



**PROPOSED WATER SUPPLY (WATER FITTINGS)  
REGULATIONS (NI) 2009**

**CONSULTATION REPORT**

**July 2009**

## **CONTENTS**

1. Introduction
2. The Consultation
3. Key Points
4. Conclusion

## **Annexes**

- Annex 1 Respondents to Public Consultation
- Annex 2 Summary of points raised in the Consultation

## 1. Introduction

- 1.1 The Department for Regional Development has completed a public consultation exercise on the proposed Water Supply (Water Fittings) Regulations (Northern Ireland) 2009. All responses received have now been analysed and the Department's views, along with any changes made to proposed Regulations, are outlined in the following report.
- 1.2 The proposed Regulations will set out standards for water pipes, fittings and apparatus using water in order to prevent waste, misuse or contamination of water supplied by the water undertaker (Northern Ireland Water). The proposed Regulations are similar to the Water Supply (Water Fittings) Regulations 1999 (S.I 1999/1148)<sup>1</sup> in place in England and Wales. A similar regime exists in Scotland, implemented through the Water Byelaws 2000.
- 1.3 These new Regulations enhance the regime already in place under the Water Regulations (Northern Ireland) 1991<sup>2</sup> and provide improved consumer protection through the use of Approved Contractor Schemes. The integrity of the public water supply network will also be enhanced by prescribing that appropriate backflow prevention devices be fitted to prevent contaminated water from entering public supplies.
- 1.4 The proposed Regulations are not retrospective, meaning that they do not apply to fittings that were lawfully installed or in use before the regulations come into operation. However, the undertaker can require a person to make improvements if there is a significant risk of contamination or waste through use of powers contained in the Water and Sewerage Services (Northern Ireland) Order 2006 (the 2006 Order)<sup>3</sup>.
- 1.5 The 16 week consultation period ended on 7th November 2008. This report outlines and responds to the main comments received and indicate, where

---

<sup>1</sup> S.I 1999/1148 as amended by S.I 1999/1506

<sup>2</sup> S.R 1991/50

<sup>3</sup> S.I 2006/3336 (N.I. 21)

appropriate, how the final regulations have been amended to take into account any points raised.

## **2. The Consultation**

- 2.1 The purpose of the consultation on the proposed Water Fittings (Water Supply) Regulations (Northern Ireland) 2009 was to provide installers and consumers with information on the purpose of the Regulations and give them a chance to comment on proposals.
- 2.2 The consultation highlighted proposed new policy changes to the current regime and outlined the drivers for change. The Department was, therefore, keen to take independent views on the proposed regulations.
- 2.3 The Consultation Document was issued to over 300 organisations, groups and individuals and a press release publicising the consultation was issued on 28 July 2008. This release explained briefly the purpose and duration of the consultation process and how copies of the consultation document or further information could be obtained. The consultation document was also placed on the DRD website [http://www.drdni.gov.uk/index/water\\_policy.htm](http://www.drdni.gov.uk/index/water_policy.htm).
- 2.4 There were 12 written responses received from organisations. A list of the respondents is provided at Annex 1.

### **3. Key Points**

- 3.1 The main points raised in response to the consultation are set out at Annex 2 together with the Department's analysis and response. Some of the respondents to the consultation on the proposed Regulations took the opportunity to make comments on broader issues not specifically related to the regulations. This included comments on the work carried out by specific organisations as well as the need to promote water efficiency.
- 3.2 Overall 12 organisations responded to the public consultation on the proposed Regulations. Of these two made no specific comment on the policy proposals but used the opportunity to inform the Department of the work that they undertake.
- 3.3 The consultation asked 15 specific questions. A summary of the answers to these questions and the Department's response is set out as follows:

#### Consultation Question 1

##### **1. Do you agree that all installers (plumbers) should inform the water undertaker when they intend to carry out the following works?**

- 3.4 All respondents who made comments were supportive of this proposal. While the Northern Ireland Environment Link (NIEL) agreed with this question they raised the point that notifications must not put a disproportionate administrative burden on installers or property owners. They also stated that water saving devices such as greywater and rainwater re-use systems should be encouraged rather than put-off by administrative hurdles. The Water Regulations Advisory Scheme (WRAS), who replied on behalf of UK water suppliers, and Northern Ireland Water (NIW) suggested some amendments to the wording in the notifications table.

## Response

3.5 The Department is content that the notifications table will not create any unnecessary administrative burdens and will only serve to increase protection of the public drinking water supply. Whilst the Department encourages and supports the use of greywater and rainwater harvesting systems this must be balanced against the risk of contamination to the public drinking water supply. Notifications will allow NIW to set the conditions that will enable the safe installation of such a system. Only one of the suggested amendments was not adopted which was that two of the required notifications be combined. Whilst we appreciate the intention of this amendment was to simplify the table it would have the unintended consequence of inserting ambiguity into the Regulations.

## Consultation Question 2

**2. Do you also agree that the installer should not begin work until NIW has given consent and that any conditions specified by NIW must be followed?**

3.6 All respondents who made comments were supportive of this proposal. The Scottish and Northern Ireland Plumbing Employers Federation (SNIPEF) stated that NIW should be given a maximum of 10 days to apply conditions or consent is deemed to be given unconditionally. NIEL made the point that inspections should be conducted frequently to ensure that standards are being met.

## Response

3.7 The Department agrees with SNIPEF and this is already set out in regulation 5. The proposed Regulations will allow NIW to operate a risk based inspection programme that the Department believes is sufficient to ensure standards are being met. The Department also has the power to take enforcement action against NIW if it is felt that NIW are not enforcing the Regulations adequately.

### Consultation Question 3

**3. Do you agree that installers should provide all occupiers with certificates stating that any work carried out on their behalf meets the requirements of the Regulations?**

3.8 All respondents who made comments were supportive of this proposal. SNIPEF and NIW stated that only Approved Contractors should be able to issue certificates. NIEL suggested that certificates should include a statement on the effect the works have had on water wastage.

### Response

3.9 The Department agrees with SNIPEF and NIW and this is already set out in regulation 6. The certificates are designed to provide the consumer with reassurance that any work carried out by an approved contractor is regulation compliant. Providing a statement on the impact on water wastage that the works had would represent an unfair and unnecessary extra burden on the installer. It is not the role of an approved contractor to offer advice on water wastage although their experience may allow for it. Manufacturer's specifications for products should also outline water usage and it will be up to the consumer to decide what product they wish to install as long as it meets regulation requirements.

### Consultation Question 4

**4. Do you agree that an Approved Contractor Scheme should be put in place?**

3.10 All respondents who made comments were supportive of this proposal. SNIPEF made the point that anyone operating an Approved Contractor Scheme should either be members of the Plumbing Industry Licensing Scheme or meet the criteria laid down by the Plumbing Industry Licensing Scheme. WRAS highlighted the fact that they are currently seeking statutory

registration of plumbers in England and Wales. NIEL suggested that the scheme should be used for sharing best practice on reducing water consumption and reinforcing the importance of reducing water consumption.

### Response

3.11 As NIW are the enforcement authority they will set the criteria for any Approved Contractor's Scheme. It is anticipated that NIW will benchmark against the criteria other UK water undertakers apply to their own schemes. Approved contractors can either be approved by the undertaker or certified by an organisation specified under the Water Supply (Water Fittings) Regulations 1999. In respect of the statutory registration of plumbers our primary legislation does not contain the power to introduce such a scheme. However an Approved Contractor Scheme provides an immediate means of raising plumbing standards, and statutory registration may be considered at a later date. While Approved Contractors may be able to offer consumers advice on how best to reduce water consumption this would not be regarded as their primary role. The aim of the Approved Contractor Scheme is to assist in raising standards across the plumbing industry; promote the use of qualified installers; and increase customer protection.

### Consultation Question 5

**5. Do you agree that it is appropriate to rely on specifications approved under the Water Supply (Water Fittings) Regulations 1999?**

3.12 All respondents who made comments were supportive of this proposal. NIW pointed out some drafting errors that appeared in the Regulations. WRAS stated that the specifications referred to are out of date. NIEL believe that Northern Ireland should meet or exceed best practice in the rest of the UK and Europe.

## Response

3.13 The Department has corrected the highlighted drafting errors and does not believe that the specifications being out of date is an issue. This is because when the specifications are updated it will still be under the remit of the Water Supply (Water Fittings) Regulations 1999. By using the same specifications as in the rest of the UK we are ensuring that there is consistency of interpretation of Fittings Regulations across the UK. This is to aid manufacturers and suppliers. It must be highlighted that the Department has not been limited by other UK Regulations. While we aim to introduce consistency across the UK we have improved upon existing Regulations by imposing new categories of notifiable works; imposing an obligation on NIW to publish an annual enforcement report; and inserting a power for NIW to recoup any reasonable costs incurred in remedying any contravention of the Regulations from the offending consumer.

## Consultation Question 6

**6. Do you agree that the proposed Regulations should increase the current level of fine for contravening the water fittings from £400 to £1000?**

3.14 All respondents who made comments were supportive of this proposal.

## Response

3.15 The Department had intended to increase the level of fine to level 5. However upon further consideration we are now content that the original proposed level of fine would be more appropriate in reflecting the level of risk regarding any contravention of the regulations.

### Consultation Question 7

**7. Do you agree that NIW should act as the enforcement authority for the proposed Regulations?**

3.16 All respondents who made comments were supportive of this proposal. However, NIEL made the point that Building Control inspectors should also assess compliance and report to NIW.

#### Response

3.17 Building Control inspectors have no power to inspect fittings under the proposed Regulations. Also the Department feels that there will be adequate protection in place through the water fittings enforcement team.

### Consultation Question 8

**8. Do you agree that the Department should be allowed to relax the requirements of the Regulations on application from NIW?**

3.18 All respondents who made comments were supportive of this proposal. NIEL proposed that this should only be allowed in very specific cases and that the conditions and scenarios that might necessitate a dispensation should be outlined by the Department. These terms should be consulted upon before becoming guidance.

#### Response

3.19 As NIW will only apply for relaxations in exceptional circumstances it will not be possible to produce any guidance. An example of where relaxations could be applied is where it is recognised that new fittings are regulation compliant but not yet specified. One of the aims of this regulation is to encourage innovation in the water fittings market. However, this regulation has been amended to prescribe further requirements that must be met before the

Department will authorise any relaxation. Any decision to relax the requirements would be taken in conjunction with the wider water industry and no relaxation would be granted that posed a risk to public health and the public drinking water supply.

#### Consultation Question 9

**9. Do you agree that NIW should publish any new method of installation that they approve?**

3.20 All respondents who made comments were supportive of this proposal. SNIPEF go on to say that this would need to be done in conjunction with the installing industry both in terms of consultation and promotion.

#### Response

3.21 The Department agrees with the point raised and regulation 11 sets out that NIW should appropriately publish new methods of installation. It is anticipated that approval for any new method of installation will be taken in conjunction with the wider water industry.

#### Consultation Question 10

**10. Do you agree that Regulations should contain provision for dispute resolution?**

3.22 All respondents who made comments were supportive of this proposal. SNIPEF wished to know if the Department had decided what the minimum qualifications of any arbitrator would be.

## Response

3.23 Although no concrete decisions have yet been taken with regard to this matter the Department supplied SNIPEF with a list of possible qualifications that may be considered in the appointment of any arbitrator.

## Consultation Question 11

### 11. **Do you agree that NIW should publish an annual enforcement report?**

3.24 WRAS was concerned as there is no requirement in the rest of the UK to publish an annual enforcement report. The Consumer Council, in agreeing that the enforcement report is a positive approach to ensure openness and transparency regarding enforcement of these Regulations, states that any information published should be done so in an accessible format. NIEL also suggested that best practice examples should be highlighted in the report.

## Response

3.25 In light of the recent transition of NIW from an agency within the Department for Regional Development to a Government-owned company, the Department and NIW are both keen to report on, and promote the benefits of, water regulation enforcement in an open and transparent manner. While no firm decisions have yet been taken by NIW as to where they will publish the Water Fittings Annual Report it is likely that it will form part of the NIW Annual report. As NIW will be responsible for publishing the annual enforcement report the suggestion to include best practice examples has been forwarded to them for consideration.

## Consultation Question 12

**12. Do you agree that NIW should have the power to recoup any reasonable costs incurred in remedying any contamination incident?**

3.26 All respondents who made comments were supportive of this proposal. WRAS pointed out that powers should not be limited to contamination incidents. The Consumer Council also highlighted the fact that the Regulations do not make it clear that recovery of costs will be passed onto the offender.

### Response

3.27 The Department feels that the Water and Sewerage Services (Northern Ireland) Order 2006 offers broader powers in terms of carrying out work and recouping costs in respect of damage, waste, misuse and undue consumption of water. Whilst it was always the intention of the Department to pass on the costs of remedying any contravention to the offender we have reworded regulation 13 to provide the clarity Consumer Council suggests.

## Consultation Question 13

**13. Do you agree that there is a need for NIW to be able to rate premises by water fluid categories in order to develop a risk management strategy in order to determine where there is a possible high risk of contamination to the public drinking water supply?**

3.28 All respondents who made comments were supportive of this proposal.

### Response

3.29 The Department is content.

#### Consultation Question 14

**14. Do you agree that new more stringent forms of backflow and backsiphonage prevention should be set out in the Regulations?**

3.30 All respondents who made comments were supportive of this proposal.

#### Response

3.31 The Department is content.

#### Consultation Question 15

**15. Do you agree that the Department should seek to reduce current permissible flush volumes for toilets and cycle volumes for washing machines?**

3.32 All respondents who made comments were supportive of this proposal. SNIPEF agree but go on to say that this would need to be done through appropriate consultation. WRAS say that many modern appliances use substantially less water and any changes would need to be consistent across the UK to assist manufacturers and suppliers to minimise costs. NIEL made the point that buildings should be designed and fitted with devices to enable water use targets to be met.

#### Response

3.33 The current proposed limits are already in operation throughout the rest of the UK. The reductions introduced by the Regulations are to set a minimum standard for the water industry in Northern Ireland and to ensure consistency across the UK. Any future reductions would need to be consistent across the UK to help manufacturers and suppliers minimise costs and would, therefore, be subject to consultation. The Department of Finance's Buildings Regulations Unit are responsible for considering water efficiency and water

use targets within the home, and a copy of the NIEL response was sent to them for consideration when they are next updating Building Regulations.

#### **4. Conclusion**

- 4.1 The Department is grateful for all the responses made as part of the public consultation on the proposed Water Supply (Water Fittings) Regulations (Northern Ireland) 2009. We are pleased that the proposals were well received and supported by the respondents. As a result of the comments provided by respondents a number of changes have been made providing better clarity in the final version of the Regulations. A list of the respondents is included at Annex 1 and a summary of the responses provided is attached at Annex 2.
- 4.2 No issues were raised by the Commission or other Member States during the European technical consultation carried out to meet the requirements of EU Directive 98/34/EC (the Technical Standards and Regulations Directive).

**LIST OF RESPONDENTS TO PUBLIC CONSULTATION ON THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NORTHERN IRELAND) 2009**

<b>RESPONDENT NUMBER</b>	<b>NAME OF RESPONDENT</b>
1	Disability Action
2	Eastern Health and Social Services Board
3	The Participation Network
4	Ulster Society for the Protection of the Countryside
5	Western Education and Library Board (WELB)
6	Scottish and Northern Ireland Plumbing Employers Federation (SNIPEF)
7	Fermanagh District Council
8	Northern Health and Social Services Board
9	Northern Ireland Water (NIW)
10	Water Regulations Advisory Scheme (WRAS)
11	Consumer Council for Northern Ireland (CCNI)
12	Northern Ireland Environment Link

**Note: Organisations 1 and 3 made no specific comments in relation to the policy proposals**

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
<b>1. Do you agree that all installers (plumbers) should inform the water undertaker when they carry out the following Works?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
9	Agree and recommended additional items to be notified.	We have amended the Regulation accordingly, with one exception. This is because the suggested amendment could open a loophole in the regulations in relation to a bidet or WC with an ascending spray or flexible hose which represents the highest category of backflow risk.
10	Recommended a change of wording in regulation 5 to make it clearer	We agree that the current wording is unclear, and have amended the Regulations accordingly.
12	Stated a desire that the notifications process does not create an unfair administrative burden on installers and property-owners.	The purpose of the notifications table is not to create unnecessary administrative burdens, but rather to assist Northern Ireland Water (NIW) in assessing if installations pose a risk of contamination to, or undue consumption of, the public drinking water supply. NIW will be able to assess the merits of any installation before giving consent.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
<b>2. Do you also agree that the installer should not begin work until NIW has given consent and that any conditions specified by NIW must be followed?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
6	NIW should be given a maximum of 10 working days to give consent or apply conditions. If no response is received by the applicant, consent is deemed to have been given.	The Department fully supports and agrees with the point raised and regulation 5(4) reflects this.
12	Inspections, measurement and tests should be conducted frequently to ensure standards are being met.	New Regulations will permit NIW to proactively inspect premises to ensure Regulations are being complied with, and enables them to give directions to make installations regulation compliant. The Department also has the power to take enforcement action against NIW if it is felt that NIW are not enforcing the regulations adequately.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
<p><b>3. Do you agree that installers should provide all occupiers with certificates stating that any work carried out on their behalf meets the requirements of the regulations?</b></p>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
6, 9	<p>Certificates should only be issued by those contractors who meet the requirements of an Approved Contractor Scheme.</p>	<p>Regulation 6 sets out that certificates will only be issued by approved contractors.</p>
12	<p>The certificates should include a statement of the impact on water wastage that the works have had. Such information should be provided in advance of installations as part of quotations to assist owners decide on the long-term costs of their new appliances.</p>	<p>The certificates are designed to provide the consumer with reassurance that any work carried out by an approved contractor is regulation compliant. Providing a statement on the impact on water wastage that the works had would represent an unfair and unnecessary additional burden on the installer. It is not the role of an approved contractor to offer advice on water wastage although their experience may allow for it. Manufacturer's specifications for products should outline water usage and it will be up to the consumer to decide what product they wish to install as long as it meets regulation requirements. NIW is currently updating its water efficiency plan and intends dedicating additional resources to</p>

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
		the promotion of water efficiency.
<b>4. Do you agree that an Approved Contractor Scheme should be put in place?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
6	Recommend that those who wish to operate the Approved Contractor Scheme should either be members of the Plumbing Industry Licensing Scheme or meet the criteria laid down by the Plumbing Industry Licensing Scheme.	NIW as the enforcement authority will set the criteria for any Approved Contractor's Scheme. It is anticipated that NIW will benchmark against the criteria other UK water undertakers apply to their own schemes. Approved contractors can be approved by the undertaker or certified by an organisation specified under the Water Supply (Water Fittings) Regulations 1999.
10	Seeking statutory registration of plumbers.	Currently we are unable to address the issue of statutory registration of plumbers. Our primary legislation does not contain provision to introduce such a scheme. However an Approved Contractor Scheme provides an immediate means of raising plumbing standards and the issue of statutory registration may be considered at a later date.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
12	Should be used for sharing best practice on reducing water consumption and reinforce the importance of reducing water consumption.	<p>While Approved Contractors may be able to offer consumers advice on how best to reduce water consumption this would not be regarded as their primary role. The aim of the Approved Contractor scheme is to:</p> <ul style="list-style-type: none"> <li>• assist in raising standards across the plumbing industry;</li> <li>• promote the use of qualified installers, and</li> <li>• increase customer protection.</li> </ul>
<b>5. Do you agree that it is appropriate to rely on specifications approved under the Water Supply (Water Fittings) Regulations 1999?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
9	Recommended minor alterations to Regulations as drafting errors were made in the 1999 Regulations.	We have amended the Regulations accordingly.
10	Specifications referred to in 1999 Regulations are out-of-date.	This is not an issue as the Water Supply (Water Fittings) Regulations 1999 will still remain the “principal Regulations” when amending Regulations are introduced in England and Wales. When technical specifications are updated it will be under the remit of the 1999 Regulations.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009  
ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
12	Northern Ireland should meet or exceed best practice in the rest of the UK and Europe.	<p>While the proposed regulations are based on UK best practice we have not been limited by other UK regulations. We have built upon existing UK Water Fittings regulations by:</p> <ul style="list-style-type: none"> <li>• imposing new categories of notifiable works to reflect new areas that have been identified as posing a significant risk;</li> <li>• imposing an obligation on NIW to publish an annual enforcement report;</li> <li>• inserting a power for NIW to recoup any reasonable costs incurred in remedying any contravention of the regulations from the offending consumer; and</li> <li>• prescribing further requirements that must be met before the Department would authorise any relaxation of the Regulations.</li> </ul>
<b>6. Do you agree that the proposed regulations should increase the current level of fine for contravening the water fittings from £400 to £1000?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
	The Department had intended to increase the level of fine to level 5. However, upon further consideration, we are now	

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
	content that the original proposed level of fine would be more appropriate in reflecting the level of risk regarding any contravention of the regulations.	
<b>7. Do you agree that NIW should act as the enforcement authority for the proposed Regulations?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
12	Building Control inspectors should also assess compliance and report to NIW.	Building Control inspectors have no power to inspect fittings under the proposed Regulations. Also the Department feels that there will be adequate protection in place through the water fittings enforcement team.
<b>8. Do you agree that the Department should be allowed to relax the requirements of the Regulations on application from NIW?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
12	The conditions and scenarios that might necessitate a dispensation should be outlined by the Department. These terms should be consulted on before	As NIW will only apply for relaxations in exceptional circumstances it will not be possible to produce any guidance. An example of where relaxations could be applied is where it is recognised that new fittings are regulation compliant but not yet specified. One of the aims of this regulation is to encourage innovation in the

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
	becoming guidance.	water fittings market. However, this regulation has been amended to prescribe further requirements that must be met before the Department will authorise any relaxation. Any decision to relax the requirements would be taken in conjunction with the wider water industry and no relaxation would be granted that posed a risk to public health and the public drinking water supply.
<b>9. Do you agree that NIW should publish any new method of installation that they approve?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
6	Agree that NIW should be in a position to publish new methods of installation, but it must be done in conjunction with the installing industry both in terms of consultation and promotion.	The Department agrees with the point raised and regulation 11 provides that NIW should appropriately publish new methods of installation. It is anticipated that approval for any new method of installation will be taken in conjunction with the wider water industry.
<b>10. Do you agree that the Regulations should contain provision for dispute resolution?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
6	Interested to know what the minimum qualifications of an arbitrator would be.	The Department responded with a list of possible qualifications that might be considered in the appointment of any arbitrator.
<b>11. Do you agree that NIW should publish an annual enforcement report?</b>		
2, 4, 5, 6, 7, 8, 9, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
10	There is no requirement to produce an annual report in the rest of GB. Arrangements should be the same throughout the UK.	In light of the recent transition of NIW from an agency within the Department for Regional Development to a Government-owned company, the Department and NIW are keen to report on, and promote the benefits of, water regulation enforcement in an open and transparent manner.
11	Any information published should be done so in an accessible format.	While no firm decisions have yet been taken by NIW as to where they will publish the Water Fittings Annual Report it is likely that it will form part of the NIW Annual report.
12	To complement regulation and enforcement best practice examples should also be highlighted.	As NIW will be responsible for publishing the annual enforcement report this suggestion has been forwarded to them for consideration.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
<b>12. Do you agree that NIW should have the power to recoup any reasonable costs incurred in remedying any contamination incident?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
10	The recovery of costs should include those involved in entering the premises and rectifying plumbing infringements where the person responsible fails to do so after a reasonable period of notice.	Under Article 115 of the Water and Sewerage Services (Northern Ireland) Order 2006 there are powers available for the undertaker to deal with such situations. Where there is a risk of damage, waste, misuse, undue consumption of water the undertaker has the power to set out in a notice certain steps that must be taken to rectify the problem. When the period of a notice expires and necessary work has not been carried out the undertaker has the power to carry out the work and recoup expenses reasonably incurred.
11	Not clear in Regulations that recovery of costs will be passed onto the offender. It is unacceptable for other compliant customers to bear the cost of those who have contravened Regulations.	In respect of regulation 13 the intention of the Department was always that the costs of remedying any contravention would be passed onto the offender. We have amended the regulation accordingly.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
<b>13. Do you agree that there is a need for NIW to be able to rate premises by water fluid categories in order to develop a risk management strategy in order to determine where there is a possible high risk of contamination to the public drinking water supply?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
<b>14. Do you agree that new more stringent forms of backflow and backsiphonage prevention should be set out in the Regulations?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
<b>15. Do you agree that the Department should seek to reduce current permissible flush volumes for toilets and cycle volumes for washing machines?</b>		
2, 4, 5, 6, 7, 8, 9, 10, 11, 12	<b>SUPPORTIVE OF PROPOSALS</b>	
6	As long as there is appropriate consultation between the installing industry, manufacturers, merchants, NIW and the public.	The current proposed limits are already in operation throughout the rest of the UK. However any future proposed reductions would need to be consistent across the UK to help manufacturers and suppliers minimise costs and would, therefore, be subject to consultation.

**SUMMARY OF POINTS RAISED ABOUT THE PROPOSED WATER SUPPLY (WATER FITTINGS) REGULATIONS (NI) 2009**  
**ANNEX 2**

ORGANISATION	COMMENTS	DEPARTMENTAL RESPONSE
10	Changes need to be consistent across UK to assist manufacturers and suppliers minimise cost. Limits proposed for washing machines and dishwashers are already in use as EU requirements and many modern appliances use substantially less water	The reductions introduced by the Regulations are to set a minimum standard for the water industry in Northern Ireland and to ensure consistency across the UK. Any future reductions would need to be consistent across the UK to assist manufacturers and suppliers minimise costs and would, therefore, be subject to consultation.
12	NIEL believes that buildings should be designed and fitted with devices to enable water use targets to be met: for example, a maximum water use of 100 litres per person per day may be an appropriate target.	The Department of Finance's Buildings Regulations Unit are responsible for considering water efficiency and water use targets within the home. A copy of this response was sent to Buildings Regulations Unit for consideration when they are next updating Building Regulations.

**NB Organisations 1 and 3 made no specific comments in relation to the policy proposals**