

# Enforcement Policy

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## Water Supply (Water Fittings) Regulations 1999

To comply with its legal duty to provide a water supply of the highest quality, South West Water Ltd (“the Company”) must ensure that others connecting to or using the Company’s water supply use the appropriate water fittings and/water installations to prevent the waste, misuse, contamination, undue consumption and erroneous measurement of the water the Company supplies.

The requirements for installers, owners and users of such water fittings and/or water installations in premises to which water is or is to be supplied by the Company are set out in the Water Supply (Water Fittings) Regulations 1999 referred to as the “Regulations”. It is the Company’s duty to enforce these Regulations in its area of supply and the Company and its contractors are empowered to enter the premises to carry out inspections to make sure that these Regulations are being complied with.

**The aims of this policy are:**

- To have a consistent approach to the enforcement of the Regulations within the Company’s area of supply
- To provide guidance to make sure that decisions are consistent with current Government advice and best practice; and
- To let people know the principles used to guide enforcement action

**The purpose of enforcement:**

The Company enforces the Regulations so as to:-

- Ensure the safety of the public water supply
- Prevent consumers contaminating or being exposed to contamination of the water supply
- Minimise the wastage of water within premises and promote efficient water use
- Protect Company assets
- Preserve valuable water resources
- Comply with its statutory obligations.

Enforcement can range from providing advice all the way through to prosecution, although the Company believes that educating people about their responsibilities is the best way to make sure the Regulations are followed. The Company encourages customers to discuss

their concerns and queries with a member of the Company's Water Regulations team and welcomes early discussions with persons contemplating a proposed notification under Regulation 5. The Company also aims to make available to its customers in-house literature to assist in the interpretation and application of the Regulations.

**Regulation 5 Intended Work Notifications:**

Regulation 5 requires any person who proposes to install a water fitting in connection with any works listed in that Regulation, to give proper notice to the Company. Work must not start unless consent has been granted except where an approved contractor is undertaking those works.

The Company will respond to any notification within 10 working days of receipt. The response will confirm whether the Company consents to the installation and if so, whether the consent is provided subject to conditions. The Company encourages pre notification discussions and consideration of information prior to the submission of notifications. If the Company considers that insufficient information is contained within the documents submitted, the Company will not accept this as a notification. If the Company withholds consent to the installation contained within the notification, and this decision is considered to be unreasonable, this may be referred to the Company's internal review as a means of dispute resolution.

**Application for a relaxation:**

The Company shall seek to achieve compliance with the Regulations by communication, education and co-operation but accepts that on occasion the Company's interpretation of the Regulations may be challenged. The Company accepts that relaxations of the requirements of Schedule 2 of the "Regulations" are the sole responsibility of the Secretary of State and that all requests for relaxations (other than blanket relaxations) must be referred to the Department of the Environment, Transport and the Regions ("DETR").

The Company may accept a request for an application for relaxation on receipt of written submissions setting out why the Company should consider that a specified requirement of Schedule 2 of the Regulations would be inappropriate for each particular water fitting.

The Company may apply for a relaxation if it considers that the application of any requirements of Schedule 2 of the Regulations is inappropriate in a particular case in the light of the written submissions made.

**Internal Review:**

If the Company withholds its consent to either a Regulation 5 notification or a request to apply to the Secretary of State for a relaxation of any requirement of Schedule 2 of the Regulations, the Company may offer that its decision is reviewed internally within the Company.

The Company's Regulations department will set out the reasons for its decision and will identify any missing information. The Company will invite you to respond to these submissions by providing the following:

- Any further submissions in support of the notification or request for application for relaxation; and
- All information upon which the applicant wishes to rely.

**Compliance Inspections:**

The Company will prioritise the inspection of premises with the highest perceived risk of contamination. Special attention will be given to:

- Any premises where backflow has been proven to occur or is reasonably suspected to have occurred
- Any premises classed as a Fluid Category 4 or 5 (as defined in Schedule 1 of the Regulations) which the Company has reason to believe does not incorporate adequate procedures or equipment to protect against the risk of backflow
- Any premises where the Company has reason to suspect that the Regulations may be disregarded
- Any premises where a complaint about water quality has been received
- Any premises in the location or area of supply where a water quality failure has been found or notified
- Any premises where a mains water supply is used to back up a private water supply
- Rainwater harvesting / grey water recycling

Determination of the fluid category of any premises shall initially be made based on its Standard Industrial Classification Code ("SIC") or description of the use of the premises. This assessment may be modified by any additional information received, including information gathered on inspection.

The owner and/or user and/or installer of the water fitting and/or water installation may be notified of the contraventions of the Regulations during the initial inspection and the level of backflow protection required for the risks identified. The Company will send a written Compliance Report to the owner and/or user and/or installer explaining what the problem is, what should be done about it and by when. This timescale is determined by the level of risk posed to public health.

The Company will not provide a design for the remediation of the contraventions but will aim to provide guidance and assistance.

A revisit will be arranged to make sure problems have been rectified. This may not be needed if an approved plumber has done the work and issued a certificate to say that the premises' water fittings comply with the Regulations.

A full list of approved plumbers can be found at [www.watersafe.org.uk](http://www.watersafe.org.uk).

If the contraventions are not put right within the time stipulated by or agreed with the Company, the Company may take the following steps to enforce the Regulations:

**Warning Letters:**

These are sent if the informal approach (as set above) has not worked, but a caution or prosecution is not thought to be appropriate.

**Works in Default:**

If work listed on a Compliance Report is not done in time, the Company may carry out the work 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, the Company may have to cut off water to the premises to protect public supplies.

Water supplies can also be stopped if work listed on a Compliance Report has not been completed in time and the premises appear to be empty.

**Simple Cautions:**

The Company may give a caution instead of taking someone to Court. A simple caution is not a criminal conviction, but by accepting it, an individual or business admits breaching the

Regulations. This could affect how they are dealt with if they commit any other offences and may be brought up in any future court hearings.

**Simple Cautions aim to:-**

- Deal quickly and simply with cases where there is an admission of failure to comply with the Regulations;
- Divert serious offences from the criminal courts;
- Record a failure to comply with the Regulations for possible reference in future criminal proceedings;
- Reduce the likelihood of re-offending.

**Prosecution:**

This is for the most serious cases, where an informal approach has not worked, where the offence is considered sufficiently serious or where there are frequent, less serious breaches. The Company recognises that the institution of a prosecution is a serious matter that should only be taken after full consideration of the implications and consequences. The tests to be applied when considering whether to bring a case to court are set out in the Company's Prosecution Policy.

**Penalties:**

Failure to comply with the Regulations is a criminal offence. Any person or business convicted can be fined up to £1,000 per offence.

**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.

**Powers of Entry:**

Employees and/or contractors with authorisation from the Company have the right to enter a business or home at any reasonable time of day. They first have to give the occupier 24 hours' notice, although this may not be necessary in an emergency. Stopping an authorised employee and/or contractor from entering a property is an offence and anyone found guilty could be fined up to £1,000.

If the Company's employees and/or contractors are stopped from entering a property, the Company may apply for a Court Warrant of Entry. This allows entry to be made by force if necessary.

**Publicity:**

If a person or business is found guilty in court of breaching the Regulations, the Company will consider publicising the conviction. This could be through the media or the Company's own publications, website or social media accounts.

The aim would be to draw attention to the Regulations, the need to allow them and to deter anyone tempted to break them.

**Right of Appeal:**

As a regulatory body, the Company is accountable for its actions. To make a complaint:-

***In writing:***

South West Water Limited Water Regulations Department  
Peninsula House  
Rydon Lane  
Exeter  
EX2 7HR

Please ensure that you provide your name and address, daytime telephone number if you have one and, if possible, the customer number shown on your water bill. SWW will aim to respond to written correspondence within 10 working days

This policy replaces all previous company policies in relation to these matters.