



## Water Supply (Water Fittings) Regulations 1999

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Enforcement Policy

Issue No. 7

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## Document Revision History

Rev	Purpose	Originated	Checked	Reviewed	Auth'd	Date
1	Original documentation	Alison Lindsay	Rob Waters	RW	Mike Hegarty	April 2000
2	Complete revision	Alison Murphy	RW	RW	MH	December 2002
3	Complete revision in response to publication of Industry Best Practice dated June 2003	AM	Jeremy Downer	JD	MH	March 2004
4	Updated to reflect guidance in Best Practice document	AM	JD	JD	MH	April 2005
5	Updated to reflect changes in company practices	AM	Rob Baldry	RB	MH	January 2014
6	Updated to reflect Company restructure and to include section on Public Buildings	AM	RB	RB	Lester Sonden	February 2015
7	Complete Revision	Harriet Price	Adrian Palmer	Ian Adams	Tom Kelly	June 2021

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## Glossary of Terms

<b>Term</b>	<b>Definition</b>
The Act	Water Industry Act 1991
The Regulations	Water Supply (Water Fittings) Regulations 1999
WIAPS	Water Industry Approved Plumbers Scheme
WRAS	Water Regulations Advisory Scheme

## 1. Scope

The Water Industry Act 1991 states that Water Undertakers have a legal duty to ensure the supply of water to premises is wholesome (suitable for human consumption). Therefore, SES Water takes an approach that it must provide supplies of the highest possible quality.

SES Water must ensure others follow the Regulations when connecting, using and maintaining pipes and water fittings at any premises we supply. These Regulations are called The Water Supply (Water Fittings) Regulations 1999. They are designed to stop waste, misuse, undue consumption, erroneous measurement and most importantly to prevent the risk of contamination to the public water supply.

It is SES Water's right and, in many cases duty, to enforce these Regulations in its network to protect water quality and the health of the public. SES Water's employees and contractors are empowered to enter properties and carry out inspections of new and existing plumbing installations to ensure work is carried out to the correct standard and complies with the Water Regulations to maintain a wholesome water supply.

## 2. Introduction

### **The Aims of this Policy**

- To make sure that there is a consistent approach to the enforcement of the Regulations within SES Water's network.
- To provide guidance and support to all involved with Regulations enforcement.
- To highlight the principles used to guide enforcement action.

### **The Purpose of Enforcement**

SES Water enforce the Regulations to:

- Ensure that the public water supply remains wholesome and safe to drink.
- Minimise any risk to health due to contaminated water.
- Reduce the wastage of water and promote water efficiency.
- Preserve our water resources.
- To comply with our statutory obligations.

## **Application of the Regulations**

The Water Regulations apply to any water fitting that is or will be fitted within a property connected to the water supplied by SES Water. This is to ensure that systems are designed and maintained to the correct standard within individual premises so that our water network remains protected.

The Regulations apply to:

- **Waste** – Water that is allowed to run to waste through inappropriate, faulty or damaged fittings and appliances. These have financial implications, effect the environment and waste resources.
- **Misuse** – The use of water supplied by SES Water for any purpose other than what it was supplied for, for example using water to produce electricity.
- **Undue Consumption** – This refers to systems designed with fittings and appliances that use more water than they were designed for.
- **Erroneous Measurement** – This relates to the by-passing or tampering of a water meter, meaning the water has been stolen.
- **Contamination** – This relates to reduction in water quality caused by non-approved fittings, failure to install correct backflow protection, unauthorised use of a fire hydrant/wash out, and/or illegal connections, leading to issues such as a change in colour, temperature, taste or odour of the water.

Designers, installers, owners and occupiers of properties all have a legal responsibility to ensure they comply with these Regulations. They must follow Regulation 4 to ensure all water fittings are of appropriate quality and suitable for use.

SES Water must be notified of certain types of work to be carried out under Regulation 5, please see [www.seswater.co.uk/waterregs](http://www.seswater.co.uk/waterregs) for more information on when you must notify us.

### 3. General Principles of Enforcement and Our Approach

Our approach to enforcement will vary from advice through to court action depending on severity and number of contraventions. We will use the full range of enforcement and sanctioning tools that are available to us, in combination if necessary, to achieve the best outcomes to safeguard the public water supply and / or protect public health. However, our main aim and first line of action is always to provide advice, education and guidance to those who need it before taking further steps. SES Water has adopted the following principles of enforcement:

- **Proportionality** – Responses to non-compliance will be in a manner proportionate to the severity of the hazard identified and its potential risk to cause harm. Actions taken against individuals will depend on the risk and their persistence to cause contraventions.
- **Transparency** – SES Water will clearly explain to an individual or company what they have done to breach the Regulations and the remedial actions required to correct it.
- **Consistency** – We strive to be consistent to ensure fairness, but no two situations are the same, and as such SES Water’s employees will exercise their judgement in each case. To ensure consistency, SES Water keep in contact with other water companies and industry groups.
- **Targeting** – Our inspections are based on the potential risk posed should an incident occur. How often a property is inspected depends on the size of risk to the public water supply. Those with a bigger risk, will have more regular inspections.
- **Accountability** – SES Water is accountable for its actions. If you wish to make a comment or complaint, you can do so on our website <https://seswater.co.uk/contact-us/complaints-and-compliments>.

## 4. Enforcement Methods

There are several steps SES Water can take to make sure the Regulations are being complied with.

### A. Inspections

#### Initial Inspection

Where contraventions are found during an inspection, we will issue a report. This will explain clearly what the problem is, what should be done to rectify it, and a reasonable time frame we expect it to be done by.

#### Re-inspection

A re-inspection will be arranged to ensure all the contraventions have been rectified within the timeframe. However, if you use an approved plumber to rectify the contraventions, they will issue a certificate to say the property's water fittings and installations comply with the Regulations, meaning a second inspection may not be required. A full list of approved plumbers can be found at <https://www.watersafe.org.uk/>.

#### Reactive Inspections

We may need to investigate water quality failures or where we suspect contraventions of the Regulations.

### B. Enforcement Letters

These are issued where work set out in the report from initial inspection has not been carried out within the set timeframe, but where a caution or prosecution is not thought appropriate at this stage.

### C. Notice of Intention to Prosecute

These are issued in the event of a serious problem where an enforcement letter is not appropriate. This is a formal document which states the contraventions must be corrected. If the work is not completed, more serious action is to follow. Alternatively, where corrective action is not possible the notice of intention to prosecute will set out the offences in respect of which prosecution is contemplated.

Where investigations continue a caution may be included in the Notice of intention to prosecute.

### D. Works in Default

If work listed on an enforcement notice is not completed within the timeframe, SES Water has the right to carry out any remedial work required and charge the costs to the person or organisation at fault. Information on our charges can be found here <https://seswater.co.uk/-/media/files/seswater/your-account/your-charges-explained/wholesale-charges-2021-22.pdf> for up until March 31<sup>st</sup> 2022.

### E. Disconnection of Supply

In some cases, a problem may be so serious it is considered an emergency. If so, in line with s.75 of The Act, SES Water may have to disconnect the water to protect the public water supply. SES Water can also disconnect the supply if work requested is not completed in time or the property is empty.



## **F. Cautions**

SES Water may issue a caution as oppose to taking you to court. A caution is not a conviction, but by accepting it, an individual or organisation admit to breaching the Regulations. This has the potential to affect how you are dealt with should any further offences or contraventions be committed. This can also be used in any future court hearings. The aim of a caution is to:

- Reduce the likelihood of reoffending
- Deal with the issue quickly and simply where there is admission of failure to comply with the Regulations within the timeframe given
- Divert less serious offences away from court
- Record the failing for future reference should further proceedings take place

## **G. Prosecutions**

This is for serious cases and will only be considered where our initial approach has not worked, or where there are frequent, less serious breaches.

Prior to commencing proceedings SES Water will apply the same tests the Crown Prosecution Service use in deciding whether the case should be brought to court.

The Evidence and Public Interest Tests are available in the Crown Prosecution Service Code for Crown Prosecutors. In summary, a prosecution will be brought if the Full code test is met: (i) there must be sufficient evidence to support a realistic prospect of conviction (ii) the prosecution must be in the public interest. The Evidence and Public Interest Tests are available in the Crown Prosecution Service Code for Crown Prosecutors.

The following will also be considered:

- The seriousness of the alleged offence
- The severity of potential or actual harm<sup>1</sup>
- The willingness to prevent reoffending and any explanation offered
- The approach to rectifying the issue
- The strength of evidence
- The public benefit of a prosecution and the importance of setting a precedent
- Whether any other action would be more appropriate or effective

A prosecutions committee (separate from any individual investigating the matter) will consider whether a prosecution should proceed based upon the factors set out above.

## **H. Penalties**

Failure to comply with the Regulations is a criminal offence. Any person or organisation convicted can receive a fine not exceeding level 3 on the standard scale, per offence.

## **I. Defence**

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

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<sup>1</sup> For example, the risk of contamination will almost always justify prosecution due to the severity of potential harm.

## **J. Powers of Entry**

Employees with authorisation from SES Water have the right to enter any premises, at any reasonable time of day with 24 hours' notice. Prior notice is not required if deemed an emergency or serious incident. If access is refused and the person is found guilty, they could receive a fine not exceeding level 1 on the standard scale.

If SES Water employees are prevented from entering a premises, the court may issue a warrant allowing entry to be made by force if necessary.

## **K. Publicity**

If a person or organisation is found guilty in court for breach of the Regulations, SES Water will consider publicising this. This could be done through our own website, social media or other publications. Or through the general media.

## **5. Further Information**

SES Water have produced a range of support documents and information sheets to aid compliance with the regulations, which can be found on our website.

[www.seswater.co.uk/waterregs](http://www.seswater.co.uk/waterregs)

### **SES Water Regulations Team:**

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**Water regulation legislation** can be found at: [www.legislation.gov.uk](http://www.legislation.gov.uk)

Printed copies of enacted legislation can be purchased from the contracted legislation publisher; **The Stationery Office Limited (TSO):**

The Stationery Office Limited  
PO Box 29  
Norwich NR3 1GN  
T: 0870 600 5522  
E: [book.orders@tso.co.uk](mailto:book.orders@tso.co.uk)  
W: [www.tso.co.uk/bookshop](http://www.tso.co.uk/bookshop)

### **Water Regs UK / Water Industry's Approved Plumber Scheme (WIAPS)**

Water Regs UK is a subscription membership company working on behalf of UK water companies. Water Regs UK has two departments and services:

- Water Regs UK Subscriptions Service – supporting water suppliers in their role to enforce the Water Supply (Water Fittings) Regulations.
- Water Industry Approved Plumbers Scheme (WIAPS) – administers and promotes the WIAPS approval scheme.

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**WaterSafe** is a directory of approved plumbers with training in the Regulations:  
[www.watersafe.org.uk](http://www.watersafe.org.uk)

## 6. Review

This enforcement policy will be reviewed and revised when deemed necessary. The date of the last review was June 2021.