

Water Regulations Tutorial # 5 Notification

Updated October 2022

Since the introduction of “The Water Supply (Water Fittings) Regulations 1999” in England and Wales, “The Water Supply (Water Fittings) (Scotland) Byelaws 2014” and “The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009”, it has been a legal requirement in the UK to obtain the consent of the local water company for certain proposed plumbing installations.

Water suppliers are required by the Regulations and Byelaws not to withhold consent unreasonably, and allow consent to be granted subject to conditions, which must be followed.

This article is intended to emphasise the salient points of Regulations 5 and 6 and is no substitute for the ‘Water Regs UK’ Water Regulations Guide. Pages 16 and 17 provide useful general guidance for notification and approved contractors. We also recommend all parties involved to contact the local water supply company to discuss individual cases.

AIMS

Informing the water company of a proposed installation provides an opportunity for addressing any non-conforming aspects before any physical work commences. It is much easier to alter a design on paper than rectify after installation.

Many of the fittings listed in the table of Regulation 5, have high water consumption rates or pose a significant or serious backflow risk. Water conservation and backflow prevention are important issues.

NON-HOUSE NOTIFICATION

Many Consultants are designing plumbing systems for non-house buildings. Notification for the extension or alteration of a water system in a **house** is not required except for the fittings listed under section 4 in the table. Consultants should be aware that **all non-house** work requires notification – unless Regulation 5 (2) is applicable - because it will fall into sections 1, 2 or 3 of the table.

Regulation 5 details the type of work that must be notified and this is reproduced in full -

Notification

5. - (1) Subject to paragraph (2), any person who proposes to install a water fitting in connection with any of the operations listed in the Table below-

- (a) shall give notice to the water undertaker that he proposes to begin work;*
- (b) shall not begin that work without the consent of that undertaker which shall not be withheld unreasonably; and*
- (c) shall comply with any conditions to which the undertaker's consent is subject.*

TABLE

1.	<i>The erection of a building or other structure, not being a pond or swimming pool.</i>
2.	<i>The extension or alteration of a water system on any premises other than a house.</i>
3.	<i>A material change of use of any premises.</i>
4.	<i>The installation of</i> <i>(a) a bath having a capacity, as measured to the centre line of the overflow, of more than 230 litres;</i> <i>(b) a bidet with an ascending spray or flexible hose;</i>

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	(c) a single shower unit (which may consist of one or more shower heads within a single unit), not being a drench shower installed for reasons of safety or health, connected directly or indirectly to a supply pipe which is of a type which conforms with terms of a specification approved under The Water Supply (Water Fittings) Regulations 1999; (d) a pump or booster drawing more than 12 litres per minute, connected directly or indirectly to a supply pipe; (e) a unit which incorporates reverse osmosis; (f) a water treatment unit which produces a waste water discharge or which requires the use of water for regeneration or cleaning; (g) a reduced pressure zone valve assembly or other mechanical device for protection against a fluid which is in fluid category 4 or 5; (h) a garden watering system unless designed to be operated by hand; or (i) any water system laid outside a building and either less than 750 mm or more than 1350 mm below ground level.
5.	The construction of a pond or swimming pool with a capacity greater than 10,000 litres which is designed to be replenished by automatic means and is filled with water supplied by the undertaker.

(2) This Regulation does not apply to the installation by an approved contractor of a water fitting falling within paragraph 2, 4(b) or 4(g) in the Table.

(3) The notice required by paragraph (1) shall include or be accompanied by -

- (a) the name and address of the person giving the notice, and (if different) the name and address of the person on whom notice may be served under paragraph (4) below;*
- (b) a description of the proposed work or material change of use, and*
- (c) particulars of the location of the premises to which the proposal relates, and the use or intended use of those premises;*
- (d) except in the case of a fitting falling within paragraph 4(a), (c), (h) or 5 in the Table.*
 - (i) a plan of those parts of the premises to which the proposal relates, and*
 - (ii) a diagram showing the pipework and fitting to be installed; and*
- (e) where the work is to be carried out by an approved contractor, the name of the contractor.*

(4) The water undertaker may withhold consent required under paragraph (1), or grant it subject to conditions, by a notice given before the expiry of the period of ten working days commencing with the day on which notice under that paragraph was given.

(5) If no notice is given by the water undertaker within the period mentioned in paragraph (4), the consent required under paragraph (1) shall be deemed to have been granted unconditionally.

In Scotland and Northern Ireland, notification is also required for:

- a WC with an ascending spray or flexible hose
- a flexible shower hose or other flexible outlet for use in conjunction with a WC
- a 'shower-toilet' or 'bidet-toilet' where, either as part of the WC itself or as an adaptation of it, a stream of water is provided from below the spillover level of the WC pan for personal cleansing
- a pump delivery pipe drawing water from a supply pipe
- greywater, recycled water, reclaimed water and rainwater harvesting systems
- water systems for firefighting, including domestic sprinklers

In Scotland only there is an additional requirement for notification of:

- any system incorporating a private water supply.

ENFORCEMENT

The regulations are the property of the government (Secretary of State in England) and Regulation 10 empowers the local water supplier to enforce the regulations. Regulation 5 is being enforced by the water supply industry and plumbing contractors have been taken to court and subsequently fined for non-compliance.

PROPOSED INSTALLATION

Regulation 5 refers to any person who **proposes** to install a water fitting. Similarly Regulation 2 states *“these Regulations apply to any water fitting installed or used, or to be installed or used...”*. Compliance with the Water Regulations, including Regulation 5, is required even if the building is not yet connected to the water company supply pipe.

WHO SHOULD NOTIFY?

The Regulations refers to *“the proposed installer”*. It is not clear to whom this refers. The whole process of a commercial plumbing system often starts with the designer (consultant) and concludes with an individual installer. Within the chain, there is often a main building contractor and a mechanical and electrical sub-contractor.

Providing the proposed installation is correctly notified, it does not appear to matter who notifies. Some water companies believe the designer is the most appropriate person. The designer should design the system to comply with the Water Regulations. If the designer notifies, and the water company withholds consent and advises the designer of the non-conforming aspects, there is more time to rectify the proposal and resubmit. If notification is left to the M&E sub-contractor, there is less time for the redesign work and the designer may be unavailable.

SHOWER CONSULTATION

The Water Supply (Water Fittings) Regulations 1999 include the provision for the Regulator to set a definition of high water consuming showers that would need to be notified to the local water company prior to installation enabling water companies to meter the users of these showers, if they wished.

WRAS consulted on a definition based on showers with more than one showerhead. However, this would result in anomalies that would be hard to justify, for example, penalising showers with more than one showerhead even if they used less water than some single-headed showers. Therefore, after further consideration, Ministers decided not to adopt a definition at this time.

The above means, notification is not required specifically for the installation of a new shower but notification is still required if the installation of the shower forms part of other work – i.e. sections 1, 2 or 3 and 4(d) of the table may apply.

INFORMATION REQUIRED FOR NOTIFICATION

Paragraph 3 of Regulation 5 lists the general requirements. The specific water company can advise further and provide forms and additional information.

WATER COMPANY RESPONSE

A water company can legally respond in one of four ways to a correctly documented notification:

1. Deem consent to be granted by not responding within 10 working days of receipt of the notification.
2. Grant consent without conditions.
3. Grant consent with conditions.
4. Withhold consent.

The water company has 10 working days after receipt of a correctly documented notification to respond, otherwise the consent is deemed to have been granted unconditionally and the installation may proceed. In all instances the installation must comply with the Water Regulations.

PROOF OF DELIVERY

It is advisable to allow several weeks for notification. If the water company identifies any problems, it is clearly beneficial to have a period for redesign and re-notification. In reality, notification is often left to the last moment and the applicant would like a conclusion within 10 working days. This may well be in

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the form of no response from the water supplier. It is imperative that the applicant can prove the date of receipt by the correct department of the water company. This could be in the form of recorded delivery. Faxing the information is an alternative but the A4 paper size limitation may be impractical. Regulation 5 does not exclude notification by email and this could be considered. In this instance, the typical delivery option of “request a read receipt for this message” would acknowledge receipt. The preferred delivery method should be discussed with the water supplier.

APPROVED CONTRACTORS

Regulation 5 (2) lists the water fittings that do not require notification if installed by an “approved contractor”. Of particular interest to consultants is section 2 in the table - the extension or alteration of a water system on any premises other than a house. Regulation 6 “Contractor’s Certificate” states –

6. - (1) Where a water fitting is installed, altered, connected or disconnected by an approved contractor, the contractor shall upon completion of the work furnish a signed certificate stating whether the water fitting complies with the requirements of these Regulations to the person who commissioned the work.

(2) In the case of a fitting for which notice is required under Regulation 5 (1) above, the contractor shall send a copy of the certificate to the water undertaker.

Individuals can become approved. All water suppliers in England, Scotland and Wales recognise the Water Industry Approved Plumber Scheme (WIAPS, administered by Water Regs UK on behalf of 14 of the UK Water Undertakers, www.waterregsuk.co.uk/wiaps). Alternatively there are other national schemes, including those of the Chartered Institute of Plumbing and Heating Engineering



(CIPHE) and SNIPEF (the Scottish and Northern Ireland Plumbing Employers Federation), which are also recognised by all water companies.



“Watersafe” is an online directory of approved plumbing businesses covering seven contractor’s schemes across the UK (including WIAPS, CIPHE and SNIPEF). The online search facility can be accessed by visiting www.watersafe.org.uk

APPROVED CONTRACTORS IMPLICATIONS

There are limitations and drawbacks to using an approved contractor and not notifying compared with notifying, including -

- Proposed installation of some fittings still requires notification – see sections 1, 3 and much of 4 of the table in Regulation 5
- Notwithstanding section 4 (g) of the table in Regulation 5, according to the Guide, it is a water industry requirement that prior notice shall be given to the installation of an RPZ Valve
- The approved contractor is taking on additional responsibility, which needs to be insured
- Administration in the form of certificates is required to be issued by the contractor
- From the designer’s point of view, having a water company consent his design is a benefit in many ways

Conversely there are benefits for a contractor to be approved –

- Independent confirmation of his competency
- Inclusion on published lists (e.g. “Watersafe”) promoted by water suppliers to their customers
- Technical updates for WIAPS members

Some Local Authorities are requesting work to be done by approved contractors and as such these contractors are more likely to be awarded the work. Voluntary schemes sometimes become obligatory!

SUMMARY

1. Contact the local water company and establish notification arrangements and procedures.
2. Notify, with a minimum of 10 working days before installation – ideally allow several weeks.
3. Advise the client of any conditions.

Thank you for your interest