STATUTORY RULES OF NORTHERN IRELAND

2009 No. 255

WATER AND SEWERAGE SERVICES

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

Made - - - -	*2nd July 2009*
Coming into operation	*3rd August 2009*

The Department for Regional Development makes the following Regulations in exercise of the powers conferred by Articles 114 and 300(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(**1**):

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 3rd 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(**2**);

"the Department" means the Department for Regional Development;

"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(**3**);

(**1**) S.I. 2006/3336 (N.I. 21)
(**2**) S.I. 1999/1148
(**3**) OJNo. L40, 11.2.89, p. 12.

"EEA Agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992(**4**) together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993(**5**) as modified or supplemented at 3rd August 2009;

"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;

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

"harmonised 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)—

(a) as a dwelling;

(b) as an institution;

(c) as a public building; or

(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.

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**) Cmnd 2073
(**5**) Cmnd 2183.

(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 3rd August 2009.

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.

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 harmonised 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 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, 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 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.

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;
   - (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.

Table

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.

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.

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.