath having a capacity, as measured to the centre line of overflow, of more than 230 litres;
  - (b) a bidet or WC with an ascending spray or flexible hose;
  - (c) a single shower unit (which may consist of one or more shower heads within a single unit) which is of a type which conforms to a specification approved by the Secretary of State or the National Assembly of Wales under The Water Supply (Water Fittings) Regulations 1999, not being a drench shower installed for reasons of safety or health, connected directly or indirectly to a supply pipe;

*Table*

- (d) a pump or booster drawing more than 12 litres per minute, connected directly or indirectly to a supply pipe; or a pump delivery pipe drawing water from a supply pipe;
  - (e) a unit which incorporates reverse osmosis;
  - (f) a water treatment unit which produces a waste water discharge or which requires the use of water for regeneration or cleaning;
  - (g) a type BA device or other mechanical device for protection against a fluid which is in fluid category 4;
  - (h) a garden watering system unless designed to be operated by hand;
  - (i) any water system laid outside a building and either less than 750mm or more than 1350mm below ground level;
  - (j) greywater, recycled water, reclaimed water and rainwater harvesting systems;
  - (k) water systems for fire fighting, including domestic sprinklers;
  - (l) a flexible shower hose or other flexible outlet for use in conjunction with a WC; or
  - (m) a 'shower-toilet' or 'bidet- toilet' where, either as part of the WC itself or as an addition or adaptation of it, a stream of water is provided from below the spillover level of the WC pan for personal cleansing.
5. The construction of ponds or swimming pools with a capacity, individually or together, greater than 10,000 litres which are designed to be replenished by automatic means and are to be filled with water supplied by a water undertaker.

(2) This regulation does not apply to the installation by an approved contractor of a water fitting falling within paragraph 2, 4(b), 4(l) or 4(m) in the Table.

(3) The notice required by paragraph (1) shall include or be accompanied by—

- (a) the name and address of the person giving the notice, and (if different) the name and address of the person on whom notice may be served under paragraph (4);
- (b) a description of the proposed work or material change of use; and
- (c) particulars of the location of the premises to which the proposal relates, and the use or intended use of those premises;
- (d) except in the case of a fitting falling within paragraph 4(a), (c), (h) or 5 in the table—
  - (i) a plan of those parts of the premises to which the proposal relates, and
  - (ii) a diagram showing the pipework and fitting to be installed; and
- (e) where the work is to be carried out by an approved contractor, the name of the contractor.

(4) The water undertaker may withhold consent required under paragraph (1), or grant it subject to conditions, by a notice given before the expiry of the period of ten working days commencing with the day on which notice under that paragraph was given.

(5) If no notice is given by the water undertaker within the period mentioned in paragraph (4), the consent required under paragraph (1) shall be deemed to have been granted unconditionally.

**Commencement Information**

**I5** [Reg. 5](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

**Contractor's certificate**

**6.—(1)** Where a water fitting is installed, altered, connected or disconnected by an approved contractor, the contractor shall upon completion of the work furnish a signed certificate stating

whether the water fitting complies with the requirements of these Regulations to the person who commissioned the work.

(2) In the case of a fitting for which notice is required under regulation 5(1), the contractor shall send a copy of the certificate to the water undertaker.

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**Commencement Information**

**I6** [Reg. 6](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

## PART III

### ENFORCEMENT ETC.

#### Penalties for contravening Regulations

- 7.—(1) Subject to paragraph (2), 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 £1000.

(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.

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**Commencement Information**

**I7** [Reg. 7](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

#### Inspections, measurements and tests

8. Any person designated in writing—
- (a) for the purposes of Article 114(4) or 231(3) of the Order, by a water undertaker, or
  - (b) for the purposes of Article 124(2) by the Department of the Environment;

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 of securing compliance with the requirements of Schedule 2.

**Commencement Information**

**18** Reg. 8 in operation at 3.8.2009, see **reg. 1(1)**

**Enforcement**

**9.—(1)** A water undertaker shall enforce the requirements of these Regulations in relation to the area for which it holds an appointment under Part III of the Order.

(2) The duty of a water undertaker under this regulation shall be enforceable under Article 30 of the Order by the Department.

**Commencement Information**

**19** Reg. 9 in operation at 3.8.2009, see **reg. 1(1)**

**Relaxation of requirements**

**10.—(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 Department to authorise a relaxation of that requirement.

(2) The Department shall not grant any authorisation applied for unless—

- (a) the water undertaker has made to the Department a written application;
- (b) the Department is satisfied that a copy of the application has been served by the water undertaker on any persons or bodies likely to be affected by the relaxation; and
- (c) the Department is satisfied that the authorisation does not constitute a potential danger to human health.

(3) The water undertaker shall provide with its application a statement—

- (a) of the grounds on which the authorisation is sought; and
- (b) of the requirements of Schedule 2 which are considered inappropriate.

(4) The Department may grant the authorisation applied for with such modifications as it sees fit.

(5) Any authorisation granted shall specify—

- (a) the grounds on which it is granted; and
- (b) the extent to which a departure from the requirements of Schedule 2 is authorised.

(6) The Department 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 it.

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

(8) The Department may at any time modify or revoke an authorisation granted.

- (a) The Department shall not revoke or modify an authorisation without giving at least one months notice of its intention to do so to the water undertaker unless it appears to it that immediate revocation or modification is required in the interests of public health.

**Commencement Information**

**I10** Reg. 10 in operation at 3.8.2009, see **reg. 1(1)**

**Approval by the water undertaker**

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

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

**Commencement Information**

**I11** Reg. 11 in operation at 3.8.2009, see **reg. 1(1)**

**Disputes**

**12.** 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; or
- (b) as to whether the water undertaker has unreasonably refused to apply to the Department 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 Department.

**Commencement Information**

**I12** Reg. 12 in operation at 3.8.2009, see **reg. 1(1)**

**Publication of information**

**13.**—(1) The water undertaker shall, not later than 30th June in each year, publish a report relating to the preceding year containing—

- (a) a statement of the number of staff involved in the enforcement of these regulations;
- (b) a statement of the number of inspections carried out during the year;
- (c) a statement of the number of notifications received during the year and consents granted;
- (d) a statement of the number of infringements;
- (e) a statement of the number of infringements rectified to comply with regulation requirements;
- (f) a statement of the number of enforcement actions taken; and
- (g) a statement of the number of disputes.

(2) At the same time as it publishes a report in accordance with paragraph (1) the water undertaker shall send a copy of it to the Department.



**Commencement Information**

I13 [Reg. 13](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

**Contamination incidents; remedial works and recovery of expenses**

14. Where a person has caused or permitted contamination of the public drinking water supply by contravening a provision of these Regulations, the water undertaker may—

- (a) carry out such works and take other steps as necessary for remedying the contravention; and
- (b) recover any expenses reasonably incurred in remedying the contravention from that person.

**Commencement Information**

I14 [Reg. 14](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

**Revocation of Regulations**

15. The Water Regulations (Northern Ireland) 1991 are revoked(5).

**Commencement Information**

I15 [Reg. 15](#) in operation at 3.8.2009, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department for Regional Development on 2<sup>nd</sup> July 2009



*John Mills*  
A senior officer of the  
Department for Regional Development

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009.