



The Water Supply (Water Fittings) Enforcement Policy

PROTECTING YOUR WATER SUPPLY & HEALTH:

Northern Ireland Water (NI Water) has a legal duty to make sure the water it supplies is of the highest quality possible. It must also make sure others follow the rules on connecting, using and maintaining pipes and water fittings inside homes and businesses.

These statutory rules are known as the Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 (the Regulations).

They are designed to stop the waste, misuse, undue consumption, contamination and erroneous measurement of water supplied by the company.

Anyone who owns or occupies buildings connected to the public water supply, or who installs plumbing or water fittings, has to follow the Regulations.

It is NI Water's duty to enforce them on behalf of the Northern Ireland Assembly (NIA).

NI Water is allowed to enter premises and carry out inspections to make sure the Regulations are being followed. Article 124 of The Water and Sewerage Services (Northern Ireland) 2006 provide NI Water with rights of entry.

The AIMS OF THIS POLICY ARE:

- To ensure a consistent approach to enforcement of the Regulations within the Northern Ireland Water supply area.
- To provide guidance to all involved with water regulation enforcement to enable them to make decisions in the field, consistent with current government advice and best practice.
- To inform the public and duty holders of the principles by which enforcement action is taken.

THE PURPOSE OF ENFORCEMENT:

The appropriate use of enforcement powers is important; both to secure compliance with the law and to ensure those who have duties under it may be held to account for failures to safeguard against the waste, misuse, undue consumption, contamination and erroneous measurement of the water we supply.

We have a range of options available in seeking to ensure the above aims are met; from providing advice and verbal warning, to initiating a prosecution where the circumstances warrant punitive action.

We have adopted a graduated approach to enforcement in accordance with the NIW Enforcement and Prosecution Policy.

We recognise the best way to achieve compliance is to ensure, by adopting an educative approach and discussing the requirements, that duty holders understand the nature and extent of their responsibilities and comply voluntarily.

Decisions on appropriate enforcement action will be taken based primarily on an assessment of risk to public health and/or where there is excessive waste of water. The compliance history of the duty holder will also influence the decision making process and their willingness to co-operate and remedy water fittings contraventions.

NI Water believes prevention is better than cure and educating customers about their responsibilities is the best way to make sure the Regulations are complied with.

ENFORCING THE REGULATIONS:

If a customer is found in breach of the Regulations NI Water must decide what steps to take. There are a number of things to consider. Is there a risk to public health? How much water is being wasted? Does the customer have a history of breaking the rules? How willing are they to put things right?

The vast majority of customers want to obey the law, so in most situations the best thing is for NI Water to work with them to solve any problems.

Only qualified and authorised NI Water Regulation inspectors will carry out inspections and enforcement duties. The company makes sure its employees are kept up-to-date with changes in the law, with best practice and any changes to its policy.

Our Approach

To make sure the Regulations are enforced fairly, the company's decisions are also based on the guiding principles below:

Consistent

To be fair, decisions have to be consistent. However, no two situations are the same and NI Water employees have to exercise their judgement in each case. To help keep decisions consistent, the company is in regular contact with other water companies and interested groups.

Targeted

NI Water's programme of proactive inspections is based on the potential risk posed by different properties should something go wrong. This decides how often a particular property is inspected, with those that pose the greater potential risk to the public water supply getting more regular visits.

Transparent

If someone is found to be in breach of the Regulations, NI Water will give them a clear explanation of what is wrong and what they need to do. The company may also give advice on how to go beyond the basic requirements and meet current best practice. If the breach is serious and immediate action is needed then NI Water will explain why, verbally and in writing.

Accountable

As a regulatory body, NI Water is accountable for its actions. The way the company deals with comments and complaints are set out in our codes of practice, which are available on our website; www.niwater.com/complaints

WHAT WE CAN DO:

There are a number of steps NI Water can take to make sure the Regulations are complied with.

INFORMAL APPROACH:

In many cases, NI Water will complete an inspection report, explaining what the problem is and how it should be rectified within a specified time. The company will provide further advice to the customer if required.

A revisit will be arranged to make sure problems have been put right. This may not be required if an approved plumber has carried out the work and issued a certificate to confirm the property's water fittings comply with the Regulations.

A full list of approved plumbers operating in NI Water's supply area can be found by referring in the first instance to www.watersafe.org.uk or alternatively www.needaplumber.org

WARNING LETTERS:

These are sent if the informal approach has not worked and a caution or prosecution is not thought to be appropriate.

ENFORCEMENT NOTICES:

These are issued in the case of a serious problem when an informal approach has either failed or is not appropriate. An enforcement notice is a formal document which details work to be undertaken within a specified time. If the work is not completed, then more serious action is likely to follow.

WORKS IN DEFAULT:

If work listed in an enforcement notice is not completed in the specified time, NI Water may carry out the works itself and charge the costs to the person or company concerned.

DISCONNECTION OF SUPPLY:

Sometimes a problem may be so serious it is considered an emergency. If so, NI Water may have to disconnect water to the premises to protect public supplies.

Water supplies can also be stopped if work listed on an enforcement notice has not been completed in time and the premises appear to be empty.

SIMPLE CAUTIONS:

Under some circumstances NI Water may give a simple caution instead of taking someone to court. It is not a form of sentence (which only a court can impose), nor is it a criminal conviction. It is, however an admission of a failure to comply with the Regulations, and may influence how that individual or business is dealt with, should they commit subsequent offences. It may also be cited in court in any subsequent proceedings.

The aims of the simple caution are to:

- Deal quickly and simply with less serious cases where the duty holder has admitted to a failure to comply with the Regulations
- Divert less serious offences from the criminal courts
- Record an individual's failure to comply with the Regulations for possible reference in future criminal proceedings
- Reduce the likelihood of re-offending.

PROSECUTIONS:

Prosecutions will generally be reserved for the most serious cases when the duty holder has failed to respond to an informal approach, and will only be initiated following careful consideration. Before

initiating prosecution procedures NI Water will apply the evidence test and public interest test as described in the NI Water Enforcement and Prosecution Policy.

The following factors will also be considered:

- The seriousness of the alleged offence
- The severity and scale of potential or actual harm
- Any explanations offered by the duty holder
- The willingness of the duty holder to prevent a recurrence of the contravention
- The previous compliance history of the duty holder
- The likelihood that a defence could be established
- The strength and admissibility of the evidence
- The probable public benefit of a prosecution and the importance of the case in establishing a precedent
- Whether other action would be more appropriate or effective

PENALTIES:

Failure to comply with The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 is a criminal offence. Any person or business found guilty of such an offence is liable on summary conviction to a fine not exceeding Level 3 of the Government's standard scale of fines for summary convictions.

DEFENCE:

The Regulations provide for a defence for an owner or occupier charged with an offence which is based on the installation, alteration, repair, connection or disconnection of a water fitting, if they can prove the work was carried out by a NI Water approved plumber who certified that the water fitting complied with the Regulations.

POWERS OF ENTRY:

Authorised officers have the right of entry into any business or domestic premises at a reasonable time, provided (unless in the case of an emergency) 24 hours' notice of the intended entry is given to the occupier. Stopping an authorised officer from entering a property is an offence and anyone found guilty of such an offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale..

If NI Water authorised officers are stopped from entering premises the company may obtain a warrant from the courts. This allows entry to be made by force if necessary and will involve the Police Service for Northern Ireland assisting NI Water.

In all cases, authorised officers must provide evidence of their designation and authority prior to entry and must exercise their powers courteously and with respect for persons and property. In circumstances where a warrant has been obtained and is appropriate, authorised officers must only use reasonable force when this is considered necessary and appropriate to the circumstances.

PUBLICITY:

NI Water will consider publicising any conviction which could serve to draw attention to the need to comply with the Regulations, or deter anyone tempted to disregard their duties under the Regulations.

CONSULTATION:

This Enforcement policy has been developed in consultation with other water companies, the Water Regulations Advisory Scheme (WRAS), the Drinking Water Inspectorate (NI) and the Department for Regional Development Water Policy and Shareholder Division (DRD -WPSD).

FURTHER INFORMATION AND USEFUL CONTACTS:

The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 make provision for preventing the waste, misuse, undue consumption, contamination and erroneous measurement of water and are published by Her Majesty's Stationary Office. They are available to view or download from www.legislation.gov.uk

A leaflet on the 'Water Fittings Regulations' is available on the NI Water website under the heading 'about your water' at www.niwater.com/water-fittings-regulations or can be requested by telephoning Waterline on 03457 440088 or by writing to

Northern Ireland Water
PO Box 1026
Belfast
BT1 9DJ

Water Regulations Advisory Scheme (WRAS)

Fern Close, Pen-y-Fan Industrial Estate, Oakdale, Gwent, NP11 3EH

Tel 01495 248454

Email: Info@wras.co.uk

www.wras.co.uk

Watersafe

Watersafe is an umbrella organisation bringing together thousands of qualified contractors employed by plumbing businesses from the seven existing Approved Contractors' Schemes across the UK

Tel 0333 2079030

Email: info@watersafe.org.uk

www.watersafe.org.uk

SNIPEF

The Scottish and Northern Ireland Plumbing Employers Federation (SNIPEF)

Bellevue House, 22 Hopetoun Street, Edinburgh, EH7 4GH

Tel 0131 5560600

Email: info@snipef.org

www.needaplumber.org

The Department for Infrastructure – Water Policy and Shareholder Division

Tel 028 90542985

Email: waterpolicy@drdni.gov.uk

DFI Water Policy and Shareholder Division
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

REVIEW:

This enforcement policy will be reviewed every two years or when necessary as a result of changes in legislation or centrally issued guidance.

Date of last Review November 2016