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# Keeping Water Safe in Premises

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Water Industry policy for the  
enforcement of the Water  
Supply (Water Fittings)  
Regulations and the Scottish  
Water Byelaws

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December 2013

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# 1. Introduction

It is part of the mission of Water Undertakers to **keep water safe in premises and conserve supplies**. This document sets out how this will be achieved. The safety and efficient use of water is regulated across the UK, in part, through the application of The Water Supply (Water Fittings) Regulations and the Scottish Water Byelaws, hereafter both referred to as the Water Fittings Regulations. The Water Fittings Regulations set out the design, maintenance and operating standards required of plumbing systems in all types of premises, to protect public health and safeguard supplies by preventing the contamination, waste, misuse, undue consumption and the erroneous measurement of water supplied. Compliance with the Water Fittings Regulations has the added benefit of managing costs for consumers, reducing environmental impacts and supporting compliance regarding health and safety legislation as it relates to plumbing systems.

Water Undertakers have a legal duty to ensure the Water Fittings Regulations are complied with within their appointed supply areas. It is in everyone's interest for Water Undertakers to help all those involved in designing, building, maintaining and operating plumbing systems to understand how to comply with the Water Fittings Regulations. The enforcement of the Water Fittings Regulations is an integral part of Water Undertakers' Drinking Water Safety Plans, and is a key element in determining the strategy for managing their business risks.

The purpose of this document is to set out Water Undertakers' commitments to the effective enforcement of the Water Fittings Regulations. It describes the principles that Water Undertakers will follow in ensuring compliance and how they will work with organisations and stakeholders to achieve these outcomes. This document is intended as an overarching policy and will be reviewed every three years. The implementation of this policy will be supported by Water Undertakers' own policies and nationally established best practice documents which will be kept under review and updated to reflect changes in law and knowledge gained.

## 2. Roles and Responsibilities

Key roles and responsibilities for the implementation and enforcement of the Water Fittings Regulations are detailed below, with other related roles and responsibilities provided set out in Appendix A. In this policy the term enforcement refers to a range of educational, preventative and enforcement activities which ensure compliance with the Water Fittings Regulations.

### a. Water Undertakers

Water Undertakers have legal obligations to enforce the Water Fittings Regulations and, in accordance with the Water Quality Regulations, monitor the quality of water they supply to ensure water quality standards are maintained to the customers' taps. How enforcement strategies, sampling and monitoring regimes are undertaken are set out in Water Undertakers' policies and Drinking Water Safety Plans.

Water Undertakers keep Local Authorities informed about the wholesomeness and sufficiency of water supplies in their appointed area and notify the Local Authority where there are risks to water supplies provided for drinking, domestic purposes or the commercial production of food or drink.

### b. Designers, installers, premises owners and occupiers

There is a duty on all those who design, install, maintain, alter, remove or use water fittings to ensure the Water Fittings Regulations are complied with. This includes notifying Water Undertakers of certain proposed works, using compliant fittings and appliances and carrying out work in a manner that ensures all necessary technical requirements are met.

The Water Fittings Regulations place legal obligations on Approved Installers to issue customers and Water Undertakers, where required, with “regulations compliance” certificates for work they have undertaken.

Premises owners, occupiers and operators are also responsible for ensuring that the plumbing system continues to comply with the Water Fittings Regulations by operating, monitoring and maintaining their systems correctly.

### c. Regulators

The level of regulatory protection provided is very similar across the UK. In the context of water safety, parliamentary devolution has led to the development of separate and distinct legislation in England, Northern Ireland, Scotland and Wales. There are different regulatory bodies in each country, hereafter referred to as Regulators, with similar responsibilities for enforcing this legislation.

The regulatory system in each country consists of several tiers with different Regulators positioned in each tier, each holding different levels of authority and responsibility.

The legislation relevant to this policy and the corresponding regulatory authorities are detailed in the glossary and appendices of this document.

### d. The Water Regulations Advisory Scheme Ltd (WRAS)

WRAS is an advisory body established and funded by Water Undertakers with the express purpose of promoting compliance with the Water Fittings Regulations. It facilitates consistent interpretation of the Water Fittings Regulations; consults on behalf of Water Undertakers on matters related to the Water Fittings Regulations; provides a free technical enquiry service; publishes guidance and maintains a directory of products which have been shown to comply with the Water Fittings Regulations. It administers the Water Industry Approved Plumbers Scheme (WIAPS), a register of Approved Installers for those Water Undertakers who require it.

## 3. General Principles

Water Undertakers have adopted the following principles for the enforcement of the Water Fittings Regulations. Enforcement includes prevention, assessments and actions resulting from the identification of non-compliance.

### a. Proportionality

Water Undertakers will secure compliance with the Water Fittings Regulations by responding to failings in a way which is proportionate to the severity and persistence of the contraventions identified. This will generally involve taking account of the degree of risk, meaning the likelihood and possible severity of adverse consequences such as inadequate public health protection or waste of water.

In some instances the precautionary principle may need to be applied which will require remedial action to be taken even though the risks may be uncertain. In these cases decisions will be guided by the best available evidence of the likelihood of risks materialising in the foreseeable future.

### b. Transparency

Water Undertakers will assist those responsible for complying with the Water Fittings Regulations to understand what is required of them and in turn what they can expect from their Water Undertaker. Water Undertakers will have clear and accessible Water Fittings Regulations enforcement policies, which include an appeals process.

Where contraventions are identified, to achieve compliance with the Water Fittings Regulations, Water Undertakers will provide clear and concise information describing any contravention, the regulatory

requirements and the timescales for completion of remedial works to be carried out. When Water Undertakers develop guidance they will consult relevant interested parties when appropriate and make it publicly available (see e. Accountability below).

### c. Consistency

Consistency means Water Undertakers taking a similar approach in similar cases to achieve similar outcomes within which a degree of discretion is available. Discretion allows variables to be taken into account, such as the competence of the regulated person or business and their approach to risk management and ensuring regulatory compliance.

Where appropriate the Water Fittings Regulations will be applied using nationally established advice, interpretations and guidance. Water Undertakers' procedures will be applied fairly, uniformly and in line with the Water Undertaker's own policies.

### d. Targeting

Water Undertakers will prioritise and direct enforcement effort effectively. This means concentrating effort to address the most significant risk. It may also involve identifying and acting on evidence of systemic risk or behaviour not conducive to effective risk management.

### e. Accountability

Whilst remaining independent in the decisions they take, Water Undertakers are accountable to those Regulators detailed in appendix A, their customers and other stakeholders for effective enforcement of the Water Fittings Regulations.

Water Undertakers will have policies and standards based on the enforcement principles set out in this document against which they can be measured. Policies will include effective and accessible mechanisms for dealing with comments and complaints, including the right to appeal according to the provisions of the Water Fittings Regulations.

## 4. Actions in support of compliance

Water Undertakers will seek to encourage and work with all relevant parties to support compliance with the Water Fittings Regulations, recognising that the majority of designers, installers and users want to comply with legal requirements.

### a. Prevention

Water Undertakers recognise that the best way to improve compliance with the Water Fittings Regulations is through education and advice. This will assist users and those responsible for the design and installation of water fittings and plumbing systems to understand the nature and extent of their responsibilities and any actions required to ensure compliance is achieved voluntarily.

#### (i) Information and Education

Water Undertakers are committed to providing easily accessible routes to information, advice and guidance on the requirements of the Water Fittings Regulations. Information will be developed that is clear and concise. Water Undertakers will engage with WRAS to co-ordinate consultations and communications with stakeholders, and the development of guidance and promotional materials including articles for journals and magazines.

#### (ii) Supporting customers

Where permitted, Water Undertakers will offer guidance, advice and support to customers to help them comply.

Water Undertakers provide, through WRAS, a national technical helpline service to assist both the public and professionals. Where enquiries fall out of scope of the Water Fittings Regulations, Water Undertakers may refer customers to specialist external organisations such as trade bodies.

### (iii) Supporting professionals

Water Undertakers recognise the key role that professionals and trade associations such as public health engineers, designers, specifiers and installers play in securing compliance with the Water Fittings Regulations on behalf of their customers. Water Undertakers will support professionals through appropriate guidance, advice or collaboration as may be appropriate.

### (iv) Installer Approval Schemes

Water Undertakers recognise the benefits Approved Installers offer customers and support all recognised Approved Contractor Schemes including the national WaterSafe initiative.

### (v) Fittings Approval Schemes

Water Undertakers recognise and encourage suitable approval schemes and directories, which validate materials or water fittings as complying with the Water Fittings Regulations when correctly installed and used. Water Undertakers support the WRAS Approval Scheme for approved water fittings and materials. They also support development of national guidance on alternative methods for confirming the compliance of water fittings and materials.

### (vi) Advanced notification

In addition to the mandatory items of work which require advanced notification, Water Undertakers will encourage installers using unfamiliar products or technologies, for example water re-use systems, including rainwater or greywater, to provide advanced notification<sup>1</sup> and seek advice so as to reduce the likelihood of contravening the Water Fittings Regulations. This will minimise the risks to public health and the need for enforcement action being required.

## b. Assessment

In seeking compliance with the Water Fittings Regulations Water Undertakers use a risk based approach to target enforcement activity.

### (i) Assessment of risks

Water Undertakers will use relevant guidance and risk assessment methodologies to judge the greatest potential for adverse consequences to occur. In deciding where best to target effort Water Undertakers will use the best available information for example notifications, inspections, water quality monitoring results, installation records, customer contacts, significant industry events and alerts and Drinking Water Safety Plans. Water Undertakers will actively monitor risk and share information across the industry, ensuring changes to risk are identified and appropriate responses are developed.

### (ii) Inspection

Water Undertakers use inspections as an effective tool to determine levels of compliance and validate their risk assessment processes.

Typically two types of inspection are carried out:

- **Planned** inspections of premises identified by risk assessment. In the case of Approved Installers planned inspections are used to verify compliant installation practices continue to be applied.
- **Reactive** inspections are used where a contravention is suspected, for example reported water quality failures or reports of suspected contravention of the Water Fittings Regulations.

<sup>1</sup> The example given only applies in England, Scotland and Wales, advanced notification is a mandatory requirement in Northern Ireland

## 5. Dealing with contraventions

Water Undertakers have a range of options available to them when dealing with contraventions and will select an appropriate approach in line with the General Principles set out in Section 3.

### a. Advisory and warning letters

Where appropriate, Water Undertakers can issue advisory letters which may include recommendations to installers, owners or users to ensure they are aware of contraventions found at premises. Warning letters may be used reminding those responsible of the need to comply with the law regarding the requirements of the Water Fittings Regulations without prejudice to other enforcement actions.

### b. Notices

Water Undertakers can serve notices requiring contraventions to be corrected within specified timescales. Notices can be served without prejudice to other powers of enforcement conferred on Water Undertakers in primary legislation (see Appendix B).

### c. Direct Intervention

In specific circumstances Water Undertakers have legal powers to enter premises and carry out improvements or disconnections as necessary for the protection of public health, persons or property. Reasonable costs can be recovered from the premises owner or occupier.

### d. Simple Cautions

Where an offence is admitted Water Undertakers may in line with their company policy have the option, under some circumstances, to use Simple Cautions<sup>2</sup> in place of initiating a prosecution.

### e. Prosecution

Failure to comply with the Water Fittings Regulations is a criminal offence and Water Undertakers can seek to prosecute<sup>3</sup> those who are suspected of committing an offence in line with their prosecution policy and national legislative requirements. Water Undertakers will consider the principles set out in the Code for Crown Prosecutors and take into account the following factors:

- Sufficiency of evidence
- Likelihood of conviction
- Public interest

## 6. Appeals and redress

Water Undertakers will have a clear and accessible dispute resolution policy.

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<sup>2</sup> Not applicable in Scotland.

<sup>3</sup> In England, Northern Ireland and Wales, Water Undertakers are enabled to prosecute suspected offenders. In Scotland, *the Procurators Fiscal rather than the Water Undertakers* decide upon and undertake prosecutions the role of the Water Undertaker is to submit the case for prosecution to the Procurators Fiscal.

## 7. Commitments

Water Undertakers and WRAS have made the following commitments to support continuous improvement in levels of compliance and the enforcement of the Water Fittings Regulations.

### a. Policy

All Water Undertakers will develop and have a documented Water Fittings Regulations enforcement policy:

- (i) Policies will be publicly available for example on company websites or by request.
- (ii) Policies will be time limited and have a commitment to review.
- (iii) Policies will include company specific appeals and redress processes.
- (iv) WRAS will facilitate the review of the national policy, as a minimum, every three years, but will also update the policy as required to reflect changes in law and knowledge gained.

### b. Enforcement

Water Undertakers commit to supporting the continuous improvement of the enforcement of the Water Fittings Regulations:

- (i) Water Undertakers, through WRAS, will support the development and implementation of a set of key performance measures to monitor progress and demonstrate implementation of this policy, thereby enabling Water Undertakers to compare their own performance against the rest of the industry.
- (ii) Water Undertakers will share company specific approaches within the industry to support the continuous development and the application of best practice within the industry.
- (iii) Water Undertakers, assisted by WRAS, will continue to develop and promote consistent approaches to the interpretation and application of the requirements of the Water Fittings Regulations.

### c. Integrated approach

Water Undertakers are committed to using a risk-based approach to the enforcement of the Water Fittings Regulations as an integrated part of their Drinking Water Safety Plans:

- (i) Water Undertakers will share experiences and information on the identification of potential hazards. WRAS will support Water Undertakers in developing best practice guidance to facilitate the identification of emerging risks. This will assist individual Water Undertakers in developing their company's policies and procedures.
- (ii) Water Undertakers will review their risk assessment methods and outcomes, at least annually, when planning enforcement activities.
- (iii) Water Undertakers will carry out proactive activities aimed at preventing non-compliance and targeted reactive activities designed to identify and remedy non-compliance.

### d. Water Fittings

The Water Fittings Regulations require that every water fitting used in connection with the public supply will be of an appropriate quality or standard:

- (i) Water Undertakers support WRAS approvals as one method of demonstrating compliance.
- (ii) Water Undertakers will support the development and promote the use of guidance on alternative methods which demonstrate water fittings compliance.
- (iii) Water Undertakers will promote the use of compliant water fittings to their customers.
- (iv) Water Undertakers will continue to ensure compliance within their own premises and facilities, where the Water Fittings Regulations apply.



### e. Approved Installers

Water Undertakers will actively support Approved Contractors Schemes and encourage the availability of greater numbers of approved contractors:

- (i) Water Undertakers will actively support the marketing and communications of WaterSafe in their area of operation.
- (ii) Water Undertakers will encourage a greater uptake in Approved Contractor Scheme membership year on year.
- (iii) Water Undertakers who subscribe to WIAPS or operate an Approved Contractor Scheme will undertake the minimum WaterSafe audit requirements.

### f. Supporting

Water Undertakers are committed to providing advice and information to raise awareness and support individuals and organisations in achieving compliance with the Water Fitting Regulations:

- (i) Water Undertakers will provide on their website information relating to the Water Fittings Regulations or links to information, including the requirements for advanced notification of proposed work.
- (ii) Water Undertakers, with the assistance of WRAS, will develop, provide, promote and monitor the use of guidance which supports compliance with the Water Fittings Regulations and ensure it remains current and relevant.

## 8. Critical success measures

The following critical success measures have been identified to describe the outcomes that should be delivered by the implementation of this policy, in the longer term. As part of the implementation of the policy, measures will be developed to monitor the industry's progress in delivering these outcomes.

- (i) Record numbers of samples from customers' taps meet water quality standards due to improvements in compliance of plumbing systems with the Water Fittings Regulations.
- (ii) Cross-connections are prevented through achieving improved standards of plumbing.<sup>4</sup>
- (iii) Effective collaboration with key stakeholders helps to reduce the number of contraventions found.
- (iv) Improving compliance supports a reduction in undue consumption and waste incidents.
- (v) The water industry is consistent in delivering effective enforcement and demonstrates this through published performance data.
- (vi) Risk is well understood by Water Undertakers who proactively monitor contraventions across the UK to identify and respond effectively to emerging risks.
- (vii) Improved plumbing standards are achieved through increasing membership of Approved Contractors Schemes.
- (viii) Specifiers, designers, installers, operators and those maintaining water fittings and plumbing systems have easy access to clear information and guidance from Water Undertakers to help them get it right first time, every time.
- (ix) Through effective enforcement of the Water Fittings Regulations, retailers are encouraged to sell compliant fittings where they are intended for use on the public water supply.
- (x) Product approval by water industry recognised approval and certification bodies is highly valued by product manufacturers, retailers and consumers.
- (xi) The Water Fittings Regulations, guidance and working practices are regularly reviewed and appropriate improvements recommended to the regulator for consideration.

<sup>4</sup> It is also important to be mindful of drainage miss-connections and other issues, which may be in contravention of complementary building or health and safety related regulations.

## Consultation

In developing this policy an open consultation was undertaken which included the following stakeholder groups:

- Legislators, including Defra, DRD, Water Industry Team and Drinking Water Quality Division (Scotland), Welsh Government.
- Regulators, including DWI for England and Wales, DWI for Northern Ireland, DWQR.
- Water Industry, including Water Undertakers, Licensed Water Suppliers, Licensed Providers, Water UK.
- Trade Associations
- Approved Contractor Schemes
- Other interested groups

## Glossary

In this policy document the following words and phrases have been given the following meanings as they relate to the water sector:

**Water Fittings Regulations** refer to the requirements for water fittings and plumbing systems which use, can be used, or convey water in premises connected or to be connected to the Public Water Supply as set out in the following legislation:

The Water Supply (Water Fittings) Regulations 1999 (as amended) - in England and Wales

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

Scottish Water Byelaws 2004 - in Scotland

The Water Fittings Regulations apply from the point where water leaves the part of the service pipe owned by the Water Undertaker and enters the premises underground pipe.

**Premises** refer to land and all the improvements within its boundaries such as buildings or other structures.

**Water Undertakers** are organisations or companies defined as water undertakers in the following legislation:

Water Industry Act 1991 (as amended) - in England and Wales

The Water and Sewerage Services (Northern Ireland) Order 2006 (as amended) - in Northern Ireland

Water (Scotland) Act 1980 (as amended) – in Scotland

**Public Water Supply** refers to the water supplied by a Water Undertaker defined above.

**Private Water Supply** refers to the provision of water which has not been supplied from the Public Water Supply and falls under the jurisdiction of the Private Water Supplies Regulations defined below.

**Private Water Supplies Regulations** refers to the requirements for the standards of wholesomeness and provision of water from sources other than from the Public Water Supply and in England and Wales to the further distribution of public water supplies (see Appendix A4) as set out in the following legislation:

The Private Water Supplies Regulations 2009 (as amended) – in England

The Private Water Supplies Regulations (Northern Ireland) 2009 (as amended) – in Northern Ireland

The Private Water Supplies (Scotland) Regulations 2006 (as amended) – in Scotland

The Private Water Supplies (Wales) Regulations 2010 (as amended) – in Wales

**Water Quality Regulations** refers to the requirements for the standards of wholesomeness of drinking water as set out in the following legislation:

The Water Supply (Water Quality) Regulations 2000 (as amended) - in England

The Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended) - in Northern Ireland

The Water Supply (Water Quality) (Scotland) Regulations 2001 (as amended) - in Scotland

The Water Supply (Water Quality) (Wales) Regulations 2010 - in Wales

**Plumbing systems** means all pipework, taps, fittings and appliances conveying water for any purposes, which are installed between the Water Undertakers distribution network and the point of use by the consumer. For the purposes of this document it also includes the private distribution network comprising supply pipes, fittings and storage cisterns used in the further distribution of the public water supply, all of which are the responsibility of the owner(s)<sup>5</sup>.

**Water fittings** means the individual components, fittings or pipework that make up a plumbing system or assembled products or appliance connected to a plumbing systems.

**Approved Installers**, commonly known as Approved Plumbers, are members of an Approved Contractor Scheme.

Approved Installers are authorised to certify the compliance of their work under the Water Fittings Regulations. The scope of work that can be certified may be limited depending on the type of accreditation which has been granted by their Approved Contractor Scheme.

**Approved Contractor Scheme** is a scheme operated by a Water Undertaker or other body authorised by the Regulators defined in The Water Supply (Water Fittings) Regulations 1999. They provide a register of installers who are competent and have the relevant knowledge of the Water Fittings Regulations applicable to their level of accreditation. Examples of the types of accreditation an Approved Installer may be registered can cover the installation or maintenance of:

- Below ground pipe only; or
- Catering equipment only; or
- Water coolers only; or
- Any part of plumbing systems within the scope of the Water Fittings Regulations.

At the time of writing there are seven Approved Contractor Schemes:

Water Undertakers' schemes

- Aplus – Anglian Water Services Ltd
- Taps – Thames Water Utilities Ltd
- Water Industry Approved Plumbers Scheme (WIAPS) – WRAS
- Watermark - Severn Trent Water Ltd

Independent schemes

- Association of Plumbing and Heating Contractors (APHC)
- Chartered Institute of Plumbing and Heating Engineering (CIPHE)
- Scottish and Northern Ireland Plumbing Employers' Federation (SNIPEF)

<sup>5</sup> These may also be known as Domestic Distribution Systems or an Onward Distribution Systems.

**WaterSafe** is the brand name of the WaterSafe Installers' Scheme initiated by the seven Approved Contractor Schemes detailed above. It unites them under a single brand identity and provides an online directory of Approved Businesses employing competent individuals. Its aim is to make it easier for customers to recognise and find an Approved Business operating in their area.

## Links to other relevant information

There are a number of supporting guidance documents and information notes that help customers, occupiers, building operators, designers and installers comply with the Water Fittings Regulations. The list below is not to be considered complete or exclusive.

[WRAS Information and Guidance Notes and leaflets \(WRAS website\)](#)

[Water Undertakers' interpretations \(WRAS website\)](#)

[World Health Organisation – Water safety in buildings](#)

[Defra - Enforcement Policy Statement](#)

[DWI E&W - Enforcement Policy](#)

[Northern Ireland DWI-NI - Enforcement and Prosecution Policy](#)

[Crown Prosecution Service - Code for Crown Prosecutors](#)

[BERR - Regulators Compliance Code](#)

[Ministry of Justice - Simple Cautions for Adult Offenders](#)

[The Workplace \(Health, Safety and Welfare\) Regulations 1992](#)

[HSE - Approved Code of Practice L24 for Workplace health, safety and welfare](#)

[HSE - Approved Code of Practice L8 for Legionella](#)

## Appendix A – Additional Roles and Responsibilities

### 1. Government

Governments draft legislation needed to protect public health and secure water resources for all, which are then approved by the respective Parliaments and National Assemblies.

The table below details the executive authorities and their area of responsibility in the water sector.

Area of Responsibility	England	Northern Ireland	Scotland	Wales
<b>Policy and legislation</b>	The Department for Environment, Food and Rural Affairs (Defra)	Department for Regional Development (DRD)	Scottish Government; Water Industry Team and Drinking Water Quality Division <sup>6</sup>	Welsh Government

### 2. Regulators

Various regulatory bodies are responsible for enforcing the legislative requirements to protect the health of consumers and ensure both public and private water supplies meet the requirements of the EU Drinking Water Directive.

Some regulators are empowered to take enforcement action against Water Undertakers who fail to enforce the Water Fittings Regulations or meet the requirements of the Water Quality Regulations.

Water Undertakers are responsible for enforcing the Water Fittings Regulations within their appointed supply area. Water Undertakers are not technically regulators, however in enforcing the Water Fittings Regulations they are undertaking regulatory activities and as such, have a responsibility to comply with the principles outlined in the Regulators' Compliance Code.

The table below details the various regulators and their area of responsibility in the water sector.

Area of Responsibility	England	Northern Ireland	Scotland	Wales
<b>Ensuring the safety of Public Water Supplies</b>	Chief Inspector of Drinking Water for England	Chief Inspector of Drinking Water for Northern Ireland	Drinking Water Quality Regulator (DWQR)	Chief Inspector of Drinking Water for Wales
<b>Ensuring the safety of Private Water Supplies</b>	Chief Inspector of Drinking Water for England <sup>7</sup>	Chief Inspector of Drinking Water for Northern Ireland	Drinking Water Quality Regulator (DWQR) <sup>7</sup>	Chief Inspector of Drinking Water for Wales <sup>7</sup>
<b>Ensuring compliance with the Water Fittings Regulations</b>	The Department for Environment, Food and Rural Affairs (Defra)	Department for Regional Development (DRD)	Scottish Water	The Department for Environment, Food and Rural Affairs (Defra)

<sup>6</sup> Scottish Water Byelaws are drafted by Scottish Water and confirmed by Scottish Ministers

<sup>7</sup> Enforcement is undertaken by the relevant Local Authority

Area of Responsibility	England	Northern Ireland	Scotland	Wales
<b>Responsibility for enforcement actions arising where a Water Undertaker fails to enforce the Water Fittings Regulations</b>	Chief Inspector of Drinking Water for England	Department for Regional Development (DRD)	Drinking Water Quality Regulator (DWQR)	Chief Inspector of Drinking Water for Wales
<b>Economic regulation</b>	The Water Services Regulation Authority (OFWAT)	Northern Ireland Authority for Utility Regulation (NIAUR)	The Water Industry Commission for Scotland (WICS)	The Water Services Regulation Authority (OFWAT)
<b>Consumer representation</b>	Consumer Council for Water (CCW)	The Consumer Council for Northern Ireland	Scottish Public Services Ombudsman (SPSO) – until March 2014; Consumer Futures (part of Citizen Advice) - from April 2014	Consumer Council for Water (CCW)

### 3. Local Authorities

With the exception of Northern Ireland, Local Authorities are responsible for checking the safety and sufficiency of both public and private water supplies in their area. They are required to have effective working arrangements in place with Water Undertakers and licensees supplying water in their area and liaise regularly with them. They are also responsible for enforcing the Private Water Supplies Regulations.

Where a supply is considered to be unwholesome or insufficient, Local Authorities have a range of enforcement options available to them to prevent the potential for harm to human health. When required Local Authorities will liaise with their relevant public health agency<sup>8</sup> to seek advice on whether there is a potential for harm to human health.

### 4. Further distribution of public water supplies

In England and Wales under the Private Water Supplies Regulations there are, in some cases, dual responsibilities where water drawn from a Public Supply is further distributed to other persons who are not direct customers of Water Undertakers. Water Undertakers have the responsibility for ensuring compliance with the Water Fittings Regulations and Local Authorities a duty to ensure public health is protected. Where contraventions place public health at risk, the responsible Water Undertaker and Local Authority will agree which is the appropriate body to take the lead in any enforcement action.

<sup>8</sup> Public health agencies have been reformed and are now known as, Public Health England, Public Health Scotland and Public Health Wales.

## Appendix B - Overview of Legislation

The table below details primary and secondary legislation as it applies across the UK for the provision and protection of drinking water supplies.

Legislation	England	Northern Ireland	Scotland	Wales
Primary Legislation - Principal Acts and Orders	Water Industry Act 1991 (as amended)	The Water and Sewerage Services (Northern Ireland) Order 2006 (as amended)	Water (Scotland) Act 1980 (as amended) and Water Industry (Scotland) Act 2002	Water Industry Act 1991 (as amended)
Powers and Offences provided by primary legislation which can be used in relation to the Water Fittings Regulations	Section 73, 74 & 75	Articles 113, 114 & 115	Water (Scotland) Act 1980: Section 70, 73, 74 & Schedule 4; Sections 28, 29, 30, & 31(1)	Section 73, 74 & 75
Secondary legislation - Public Water Supplies, Water Fittings	The Water Supply (Water Fittings) Regulations 1999 (as amended)	The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009	Scottish Water Byelaws 2004	The Water Supply (Water Fittings) Regulations 1999 (as amended)
Secondary legislation - Public Water Supplies, Drinking Water Quality	The Water Supply (Water Quality) Regulations 2000 (as amended)	The Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended) and The Water Supply (Domestic Distribution Systems) Regulations (Northern Ireland) 2010	The Water Supply (Water Quality) (Scotland) Regulations 2001 (as amended) and The Water Quality (Scotland) Regulations 2010	The Water Supply (Water Quality) (Wales) Regulations 2010
Secondary legislation - Private Water Supplies	The Private Water Supplies Regulations 2009 (as amended)	The Private Water Supplies Regulations (Northern Ireland) 2009 (as amended)	The Private Water Supplies (Scotland) Regulations 2006 (as amended) and The Water Quality (Scotland) Regulations 2010	The Private Water Supplies (Wales) Regulations 2010 (as amended)

The secondary legislation transposes into law the European Union Council Directive 98/83/EC on the quality of water intended for human consumption. Compliance with this Directive is the responsibility of the UK (as a member state) with Defra providing UK representation.

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