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STATUTORY INSTRUMENTS

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**1999 No. 1148**

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

**PART I**

**PRELIMINARY**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Water Supply (Water Fittings) Regulations 1999 and shall come into force on 1st July 1999.

(2) In these Regulations—

“the Act” means the Water Industry Act 1991;

“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 organization specified in writing by the regulator;

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the member States relating to construction products<sup>(1)</sup>;

“EEA Agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(2)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(3)</sup>;

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

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that State to the European Commission;

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

“harmonized standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the Commission of the European Economic Community and published by the Commission in the Official Journal of the European Communities;

“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)—

- (i) as a dwelling;

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<sup>(1)</sup> OJNo. L40, 11.2.89, p. 12.

<sup>(2)</sup> Cmnd 2073.

<sup>(3)</sup> Cmnd 2183.

- (ii) as an institution;
- (iii) as a public building; or
- (iv) 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;

“regulator” means—

- (a) in relation to any water undertakers whose area of appointment is wholly or mainly in Wales and their area of appointment, the National Assembly of Wales;
- (b) in relation to all other water undertakers and their area of appointment, the Secretary of State;

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

and paragraph 1 of Schedule 2 has effect for the purposes of that Schedule.

### **Application of Regulations**

2.—(1) Subject to the following provisions of this regulation, 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 1st July 1999.

## **PART II REQUIREMENTS**

### **Restriction on installation etc. of water fittings**

3.—(1) No person shall—

- (a) instal 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—

- (i) waste, misuse, undue consumption or contamination of water supplied by a water undertaker;
- or

(ii) 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—

(i) waste, misuse, undue consumption or contamination of water supplied by a water undertaker;  
or

(ii) the erroneous measurement of water supplied by a water undertaker.

#### **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—

(a) it bears an appropriate CE marking in accordance with the Directive;

(b) it conforms to an appropriate harmonized standard or European technical approval;

(c) it conforms to an appropriate British Standard or some other national specification of an EEA State which provides an equivalent level of protection and performance; or

(d) it conforms to a specification approved by the regulator.

(3) Every water fitting shall comply with the requirements of Schedule 2 to these Regulations 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, a European technical approval or some other national specification of an EEA State which provides an equivalent level of protection and performance;

(b) to a specification approved by the regulator; or

(c) to a method of installation approved by the water undertaker.

#### **Notification**

5.—(1) Subject to paragraph (2), any person who proposes to instal 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 that undertaker which shall not be withheld unreasonably; and

(c) shall comply with any conditions to which the undertaker's consent is subject.

#### TABLE

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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 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), not being a drench shower installed for reasons of safety or health, connected directly or indirectly to a supply pipe which is of a type specified by the regulator;
  - (d) a pump or booster drawing more than 12 litres per minute, connected directly or indirectly to 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 reduced pressure zone valve assembly or other mechanical device for protection against a fluid which is in fluid category 4 or 5;
  - (h) a garden watering system unless designed to be operated by hand; or
  - (i) any water system laid outside a building and either less than 750mm or more than 1350mm below ground level.

5. The construction of a pond or swimming pool with a capacity greater than 10,000 litres which is designed to be replenished by automatic means and is 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) or 4(g) 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) below;
  - (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 (1)(d)(iii)–(v) or (1)(e) above—
    - (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.

#### **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 paragraph 5 above, the contractor shall send a copy of the certificate to the water undertaker.

## **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(4), are hereby revoked.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

31st March 1999

Signed by authority of the Secretary of State for Wales

*Jon Owen Jones*  
Parliamentary Under-Secretary of State, Welsh  
Office

1st April 1999

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(4) 1945 c. 42.