Changes to Legislation: as of 17 June 2025, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.

Number 30 *of* 2007

WATER SERVICES ACT 2007

REVISED

Updated to 29 March 2024

This Revised Act is an administrative consolidation of the *Water Services Act 2007*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Road Traffic Act 2024* (10/2024), enacted 17 April 2024, and all statutory instruments up to and including *Water Services Act 2007 (Commencement) Order 2024* (S.I. No. 116 of 2024), made 26 March 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 30 *of* 2007

WATER SERVICES ACT 2007

REVISED

Updated to 29 March 2024

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Number 30 *of* 2007

WATER SERVICES ACT 2007

REVISED

Updated to 29 March 2024

AN ACT TO PROVIDE, IN THE INTERESTS OF THE COMMON GOOD, FOR THE PROVISION OF WATER SERVICES; TO GIVE EFFECT TO CERTAIN ACTS ADOPTED BY INSTITUTIONS OF THE EUROPEAN COMMUNITIES IN RESPECT OF THOSE SERVICES AND, IN ADDITION, TO MAKE PROVISION FOR MISCELLANEOUS AMENDMENTS TO THE LOCAL GOVERNMENT (WATER POLLUTION) ACTS 1977 AND 1990 AND THE FISHERIES (CONSOLIDATION) ACT 1959 AND THE ENVIRONMENTAL PROTECTION AGENCY ACT 1992 AND CERTAIN OTHER ENACTMENTS RELATING GENERALLY TO THE PROVISION OF WATER SERVICES AND TO PROVIDE FOR RELATED MATTERS.

[14*th May*, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Prospective affecting provision: references construed by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 26 and sch. 1 part 2, not in effect as of date of revision.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*.

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

...

PART 2

Enactments for Purposes of Sections 10 and 26

...

No. 30 of 2007 Water Services Act 2007 The whole Act.

...

C2 Certain functions in relation to *Local Government Acts 1925 to 2014* transferred (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 24(2), S.I. No. 214 of 2014 and S.I. No. 216 of 2014 (transfer day).

Dissolution of town councils and transfer date

24.—...

(2) On the transfer date each town council stands dissolved and ceases to exist and—

(a) the local authority for a county or a city and county in which a town whose town council is so dissolved is situated shall, for all purposes, become and be the successor to the town council on that date, and

(b) the area of a town whose town council is so dissolved shall, for the purposes of all functions of the local authority (whether under the Local Government Acts 1925 to 2014 or otherwise) for the county or city and county in which the town is situated, be included in and form part of that county or city and county.

C3 Certain references construed (1.05.2014) by *Local Government Act 2014* (1/2014), s. 9(2)(3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9. —...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(*a*) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(*b*) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(*a*) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(*b*) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

C4 Certain functions in relation to Act transferred and references construed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), ss. 7(1),(2),(4), 8 and s. 10, S.I. No. 575 of 2013 and S.I. No. 576 of 2013 (transfer day).

Transfer day

6. The Minister shall, by order, appoint a day to be the transfer day for the purposes of this Act.

Transfer of functions from water service authorities to Irish Water

7. (1) Subject to section 10, all functions conferred on water services authorities by the Act of 2007 (other than an excluded provision and section 22) shall, on the transfer day, stand transferred to Irish Water.

(2) References to a water services authority or relevant water services authority in—

(*a*) the Act of 2007 or in any instrument made under that Act, or

(*b*) any other enactment (other than the Act of 2013) or instrument under any other enactment,

in so far as they relate to any function transferred by this Act, shall on and after the transfer day, be construed as references to Irish Water.

...

(4) References to a sanitary authority in any enactment or instrument under any enactment shall, on and after the transfer day, in so far as they relate to any function transferred by *subsection (3)*, be construed as references to Irish Water.

Transfer of functions under certain other enactments to Irish Water

8. (1) The functions of a local authority under section 2 of the Local Government (Financial Provisions) (No. 2) Act 1983 shall, on the transfer day and in so far only as that section relates to the Act of 2007, stand transferred to Irish Water and, accordingly, references in that section to a local authority shall be construed as including references to Irish Water.

...

(3) This section shall cease to have effect upon the commencement of section 21.

...

Continuance of certain functions of water service authorities

10. Functions transferred to Irish Water under section 7 shall, on and after the transfer day continue to be performable by a water services authority for the purposes of the performance of its functions under an excluded provision and, accordingly, for those purposes references in the Act of 2007 that, by virtue of *subsection (2)* of section 7, are to be construed as references to Irish Water shall be construed as including references to a water services authority.

C5 Application of Act and collectively cited *Local Government (Water Pollution) Acts 1977 to 2007* and *Inland Fisheries Acts 1959 to 2010* affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

Review of existing plans

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactements set out in the Second Schedule to these Regulations.

...

General Provisions regarding licences etc.

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with guideline or code or practice issued under Regulation or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
...	...	...
		Inland Fisheries Acts 1959 to 2010
...	...	...
		Local Government (Water Pollution) Acts 1977 to 2007
...	...	...
30	2007	Water Services Act 2007
...	...	...

Editorial Notes:

E1 Application of Act and collectively cited *Local Government (Water Pollution) Acts 1977 to 2007* and *Inland Fisheries Acts 1959 to 2010* included in *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), sch. 2 (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), in effect as per reg. 1(3).

E2 Discharges or injections of pollutants into surface water operated under a licence issued pursuant to or under Act included in list of occupational activities contained in sch. 3 to *European Communities (Environmental Liability) Regulations 2008* (S.I. No. 547 of 2008) (1.04.2009) by *European Communities (Environmental Liability) Regulations 2008* (S.I. No. 547 of 2008), reg. 3(1)(a) and sch. 3 par. 2(e)(IV), in effect as per reg. 1(2).

PART 1

Preliminary and General

Short title, collective citations and construction.

1.— (1) This Act may be cited as the Water Services Act 2007.

(2) The Environmental Protection Agency Acts 1992 and 2003, *section 107* and this subsection may be cited together as the Environmental Protection Agency Acts 1992 to 2007, and shall be read together as one.

(3) The Housing Finance Agency Acts 1981 to 1992, *section 108* and this subsection may be cited together as the Housing Finance Agency Acts 1981 to 2007, and shall be read together as one.

(4) The Local Government (Water Pollution) Acts 1977 and 1990, *sections 109* and *110* and this subsection may be cited together as the Local Government (Water Pollution) Acts 1977 to 2007, and shall be read together as one.

(5) The Fisheries Acts 1959 to 2006, *section 111* and this subsection may be cited together as the Fisheries Acts 1959 to 2007, and shall be read together as one.

(6) The Planning and Development Acts 2000 to 2006, *section 114* and this subsection may be cited together as the Planning and Development Acts 2000 to 2007, and shall be read together as one.

(7) The Local Government Acts 1925 to 2006, *sections 13* and *115* and this subsection may be cited together as the Local Government Acts 1925 to 2007, and shall be read together as one.

Interpretation.

2.— (1) In this Act, except where the context otherwise requires—

"abstraction", in relation to water contained in any source of water, means the doing of anything whereby any of that water is removed from that source of water, whether temporarily or permanently, including anything whereby the water is so removed for the purpose of being transferred to another source of water;

"Act of 1962" means Local Government (Sanitary Services) Act 1962;

"Act of 1977" means Local Government (Water Pollution) Act 1977;

"Act of 1990" means Local Government (Water Pollution) (Amendment) Act 1990;

"Act of 1992" means Environmental Protection Agency Act 1992;

"Act of 1996" means Waste Management Act 1996;

"Act of 2000" means Planning and Development Act 2000;

"Act of 2001" means Local Government Act 2001;

"accessories", in relation to a waterworks, waste water works, water main, sewer or other pipe, includes any manholes, ventilating shafts, inspection chambers, overflow weirs or chambers, valves, tanks, sluices, culverts, wash-out pipes or stopcocks for them, or any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the waterworks, waste water works, main, sewer or other pipe or of another accessory;

"Agency" means the Environmental Protection Agency;

"agriculture" includes horticulture, apiculture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including pigs, poultry and any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the training of horses and the rearing of bloodstock, the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds and the making and storage of silage;

F1**[**"allowance amount" means the allowance specified by order under *subsection (1)(b)* or *(4)(b)* of *section 53B* (inserted by section 9 of the Water Services Act 2017);**]**

"aquaculture" has the same meaning as it has in the Fisheries (Amendment) Act 1997;

"authorised person" means a person who is—

(*a*) appointed in writing by the Minister, F2**[**Irish Water,**]** a water services authority or such other person as may be prescribed to be an authorised person for the purposes of this Act or any part or section of it, or

(*b*) appointed in writing to be an authorised person by regulations under this Act by a person specified in those regulations;

"authorised provider of water services", or any similar construction, means a holder of a licence under *Part 6*, *Chapter 2* or a person to whom *section 79(4)* applies;

F1**[**"average rate" has the meaning assigned to it by *section 53A* (inserted by section 8 of the Water Services Act 2017);**]**

"Board" means An Bord Pleanála;

"charge", except where the context otherwise requires, includes fee;

F1**[**"Commission" means—

(*a*) before 2 October 2017, the Commission for Energy Regulation, and

(*b*) by virtue of the Change of Name of Commission for Energy Regulation to Commission for Regulation of Utilities (Appointed Day) Order 2017 (S.I. No. 397 of 2017), on and from 2 October 2017, the Commission for Regulation of Utilities;**]**

F1**[**"customer" has the meaning assigned to it by the Water Services (No. 2) Act 2013;**]**

"development" has the meaning assigned to it by section 3 of the Act of 2000;

"development plan" means a development plan adopted under section 9(1) of the Act of 2000;

"distribution system" means a pipe and its related fittings, that is used, or to be used as the case may be, to convey water into or through one or more premises (including any related internal or external taps), other than—

(*a*) a service connection,

(*b*) where it is owned by, vested in or controlled by—

(i) a water services authority,

(ii) an authorised provider of water services, or

(iii) a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services,

and in the case of water used in manufacturing, including food or drinks production, includes the point where water is used in the undertaking;

"domestic waste water" means waste water of a composition and concentration (biological and chemical) normally discharged by a household, and which originates predominantly from the human metabolism or from day to day domestic type human activities, including washing and sanitation, but does not include fats, oils, grease or food particles discharged from a premises in the course of, or in preparation for, providing a related service or carrying on a related trade;

"drain" means a drainage pipe, or system of such pipes and related fittings for collection of waste water, that is not owned by, vested in or controlled by a water services authority, an authorised provider of water services, or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, and that is not a service connection, which is used, or to be used as the case may be, to convey waste water from one or more premises or to any waste water treatment system on a premises where the waste water is generated;

F1**[**"dwelling" means a premises occupied by a person as his or her place of private residence (whether or not as his or her principal private residence);**]**

"enactment" means an Act, Statute or Statutory Instrument or any portion of an Act, Statute or Statutory Instrument;

"EU Water Framework Directive" means Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for community action in the field of water policy [1];

"groundwater" means all water below the land surface that is not in a pipe or similarly contained;

[1] OJ No. L327, 22.12.2000, p.1-73

"internal distribution system" means that part of a distribution system, within the curtilage of a premises, which is used for the provision of water for human consumption or food or drinks production;

"land" includes any structure and any land covered with water (whether inland or coastal), any substratum of land and, in relation to the acquisition of land, any pipe running through, under or over land, or any interest or right in or over land (including an interest or right granted by or held from the person acquiring the land);

"Minister" means Minister for the Environment, Heritage and Local Government;

"monitoring" includes inspection, measurement, sampling or analysis, whether periodically or continuously;

"network" means the works forming the system for the distribution of water supply or for the collection of waste water;

"occupier" includes any person entitled to occupy a premises and any other person having, for the time being, control of the premises;

"owner" means, in relation to a premises, a person, other than a mortgagee not in possession, who, whether in his or her own right or as a trustee or agent for any other person, is entitled to receive the rent of the premises or, where the premises are not let at a rent, would be so entitled if they were so let;

"parametric values" has the same meaning as it has in Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [2];

"pipe" includes—

(*a*) any sewer, water main, service connection, drain, channel, culvert, drainage pipe, and

(*b*) any system of such pipes, accessories and related fittings, including meters,

that is used, designed or intended to be used to collect, store, distribute or measure water, waste water, domestic waste water or trade effluent;

"polluter pays principle" means the principle set out in Council Recommendation 75/436/Euratom, ECSC, EEC of 3 March, 1975 [3] regarding cost allocation and action by public authorities on environmental matters;

"premises" includes any building, vessel, vehicle, structure or land (whether or not there are structures on the land and whether or not the land is covered with water), and any plant or related accessories on or under such land, or any hereditament of tenure, together with any out-buildings and curtilage;

"prescribe" means prescribe by regulations made by the Minister under this Act, and cognate words shall be construed accordingly;

"public authority" means:

(*a*) a Minister of the Government;

(*b*) a local authority within the meaning of the Act of 2001;

(*c*) the Commissioners of Public Works in Ireland;

(*d*) a harbour authority within the meaning of the Harbours Acts 1946 to 2005;

(*e*) a harbour company under the Harbours Acts 1996 to 2005;

(*f*) the Health Service Executive;

[2] OJ No. L330/32, 05.12.98
[3] OJ No. L194, 25.07.1975, p.1

(*g*) a board or other body (but not including a company under the Companies Acts) established by or under statute;

(*h*) a company under the Companies Acts, in which all the shares are held—

(i) by or on behalf of or jointly with a Minister of the Government,

(ii) by directors appointed by a Minister of the Government, or

(iii) by a board, company or other body referred to in *paragraph (g)* or *subparagraph (i)* or *(ii)*,

or

(*i*) any other person as may be prescribed by regulations made by the Minister for the purposes of any provision of this Act;

F1**[**"recommended allowance" has the meaning assigned to it by *section 53A* (inserted by section 8 of the Water Services Act 2017);**]**

"service connection" means a water supply pipe or drainage pipe, together with any accessories and related fittings, extending from a waterworks or waste water works to the outer edge of the boundary to the curtilage of a premises, and used, or to be used as the case may be, for the purpose of connecting one or more premises with a waterworks or waste water works, and, where used or to be used for connecting more than one such premises it shall extend to the outer edge of the boundary to the curtilage of the premises which is furthermost from the said waterworks or waste water works;

"sewage" and "sewage effluent" have the meanings assigned to them by the Act of 1977;

"sewer" means drainage pipes and sewers of every description, including storm water sewers, owned by, vested in or controlled by a water services authority, an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, but does not include a drain or service connection;

"source" means any lake, pool, river, pond, stream, impoundment, spring or aquifer from which water is or at any time may be obtained;

"storm water" means run-off rainwater that enters any pipe;

"structure" means any building, erection, structure, excavation, or other thing constructed, erected, or made on, in or under any land, or any part of a structure so defined, and, where the context so admits, includes the land on, in, or under which the structure is situated;

"surface water" means all rainwater or other water that is not in a pipe, but is on the surface of the land;

"technical requirements", in relation to a pipe and its fittings, means the appropriate capacity for the anticipated level of usage of the pipe, taking account of the standard sizes in which pipes and fittings are generally manufactured;

F1**[**"threshold amount" means the threshold amount specified by order under *subsection (1)(a)* or *(4)(a)* of *section 53B* (inserted by section 9 of the Water Services Act 2017);**]**

"trade" includes agriculture, aquaculture and any scientific research or experiment;

"trade effluent" means effluent from any works, apparatus, plant or drainage pipe used for the disposal to a waste water works of any liquid (whether treated or untreated), either with or without particles of matter in suspension therein, which is

discharged from premises used for carrying on any trade or industry (including mining), but does not include domestic waste water or storm water;

"treatment systems" includes systems involving physical, chemical, biological or thermal processes, or combinations of processes, utilised for treatment of water or waste water, or the sludge derived therefrom;

"urban waste water" means domestic waste water or the mixture of domestic waste water with industrial waste water;

"waste water" means sewage, storm water or other effluent discharged, or to be discharged, to a drain, service connection or sewer;

"waste water works" means sewers and their accessories, and all other associated physical elements used for collection, storage or treatment of waste water, and any related land, which are owned by, vested in, controlled or used by any person providing or intending to provide water services;

"water main" means water supply pipes owned by, vested in or controlled by a water services authority, an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, but does not include pipes, fittings and appliances to which the words "distribution system" or "service connection" interpreted in this section apply;

"water services" means all services, including the provision of water intended for human consumption, which provide storage, treatment or distribution of surface water, groundwater or water supplied by a water services authority, or waste water collection, storage, treatment or disposal, but does not include—

(*a*) provision by a person of pipes and related accessories for the distribution of water, or collection of waste water, to facilitate the subsequent connection by a provider of water services of another person to a water supply or waste water collection service, and

(*b*) such other exemptions as the Minister may prescribe, for the purposes of the application of licensing provisions under *Part 6*;

"water services authority" means a County Council or a City Council as defined in the Act of 2001, and, subject to such exceptions as may be prescribed, and where the context permits, any references to a sanitary authority or local authority in any legislation, in so far as it relates to functions of that authority in relation to water services, shall be regarded as a reference to a water services authority;

"waters" has the meaning assigned to it by the Act of 1977;

"waterworks" means water sources, water mains and their accessories, and all other associated physical elements used for the abstraction, treatment, storage or distribution of water, and any related land, which are owned by, vested in, controlled or used by any person providing or intending to provide water services;

"works" except where the context otherwise requires includes waterworks and waste water works.

(2) A reference in this Act to contravention of a provision includes, where appropriate, a reference to refusal or failure to comply with that provision.

(3) A reference in this Act to the provision of a service shall be construed as including references to the rendering, the supply, the grant, the issue or provision otherwise of the service, and kindred words shall be construed accordingly.

Annotations

Amendments:

F1 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 6, S.I. No. 511 of 2017.

F2 Inserted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 38(1)(a), S.I. No. 575 of 2013.

Modifications (not altering text):

C6 Reference construed (13.01.2023) by *European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2022* (S.I. No. 691 of 2022), reg. 14, in effect as per reg. 2.

14. References in other enactments to Council Directive 98/83/EC of 3 November 1998[9] shall be construed as references to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020[1].

Commencement.

3.— This Act comes into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed either generally or with reference to a particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Annotations

Editorial Notes:

E3 Commencement information ordered by section is available at https://www.irishstatutebook.ie/eli/isbc/2007_30.html.

E4 Power pursuant to section exercised (29.03.2024) by *Water Services Act 2007 (Commencement) Order 2024* (S.I. No. 116 of 2024).

3. The 29th day of March 2024 is fixed as the day on which subsections (8) to (13) and (15) to (17), in so far as they refer to a notice under subsection (13) of section 43 of the Act of 2007, of section 92 of the Act of 2007 come into operation.

E5 Power pursuant to section exercised (30.04.2009) by *Water Services Act 2007 (Commencement) Order 2009* (S.I. No. 139 of 2009).

2. The 30th April 2009 is fixed as the day on which subsections (6) and (7) of section 70 of the Water Services Act 2007 come into operation.

E6 Power pursuant to section exercised (15.12.2008) by *Water Services Act 2007 (Commencement) Order 2008* (S.I. No. 528 of 2008).

2. The 15th of December 2008 is fixed as the day on which section 56 of the Water Services Act 2007 comes into operation.

3. The 15th of December 2008 is fixed as the day on which section 4(1) of, and Schedule 1 to, the Water Services Act 2007 come into operation to the extent specified in the Schedule to this Order.

SCHEDULE

REPEALS

NUMBER AND YEAR	SHORT TITLE	EXTENT OF REPEAL
26 and 27 Vic., c. 93	Waterworks Clauses Act 1863	Sections 16 and 17

[9] OJ No. L 330, 5.12.1998, p. 32.
[1] OJ No. L 435, 23.12.2020, p. 1.

E7 Power pursuant to section exercised (31.12.2007) by *Water Services Act 2007 (Commencement) Order 2007* (S.I. No. 846 of 2007).

2. The 31st day of December 2007 is fixed as the day on which sections 1 to 3, 5 to 35, 39 to 48, 50 to 55, 57, 58 except subsection (2), 59 to 62, 68, 70 except subsections (6) and (7), 71 to 76, 91, 93 to 103 and 108 to 116 of the Water Services Act 2007 come into operation.

3. The 31st day of December 2007 is fixed as the day on which section 107 of the Water Services Act 2007 comes into operation, except in so far as it provides in paragraph (a) for the insertion of subsections (2) to (7) of section 58A into the Environmental Protection Agency Act 1992 .

4. The 31st day of December 2007 is fixed as the day on which section 4(1) of, and Schedule 1 to, the Water Services Act 2007 come into operation to the extent specified in the Schedule to this Order.

SCHEDULE

REPEALS

NUMBER AND YEAR	SHORT TITLE	EXTENT OF REPEAL
10 and 11 Vic., c. 17	Waterworks Clauses Act 1847	The whole Act
24 and 25 Vic., c. 172	Dublin Corporation Waterworks Act 1861	Sections 43 and 57
26 and 27 Vic., c. 93	Waterworks Clauses Act 1863	Sections 13 to 15, and 18 to 21
29 and 30 Vic., c. cclxi	Bray Township Act 1866	Sections 45, 49, 50, 64, 65 and 66
37 and 38 Vic., c. cxlii	Dublin Corporation Waterworks Act 1874	The whole Act
41 and 42 Vic., c. 52	Public Health (Ireland) Act 1878	Sections 15, 17, 19 to 21, 23, 27, 30, 31, 32, 34, 44, 47, 48, 50, 57(2), 58, 61, 62, 65, 68 to 71, 73, 74, 75, 77, 78, 79, 92, 228, 268, 285, 289 and 290
48 and 49 Vic., c. 34	Water Rate Definition Act 1885	The whole Act
53 and 54 Vic., c. 59	Public Health Acts Amendment Act 1890	16, 17, 20, 22, 27 and 47
59 and 60 Vic., c. 54	Public Health (Ireland) Act 1896	In section 2, the words "and may with the like consent supply and sell water to any person in such adjoining district," Sections 5(2) and 15
7 Edw., 7. c. 53	Public Health Acts Amendment Act 1907	Section 36, 38 to 46, 49 and 95
No. 3 of 1948	Local Government (Sanitary Services) Act 1948	Sections 10, 11, 18 and 26 to 29
No. 26 of 1962	Local Government (Sanitary Services) Act 1962	Sections 1, 8, 9 and 11 to 15
No. 1 of 1977	Local Government (Water Pollution) Act 1977	Sections 6(2A)(b) (inserted by the Act of 1990) and 27(2)
No. 21 of 1990	Local Government (Water Pollution) (Amendment) Act 1990	Sections 24 and 25
No. 31 of 1993	Local Government (Dublin) Act 1993	Section 33
No. 30 of 2000	Planning and Development Act 2000	Sections 258 and 259

Repeals and revocation.

4.— (1) The Acts specified in *Schedule 1* are repealed to the extent specified in *column 3* of that Schedule opposite the mention of the Act concerned.

(2) Article 9 of the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) is revoked.

Directives.

5.— The purpose for which this Act is enacted includes giving effect to so much of the following as relates to water services:

F3**[**(*a*) Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014[6] on the harmonisation of the laws of the Member States relating to the making available on the market of measuring instruments (recast);**]**

(*b*) Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment [5];

(*c*) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy [6];

(*d*) Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [7];

(*e*) Commission Directive 98/15/EC of 27 February 1998 amending Council Directive 91/271/EEC with respect to certain requirements established in Annex 1 thereof [8];

(*f*) Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources [9];

(*g*) Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment [10];

(*h*) Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture [11];

(*i*) Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances [12];

F4**[**(*j*) Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community [13],**]**

F5**[**(*k*) Directive 2008/98 /EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives [14].**]**

[6] OJ No.L 96, 29.3.2014, p.149.
[5] OJ No. L197/30, 21.07.2001
[6] OJ No. L327/1, 22.12.2000
[7] OJ No. L330/32, 05.12.1998
[8] OJ No. L67/29, 07.03.1998
[9] OJ No. L375/1, 31.12.1991
[10] OJ No. L135/40, 30.05.1991
[11] OJ No. L181/6, 04.07.1986
[12] OJ No. L20/43, 26.01.1980
[13] OJ No. L 129/23, 18.05.1976
[14] OJ No. L 312/3, 22.11.2008

Annotations

Amendments:

F3 Substituted (8.01.2018) by *Legal Metrology (European Conformity Assessment of Measuring Instruments) Regulations 2018* (S.I. No. 2 of 2018), reg. 43, in effect as per reg. 1(2).

F4 Substituted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 2(a), S.I. No. 219 of 2012.

F5 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 2(b), S.I. No. 219 of 2012.

Modifications (not altering text):

C7 Reference construed (13.01.2023) by *European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2022* (S.I. No. 691 of 2022), reg. 14, in effect as per reg. 2.

14. References in other enactments to Council Directive 98/83/EC of 3 November 1998[9] shall be construed as references to Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020[1].

Provision of information.

6.— (1) The Minister, a F6**[**water services authority, F7**[**...**]** Irish Water**]** or any prescribed person may, for the purposes of discharging his or her or its functions under this Act, by notice in writing given to or served on a person who is—

(*a*) providing water services,

(*b*) making, causing or permitting a discharge to a drain, service connection or waste water works, or

(*c*) in receipt of a water supply,

require the person to keep such records or to give to the Minister, a F6**[**water services authority, F7**[**...**]** Irish Water**]** or other prescribed person, in writing or otherwise as may be specified, within such period (being not less than 14 days) beginning on the date of the giving or serving of the notice as may be specified in the notice, such particulars as may be so specified in relation to any of those activities or practices, and such other information (if any) as he or she or it may consider necessary for the purposes of those functions.

(2) A person who—

(*a*) fails or refuses to comply with a requirement in a notice under this section,

(*b*) in purported compliance with such a requirement gives to the Minister, a F6**[**water services authority, F7**[**...**]** Irish Water**]** or other prescribed body information that, to his or her knowledge, is false or is misleading in a material respect, or

(*c*) in relation to an application for a licence or consent, or to an application for financial assistance, or to the provision of any information required under this Act or any regulations thereunder provides information which is to his or her knowledge false or misleading,

commits an offence.

(3) Where a person is convicted of an offence under this section in relation to the provision of false or misleading information in connection with an application for a licence under this Act, any licence issued to that person consequent on the application

[9] OJ No. L 330, 5.12.1998, p. 32.
[1] OJ No. L 435, 23.12.2020, p. 1.

to which the information was furnished shall stand revoked from the date of the conviction.

(4) Without prejudice to *section 19(1)(f)*, the Minister may make regulations in relation to the provision of information or documents in electronic form by any person for the purposes of this Act.

(5) Without prejudice to the generality of *subsection (4)*, regulations under this section may—

(*a*) provide for—

(i) specification of the circumstances in which information or documents may be provided in electronic form,

(ii) related technical and procedural requirements,

(iii) consent to the giving or receipt of information in electronic form,

(iv) retention and reproduction of information or documents given in electronic form, or

(v) related and ancillary matters, and

(*b*) apply to a particular class or classes of information or document, or for a particular period.

(6) *Subsection (4)* applies without prejudice to any other enactment requiring or permitting documents or other information to be given, retained or produced, as the case may be, in accordance with specified procedural requirements or particular information technology.

(7) In this section, "electronic form" means information that is generated, communicated, processed, sent, received, recorded, stored or displayed by electronic means and is capable of being used to make a legible copy or reproduction of that communicated information, but does not include information communicated in the form of speech and such electronic means includes electrical, digital, magnetic, optical, electro-magnetic, biometric, photonic and any other form of related technology.

Annotations

Amendments:

F6 Substituted (29.03.2013) by *Water Services Act 2013* (6/2013), s. 26(4)(a), S.I. No. 108 of 2013.

F7 Deleted (1.01.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 29(a), S.I. No. 678 of 2022.

Obligation to give information on ownership.

7.— (1) A F8**[**water services authority, F9**[**...**]** Irish Water**]** or other prescribed person may for any purposes connected with this Act, by notice in writing, require the occupier of any land or any person receiving, whether for himself or herself or for another, rent from any land to inform it or him or her within a specified period ending not less than 14 days after being so required, of particulars of—

(*a*) the estate,

(*b*) interest or right by virtue of which he or she occupies such land or receives such rent, as the case may be, and

(*c*) the name and address (so far as known to him or her) of every person who to his or her knowledge has an estate or interest in or right over or in respect of such land.

(2) A person who is required to provide any particulars under *subsection (1)* who—

(*a*) fails to provide those particulars within the specified period, or

(*b*) when stating such particulars makes a statement which to his or her knowledge is false or misleading in a material respect,

commits an offence.

Annotations

Amendments:

F8 Substituted (29.03.2013) by *Water Services Act 2013* (6/2013), s. 26(4)(b), S.I. No. 108 of 2013.

F9 Deleted (1.01.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 29(b), S.I. No. 678 of 2022.

Offences and penalties.

8.— (1) A person who commits an offence under *section 19(4)* or *56(20)* is liable on summary conviction to a fine not exceeding €100.

(2) A person who commits an offence under *section 7(2)*, *30(7)(b)*, *30(10)*, *42(9)(a)*, *43(17)*, *45*, *49(6)*, *56(4)*, *56(15)*, *56(18)*, *62(8)*, *72(6)*, *74(4)(b)*, *80(6)* or *104(12)* is liable on summary conviction to a fine not exceeding €5,000.

(3) A person who commits an offence under *section 6(2)*, *33(3)*, *53(1)*, *55(1)(a)*, *55(11)*, *61(1)(a)*, *61(2)*, *61(12)*, *63(12)(a)*, *74(1)* or *74(3)* is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.

(4) A person who commits an offence under *section 12(1)*, *22(7)*, *31(15)*, *31(20)*, *32(5)*, *54(6)*, *57*, *58(4)*, *59(2)*, *60(2)*, *63(11)*, *63(17)*, *69(7)*, *70(10)* or *79(5)* is liable—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.

(5) In imposing any penalty under *subsection (2), (3) or (4)*, the court shall, in particular, have regard to the risk or extent of injury to human health or the environment arising from the act or omission constituting the offence, and to the polluter pays principle.

(6) Subject to *subsection (7)*, a court of competent jurisdiction may order up to the limit of its jurisdiction that a person guilty of an offence under this Act, in addition to any penalty imposed by the court in accordance with this section, shall carry out all necessary remedial works directed by the court to be necessary towards making good any damage caused by the offence.

(7) If the person who brought the prosecution is willing to undertake some or all of the necessary remedial work, and indicates this to the court, the court may order that the person may do that work, or arrange for it to be carried out on behalf of or jointly with that person, in lieu of the convicted party, and that the cost of the work, undertaken by the person who brought the prosecution, and agreed by the court to have been necessary work towards making good the damage caused by the offence, shall be payable by the convicted party.

Annotations

Editorial Notes:

E8 A fine of €100 translates into a class E fine, not greater than €500, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 8(2) and table ref. no. 1, S.I. No. 662 of 2010.

A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Prosecution of offences.

9.— (1) Summary proceedings for an offence under this Act F10**[**or section 23A(6) of the Water Services (No. 2) Act 2013**]** may be brought by a water services authority F11**[**...**]**.

(2) F11**[**...**]**

(3) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for any offence under this Act F10**[**or section 23A(6) of the Water Services (No. 2) Act 2013**]** may be commenced—

(*a*) at any time within 12 months from the date on which the offence was committed,

(*b*) if, at the expiry of that period, the person against whom the proceedings are to be brought is outside the State, within 6 months of the date on which he or she next enters the State, or

(*c*) at any time within 6 months from the date on which evidence that, in the opinion of the person by whom the proceedings are brought, is sufficient to justify the bringing of the proceedings, comes to that person's knowledge,

whichever is the later, provided that no such proceedings shall be commenced later than 5 years from the date on which the offence concerned was committed.

(4) For the purpose of this section, a certificate signed by or on behalf of or jointly with the person bringing the proceedings as to the date on which evidence relating to the offence concerned came to his or her knowledge shall be *prima facie* evidence and in any legal proceedings a document purporting to be a certificate issued for the purpose of this subsection and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate.

(5) Where two or more persons are liable by virtue of this Act for the same damage, they shall be liable jointly and severally as concurrent wrongdoers within the meaning of Part III of the Civil Liability Act 1961.

Annotations

Amendments:

F10 Inserted (1.10.2015) by *Environment (Miscellaneous Provisions) Act 2015* (29/2015), s. 51(a), S.I. No. 428 of 2015.

F11 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(1)(a) and (b), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Cost of prosecutions.

10.— (1) Where a person is convicted of an offence under this Act F12**[**or section 23A(6) of the Water Services (No. 2) Act 2013**]**, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to—

(*a*) a water services authority, or

(*b*) another person,

the costs and expenses, measured by the court, incurred by the water services authority or other person in relation to the investigation, detection or prosecution of the offence.

(2) Costs and expenses referred to in *subsection (1)* may include costs and expenses incurred in relation to any one or more of the following:

(*a*) the taking of samples;

(*b*) the carrying out of tests;

(*c*) examinations and analyses; and

(*d*) the remuneration and other expenses of directors, employees, consultants and advisers.

Annotations

Amendments:

F12 Inserted (1.10.2015) by *Environment (Miscellaneous Provisions Act 2015* (29/2015), s. 51(b), S.I. No. 428 of 2015.

Payment of certain fines to prosecuting authorities.

11.— (1) Where a court imposes a fine or affirms or varies a fine imposed by another court for an offence under this Act, it shall, on the application of the water services authority F13**[**...**]** (made before the time of such imposition, affirmation or variation), provide by order for the payment of the amount of the fine to the water services authority F13**[**...**]**.

(2) Payment to be paid under *subsection (1)* may be enforced by the water services authority F13**[**...**]** as if it were due on foot of a decree or order made by the court in civil proceedings.

Annotations

Amendments:

F13 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(2), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Obstruction.

12.— (1) A person who obstructs or interferes with—

(*a*) the exercise by a water services authority or any other prescribed person of powers vested in it or him or her under, or by virtue of, this Act, or

(*b*) the compliance by any person, including the owner or occupier of a premises, with the provisions of this Act or of any notice, direction or order issued under it,

commits an offence.

(2) The owner or occupier of a premises to which *subsection (1)(b)* applies may apply to a court of competent jurisdiction for an order against the person who is causing the obstruction or interference referred to in *subsection (1)* directing that person to cease the obstruction or interference complained of.

(3) An order under *subsection (2)*, or the refusal of an order under that subsection, shall not affect any requirement or obligation under this Act on an owner or occupier or other relevant person.

Onus of proof.

13.— In any prosecution for an offence under this Act the onus of proving the existence of any licence or exemption shall be on the person seeking to avail of it.

Offences by bodies corporate.

14.— (1) Where an offence under this Act has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director of the body corporate.

Expenses of Minister.

15.— The expenses incurred by the Minister in administering this Act shall, to such extent as may be sanctioned by F14**[**the Minister for Public Expenditure and Reform**]**, be paid out of moneys provided by the Oireachtas.

Annotations

Amendments:

F14 Substituted (01.01.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 29(c), S.I. No. 678 of 2022.

Grants by Minister.

16.— The Minister may, for the purposes of this Act, as he or she sees fit and in accordance with such conditions as he or she may determine, make grants out of moneys provided by the Oireachtas to—

(*a*) a water services authority,

(*b*) any person providing or intending to provide water services,

(*c*) an organisation which represents or promotes the formation of co-operative groups or voluntary associations,

(*d*) an organisation which conducts research or provides information, advice or training related to F15**[**water services,**]**

F16**[**(*dd*) in accordance with section 31 of the Water Services Act 2017, the Water F17**[**Forum, or**]]**

F18**[**(*de*) F19**[**...**]]**

(*e*) any other person.

Annotations

Amendments:

F15 Substituted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 7(a), S.I. No. 511 of 2017.

F16 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 7(b), S.I. No. 511 of 2017.

F17 Substituted (28.04.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 29(d)(i), S.I. No. 678 of 2023.

F18 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 7(c), S.I. No. 511 of 2017.

F19 Deleted (28.04.2023) by *Water Services (Amendment) Act 2022* (39/2022), s. 29(d)(ii), S.I. No. 678 of 2023.

Schemes of financial assistance.

17.—F20**[...]**

Annotations

Amendments:

F20 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Editorial Notes:

E9 Previous affecting provision: power pursuant to section exercised (25.06.2013) by *Domestic Waste Water Treatment Systems (Financial Assistance) Regulations 2013* (S.I. No. 222 of 2013); revoked (1.01.2024) by *Housing (Domestic Waste Water Treatment Systems Grant Under The National Inspection Plan) Regulations 2023* (S.I. No. 563 of 2023), reg. 8, in effect as per reg. 2.

Regulations, orders and directions.

18.— (1) The Minister may make regulations for the purposes of this Act, including regulations for prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or for the purpose of enabling any provision of this Act to have full effect.

(2) Regulations made under this Act may make different provisions, including provision for different requirements or exemptions, in relation to different areas, different circumstances, different classes of persons or water services or other activities.

(3) Without prejudice to any other provision of this Act, a regulation or order under this Act may provide for such incidental, consequential, supplementary or transitional provisions (including provisions for the purpose of securing the continuity of any provision of this Act with any provision of any other Act or instrument repealed, revoked, amended or otherwise affected by this Act or by any regulation or order made under it) as may appear to the Minister to be appropriate for the purposes of this Act or any regulations or order made under it.

(4) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Annotations

Editorial Notes:

E10 Power pursuant to subs. (1) exercised (1.01.2018) by *Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017* (S.I. No. 597 of 2017), in effect as per reg. 4.

E11 Power pursuant to section exercised (28.05.2013) by *Domestic Waste Water Treatment Systems (Registration) (Amendment) Regulations 2013* (S.I. No. 180 of 2013).

E12 Power pursuant to section exercised (3.10.2012) by *Water Services Act 2007 (Registration and Inspections) Regulations 2012* (S.I. No. 384 of 2012), in effect as per reg. 1(b).

E13 Power pursuant to section exercised (26.06.2012) by *Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012* (S.I. No. 223 of 2012), in effect as per reg. 1(b).

E14 Power pursuant to section exercised (25.06.2012) by *Domestic Waste Water Treatment Systems (Registration) Regulations 2012* (S.I. No. 220 of 2012).

E15 Power pursuant to section exercised (30.04.2009) by *Water Services Act 2007 (Waste Water Complaint Notice Form) Regulations 2009* (S.I. No. 141 of 2009), in effect as per reg. 1(b).

E16 Power pursuant to section exercised (15.12.2008) by *National Rural Services Committee (Establishment Day) Order 2008* (S.I. No. 522 of 2008).

E17 Power pursuant to section exercised (9.12.2008) by *Water Conservation Regulations 2008* (S.I. No. 527 of 2008).

Service of notices.

19.— (1) Any notice, or other document or thing, required to be served or given by, or under, this Act shall be addressed to the person concerned and served or given in any of the following ways:

(*a*) by addressing it to the person by name and delivering it to him or her;

(*b*) by leaving it at the address at which the person ordinarily resides or carries on business;

(*c*) by sending it by post in a prepaid registered letter addressed to him or her at the address at which he or she ordinarily resides or carries on business;

(*d*) if an address for the service of notices has been furnished by the person, by leaving it at, or sending it by prepaid registered post addressed to him or her to, that address;

(*e*) where the address at which the person ordinarily resides or carries on business cannot be ascertained by reasonable inquiry and the notice is required to be served on, or given to, him or her in respect of any premises, by delivering it to a person over 16 years of age resident in or employed on the premises, or by affixing it in a conspicuous position on or near the premises; or

(*f*) where there is a facility for receiving a copy of the notice by electronic mail or a facsimile of the notice by electronic means at the address at which the person ordinarily resides or carries on business, by transmitting a copy of the notice by electronic mail or a facsimile of the notice by such means to that address, provided that the notice is also served or given in any of the other ways referred to in this subsection other than this paragraph.

(2) Where the name of the person concerned cannot be ascertained by reasonable inquiry a notice under this Act may be addressed to "the occupier", "the owner" or "the person in charge" as the case may be.

(3) For the purpose of this section a company registered under the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other

body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

(4) A person who, at any time during the period of 3 months after a notice is affixed under *subsection (1)(e)* removes, damages or defaces the notice without lawful authority, commits an offence.

(5) Without prejudice to *section 20* and for the purpose of a notice under *section 43(13)*, *92(2)* or *97(1)*—

(*a*) where the name of the person concerned cannot be ascertained by reasonable inquiry, the notice may be addressed (however expressed) to—

(i) the person who owns or has control over the land or pipe referred to in the notice, or

(ii) the person who is responsible for the maintenance, repair or renewal of the land or pipe referred to in the notice,

(*b*) where the address of any person to whom a notice under *section 43(13)*, *92(2)* or *97(1)* is directed cannot be ascertained by reasonable inquiry, then service of the notice may be effected by—

(i) publication of the notice in *Iris Oifigiúil*,

(ii) affixing a copy of the notice in a conspicuous position at or near the location at which the work referred to in the notice is to be carried out, and

(iii) publication of the notice in a newspaper circulating in the area in which the land or pipe referred to in the notice is located.

Owners, occupiers, etc.

20.— Whenever in any proceedings under this Act it is necessary to mention the occupier or owner of any premises it shall be sufficient to designate him or her as "occupier" or "owner" of the premises without further description.

Powers of examination, investigation and survey.

21.— A water services authority, and any other person who may be prescribed functions under the Act, shall have all such powers of examination, investigation and survey as may be necessary for the performance of their functions in relation to this Act.

Powers of authorised persons.

22.— (1) The Minister, F21**[**Irish Water,**]** or a water services authority, or such other person as may be prescribed, may appoint a person to be an authorised person for the purposes of this Act.

(2) An authorised person may, for any purpose connected with this Act—

(*a*) at all reasonable times, or at any time if he or she has reasonable grounds for believing that there is or may be a risk to human health or the environment arising from the carrying on of a water services activity at a premises, enter any premises and bring onto those premises such other persons (including a member of the Garda Síochána) or equipment as he or she may consider necessary, or

(*b*) at any time if he or she has reasonable grounds for suspecting there may be a risk to human health or the environment, or that an offence under this Act is being or is about to be committed, halt and board any vehicle and require the driver of the vehicle to take it to a place designated by the authorised person, and such a vehicle may be detained at that place by the authorised person for such period as he or she may consider necessary, or

(*c*) enter and inspect any premises for the purposes of obtaining any information which the Minister, F21**[**Irish Water,**]** the water services authority or other prescribed person, as the case may be, may require, or of performing a function under this Act.

(3) An authorised person shall not, other than with the consent of the occupier, enter into a private dwelling under this section unless he or she has obtained a warrant from the District Court under *subsection (8)* authorising such entry.

(4) Every authorised person shall be furnished with a certificate of his or her appointment and, when exercising any power conferred on him or her by or under this Act, the authorised person shall, if requested by any person affected, produce the certificate to that person.

(5) Whenever an authorised person enters any premises or boards any vehicle, under this section, he or she may—

(*a*) take photographs and carry out inspections,

(*b*) carry out tests and take samples,

(*c*) monitor any effluent, including trade effluent or other matter which is contained in or discharged from a premises,

(*d*) carry out surveys, take levels, make excavations and carry out examinations of depth and nature of subsoil,

(*e*) require that the premises or vehicle or any part of the premises or anything in the premises or vehicle shall be left undisturbed for such period of time as may be specified by the authorised person, which period—

(i) shall be no greater than reasonably necessary, and

(ii) may be extended from time to time by an authorised person where necessary for the purposes of *subparagraph (i)*,

(*f*) require information from an occupier of the premises or any occupant of the vehicle or any person employed on the premises or any other person on the premises,

(*g*) require the production of, or inspect, records or documents, or take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any records or documents,

(*h*) examine works,

(*i*) carry out repairs or remedial works,

(*j*) replace or renew equipment,

(*k*) install or ascertain the course or condition of any sewer, drain, water main, distribution system, service connection or related accessories, or carry out maintenance, repairs or renewal on them, or

(*l*) carry out examinations to ascertain whether water supplied to the premises is being wasted, or consumed in excessive amounts relative to the purpose provided or used for purposes other than for which supplied,

which the authorised person, having regard to all the circumstances, considers necessary for the purposes of exercising any function under this Act.

(6) (*a*) An authorised person who, having carried out enquiries in accordance with the powers provided under this section, considers that a water supply or waste water or any associated infrastructure at a premises constitutes a risk, or permits a risk to human health or the environment, may direct the owner

or occupier of the premises to take such measures as are considered by that authorised person to be necessary to remove that risk.

(*b*) If the owner or occupier referred to in *paragraph (a)* fails to comply with a direction of an authorised person under this subsection, the authorised person may do all things as are necessary to ensure that the measures required under the direction are carried out and the costs incurred by him or her in doing any such thing shall be recoverable from the owner or occupier by him or her, or the person by whom he or she was appointed.

(7) Any person who—

(*a*) refuses to allow an authorised person to enter any premises or board any vehicle or to bring any person or equipment with him or her in the exercise of his or her powers,

(*b*) obstructs or impedes an authorised person in the exercise of any of his or her powers,

(*c*) gives either to an authorised person, F21**[**Irish Water,**]**a relevant water services authority or the Board, information which is to his or her knowledge false or misleading in a material respect, or

(*d*) fails or refuses to comply with any direction or requirement of an authorised person,

commits an offence.

(8) (*a*) Where an authorised person in the exercise of his or her powers under this section is prevented from entering any premises, or if he or she has reason to believe that evidence related to a suspected offence under this Act may be present in any premises and that the evidence may be removed therefrom or destroyed, or if the authorised person has reason to believe that there is a significant immediate risk to human health or the environment, the authorised person or the person by whom he or she was appointed may apply to the District Court for a warrant under this subsection authorising the entry by the authorised person onto or into the premises.

(*b*) If, on application being made to the District Court under this subsection, the District Court is satisfied, on the sworn information of the authorised person that he or she has been prevented from entering a premises, the Court may issue a warrant authorising that person, accompanied, if the Court deems it appropriate by another authorised person or a member of the Garda Síochána F22**[**or an inspector appointed by the Agency in accordance with section 70E**]**, as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production if so requested of the warrant, to enter, if need be by force, the premises concerned and exercise the powers referred to in *subsection (5)* or *(6)*.

(9) An authorised person may, in the exercise of any power conferred on him or her by this Act involving the bringing of any vehicle to any place, or where he or she anticipates any obstruction in the exercise of any other power conferred on him or her by or under this Act, request a member of the Garda Síochána to assist him or her in the exercise of such a power and any member of the Garda Síochána to whom he or she makes such a request shall comply with that request.

(10) An authorised person may enter on land for the purpose of assessing the suitability of the land for any activity, or for use in connection with any activity, authorised under this Act and that entry shall be subject to the relevant provisions of section 252 of the Act of 2000 as if it were an entry made under that section.

(11) The Minister may make regulations for the purpose of this section to provide for all or any of the following matters:

(*a*) the taking of samples and the carrying out of tests, examinations and analyses;

(*b*) the specification of the classes of persons to be responsible for taking samples and for the carrying out of tests, examinations and analyses;

(*c*) the specification of the certificate or other evidence to be given of the result of any such test, examination or analysis and the class or classes of person by whom such certificate or evidence is to be given; or

(*d*) any consequential or ancillary matters.

(12) Any certificate or other evidence given, or to be given, in respect of any test, examination or analysis of any sample shall, in relation to that sample, be evidence, without further proof, of the result of the test, examination or analysis unless the contrary is shown.

Annotations

Amendments:

F21 Inserted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 38(1)(b), S.I. No. 575 of 2013.

F22 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 3, S.I. No. 219 of 2012.

Time limits.

23.— (1) Where a provision of this Act, or of any regulation made under this Act, or of any notice served under this Act, enables representations to be made, or requires documents, particulars or other information to be furnished, before the expiration of a specified period and the last day of that period is a Saturday, a Sunday, a public holiday (within the meaning of the Organisation of Working Time Act 1997) or any other day on which the principal office of the water services authority concerned, or other prescribed person (as the case may be), is closed, the representations, documents, particulars or other information (as the case may be), shall be regarded as having been received before the expiration of that period if received by the water services authority or other prescribed person on the next following day on which the principal office of the water services authority, or other prescribed person, is open.

(2) In this section "representations" includes objections, submissions and observations.

Records.

24.— (1) A water services authority or any other person prescribed shall establish and maintain records for the purposes of this Act.

(2) The records referred to in *subsection (1)* may be established and maintained in a form that is not legible if they are capable of being converted into a legible form.

(3) In any proceedings taken under this Act a certificate signed by an authorised person and containing information stated to be taken from records maintained under this section by a water services authority or any other person prescribed shall be admissible as evidence of the facts stated in the certificate.

(4) In any proceedings a document purporting to be a certificate under *subsection (3)* shall be deemed to be such a certificate and to have been signed by an authorised person unless the contrary is shown.

(5) In any proceedings a document purporting to be a copy of a notice, order, licence or other record and to be certified by an authorised person to be a true copy of the notice, order, licence or other record shall be admissible as evidence of that notice, order, licence or record.

(6) The Minister may make regulations for the purposes of this section, including regulations to impose requirements to keep specified records made under this section and to provide for the format of those records.

Register.

25.— (1) A water services authority and any other person prescribed shall, as soon as may be after the commencement of this section, establish and maintain a register for the purposes of this Act, and shall enter in the register the entries and additions as may, from time to time, be prescribed.

(2) A register under this section shall be kept at the principal office of the water services authority concerned, or any other person prescribed, and shall be made available for inspection by any person during office hours.

(3) Where a request is made to a water services authority, or any other person prescribed, for a copy of an entry in the register maintained by it or him or her under this section, the water services authority, or other person prescribed, shall issue such a copy to the applicant on, if so required, the payment by the applicant of a fee of such an amount (not exceeding the reasonable cost of making the copy) as may be determined.

(4) Every document purporting to be a copy of an entry in a register maintained under this section by a water services authority, or other person prescribed, and purporting to be certified by an officer of the water services authority, or other person prescribed, to be a true copy of the entry shall, without proof of the signature of the person purporting so to certify or that he or she was that officer, be received in evidence in any legal proceedings and shall, until the contrary is proved, be deemed to be a true copy of the entry and to be evidence of the terms of the entry.

(5) Evidence of an entry in a register under this section may be given by production of a copy of it certified under this section and it shall not be necessary to produce the register itself.

(6) A water services authority, or other person prescribed shall notify the Minister, or other person prescribed, in such manner and at such times as may be prescribed, of such particulars entered in a register maintained under this section as may be prescribed.

(7) (*a*) A water services authority or other person prescribed may keep a register under this section otherwise than in legible form so that the register is capable of being used to make a legible copy or reproduction of any entry in the register.

(*b*) References in this section to a copy of an entry in a register under this section shall be construed as including references to such a legible copy or reproduction.

(8) The Minister may make regulations to impose a requirement to record specified information for the purposes of this section and may prescribe the format of those records.

Provision of services.

26.— (1) For the purpose of enabling a water services authority or other person prescribed to perform their functions, the Minister may provide services (including services of staff) to the water services authority, or other person prescribed, on such terms and conditions (including payment for such services) as may be agreed and the water services authority or other person prescribed may avail of such services.

(2) A water services authority may provide services (including services of staff) to the Minister, another water services authority, or any other person, on such terms and conditions (including payment for such services) as may be agreed, and the Minister, the other water services authority or other person may avail of such services.

(3) A public authority may provide to the Minister, a water services authority, or any person prescribed, any services (including services of staff) required by the Minister or the water services authority, or other person prescribed, for the performance of any of his or her or its functions under this Act and on such terms and conditions (including payment for such services) as may be agreed and the Minister, water services authority or other person prescribed may avail of such services.

Transfer or extension of functions.

27.— F23**[**...**]**

Annotations

Amendments:

F23 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Injunctive relief.

28.— (1) Where, on application by a water services authority to the High Court, the Court is satisfied that a person has failed to comply with a requirement of or under this Act, and the failure has caused, or is likely to cause, a risk to human health or the environment, it may by order—

(*a*) direct the person to comply with the requirement, and

(*b*) make such other provision, including provision in relation to the payment of costs, as the Court considers appropriate.

(2) An application for an order under this section shall be by motion, and the High Court when considering the matter may make such interim or interlocutory order as it considers appropriate.

(3) An application for an order under this section may be made whether or not there has been a prosecution for an offence under this Act in relation to the activity concerned and shall not prejudice the initiation of a prosecution for an offence under this Act in relation to the activity concerned.

Immunity.

29.— (1) No action or other proceeding shall lie or be maintained against the Minister, a water services authority or other prescribed person for the recovery of damages in respect of any injury to persons, damage to property or other loss alleged to have been caused by—

(*a*) a failure to exercise any power conferred on the Minister, a water services authority or other prescribed person, by or under this Act or any regulations made under it, or

(*b*) a restriction of the provision of water services in a manner which is reasonable for the performance of any functions under the Act.

(2) Where the Minister, a water services authority or other person prescribed is satisfied that—

(*a*) an authorised person appointed by the Minister, that water services authority or that other person,

(*b*) an officer or employee of the Minister, of that water services authority or that other person, or

(*c*) a member of a committee or consultative group established by the Minister, that water services authority or that other person,

has carried out his or her duties in relation to the performance by the Minister, that water services authority or that other person of his or her or its functions under this Act in good faith—

(i) the Minister,

(ii) the water services authority, or

(iii) that other person,

as the case may be, shall indemnify the authorised person, officer or employee, or member of a committee or consultative group against all actions or claims howsoever arising in respect of the carrying out by him or her of his or her said duties.

Annotations

Modifications (not altering text):

C8 Application of section extended (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 9, S.I. No. 575 of 2013:

Immunity

9. Section 29 of the Act of 2007 shall apply to Irish Water as it applies to a water services authority, and accordingly references in that section to a water services authority shall be construed as including references to Irish Water.

C9 Application of section extended (29.03.2013) by *Water Services Act 2013* (6/2013), s. 23, S.I. No. 108 of 2013:

Immunity

23.— Section 29 of the Act of 2007 shall apply to a metering authority as it applies to a water services authority, and accordingly references in that section to a water services authority shall be construed as including references to a metering authority.

PART 2

GENERAL FUNCTIONS

General functions of Minister.

30.— F24**[**...**]**

Annotations

Amendments:

F24 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Editorial Notes:

E18 Subs. (3)(c) amended (22.10.2018) by *Planning and Development (Amendment) Act 2018* (16/2018), s. 18(2) and sch. 3 ref. no. 12, S.I. No. 436 of 2018, which provides for the substitution of "National Planning Framework" for "National Spatial Strategy". The amendment cannot be implemented because of repeal of the section.

Powers of a water services authority.

31.— (1) F25**[**...**]**

(2) F26**[**...**]** a water services authority may provide water services or supervise the provision of water services by other persons, in accordance with any prescribed standards, for domestic and non-domestic requirements F26**[**...**]**, taking full account of the following aspects of public policy, namely:

(*a*) proper planning and sustainable development F26**[**...**]**;

(*b*) protection of human health and the environment;

(*c*) relevant regulations and other statutory provisions made by the Minister or the Parliament and Council of the European Union;

(*d*) relevant regulations made by the Minister for Health and Children;

(*e*) relevant policy directions issued by the Minister under this Act or any other enactment;

(*f*) guidance provided or direction made by the Agency;

(*g*) sustainable management of water resources;

(*h*) relevant development plans, regional or spatial planning guidelines, housing strategies or special amenity area orders, as appropriate, made under the Act of 2000;

(*i*) a water quality management plan or a programme of measures made under the *Local Government (Water Pollution) Acts 1977 to 2007* for the area to be covered by the water services strategic plan;

(*j*) a waste management plan under the Act of 1996;

(*k*) a river basin management plan or a programme of measures under the EU Water Framework Directive; or

(*l*) such other criteria, standards or procedures as may be prescribed in relation to matters to which *paragraphs (a)* to *(k)* apply or as may be directed by the Minister.

(3) F25**[**...**]**

(4) A water services authority may not provide water services or supervise the provision of water services if doing so is inconsistent with any of the public policy issues specified in *subsection (2)(a)* to *(l)*.

(5) Without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, for the purposes of fulfilling all or any of its functions under *subsection (2)*, a water services authority may make arrangements with another person, including entering into an agreement or arrangement with another person in relation to the provision of water services by another person or jointly with it F26**[**...**]**.

(6) Any plant, works, machinery or pipe provided under any arrangement under *subsection (5)* will be subject to the same obligations and duty of care by owners or occupiers of premises as if it was provided directly by a water services authority.

(7) F25**[**...**]**

(8) Notwithstanding *subsection (7)*, a water services authority may require that the provision of water services to any person (other than in the case of water services provided to a household for domestic purposes) shall be subject to that person entering into an agreement with the water services authority under *section 32(1)(k)* in relation to reserving or assigning capacity for the provision of water services to that person.

(9) F25**[**...**]**

(10) A water services authority may provide assistance to any water services provider to facilitate the provision of water services.

(11) F25**[**...**]**

(12) (*a*) Notwithstanding any provision of this or any other enactment, a water services authority shall not enter into any agreement or arrangement with another person, F26**[**...**]**, for the provision of water services jointly with or on behalf of the authority which—

(i) involves or may involve the transfer of the water services authority's assets or infrastructure, or any part of such assets or infrastructure, to that person, or

(ii) prohibits the transfer to the water services authority of assets or infrastructure, or any part of such assets or infrastructure, provided by the person as part of such agreement.

(*b*)F26**[**...**]**

(13) F25**[**...**]**

(14) F25**[**...**]**.

(15) F25**[**...**]**

(16) F25**[**...**]**

(17)F25**[**...**]**

(18) F25**[**...**]**

(19) A right to water services, which is provided for under, or may be construed from, this section, or any other section under this Act or any other enactment, whether enacted before or after this Act, shall not apply in relation to a premises which is an unauthorised structure, or the use of which constitutes an unauthorised use, under the Act of 2000.

(20) F25**[**...**]**

Annotations

Amendments:

F25 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(3)(d), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

F26 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(3)(a)-(c), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

General functions of water services authorities in relation to provision of water services.

32.— (1) A water services authority may F27**[**...**]** take all necessary measures to ensure compliance with its obligations under *section 31* and for the purposes of carrying out its functions under *section 31* F27**[**...**]** including—

(*a*) the abstraction, impoundment, treatment, purchase or supply of water for drinking or any other purpose, in accordance with relevant provisions of this Act or any other enactment, or regulations made under this or any other enactment,

(*b*) the provision, operation or maintenance of sewers and waste water collection and treatment facilities, in accordance with relevant provisions of this Act

or any other enactment, or regulations made under this or any other enactment,

(*c*) the construction or maintenance, or arrangement for the construction and maintenance of, waterworks or waste water works,

(*d*) the undertaking of such work as is necessary to provide such waterworks or waste water works as may be required,

(*e*) purchasing or obtaining premises or wayleaves,

(*f*) the installation and maintenance of meters, or otherwise measuring the volume or rate of flow of water supplies or discharges to waste water works,

(*g*) monitoring the quality of water supplies at any point or points,

(*h*) monitoring the quality of waste water at any point or points,

(*i*) treatment, reuse or disposal of by-products arising from the treatment of water or waste water,

(*j*) without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, entering into an agreement with any person in relation to or for the provision of, whether by that person or jointly with that person, water services F27**[**...**]**,

(*k*) without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, entering into an agreement or arrangement with any person for the provision of water services to that person, including in relation to assigning capacity in a waterworks or reserving capacity in a waste water works for the provision of water services to that person,

(*l*) authorising, controlling, monitoring or supervising the provision of water services by any other person F27**[**...**]**,

(*m*) carrying out all such surveys, research, analysis, monitoring or undertaking any other action which may be necessary for the purposes of its functions under this section,

(*n*) the provision of guidance, advice or information to other persons in relation to water services,

(*o*) entering into such contracts or other arrangements as it considers necessary or expedient for the use, purchase, or lease of any buildings, premises, materials, services, machinery or other apparatus, or

(*p*) taking waterworks or waste water works provided by other persons in charge.

(2) F27**[**...**]**

(3) F27**[**...**]**

(4) F27**[**...**]**

(5) F27**[**...**]**

(6) Measures taken in relation to failure to meet prescribed drinking water quality standards shall—

(*a*) be prioritised having regard, amongst other matters, to the extent to which the relevant parametric values have been exceeded and to the potential danger to human health arising, and

(*b*) in any event, be taken as soon as possible.

(7) F27**[**...**]**

(8) F27**[**...**]**

(9) F27**[**...**]**

(10) F27**[**...**]**

(11) F27**[**...**]**

(12) F27**[**...**]**

Annotations

Amendments:

F27 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(4), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Editorial Notes:

E19 Previous affecting provision: application of subs. (1)(f) extended (29.03.2013) by *Water Services Act 2013* (6/2013), s. 20, S.I. No. 108 of 2013; repealed (3.12.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(2), S.I. No. 548 of 2014.

Connections to waterworks or waste water works.

33.— (1) In respect of any connection by a user to a waterworks or waste water works operated by or on behalf of or jointly with a water services authority, the water services authority may, subject to any regulations made under this section, specify any technical requirements necessary to minimise the risk of leakage or to protect the integrity of the waterworks or waste water works.

(2) The Minister may make regulations for the purposes of *subsection (1)* specifying technical standards.

(3) A person who fails to comply with a technical requirement specified under this section commits an offence.

Guidelines and codes of practice.

34.— The Minister may issue guidelines or codes of practice in relation to the performance of the functions of water services authorities under this Act, or in relation to the provision of water services by any person or in relation to the general duties of other persons to which this Act or regulations under it apply.

Guidelines and codes of practice in criminal proceedings.

35.— (1) Subject to *subsection (2)*, failure on the part of any person to observe any provision of a guideline or a code of practice issued under *section 34* shall not of itself render that person liable to any civil or criminal proceedings.

(2) Where in any criminal proceedings a party is alleged to have committed an offence under this Act, being a provision for which there was a guideline or a code of practice at the time of the alleged contravention, *subsection (3)* shall have effect with respect to that guideline or code of practice in relation to those proceedings.

(3) Any provision of a guideline or code of practice which appears to the court to give practical guidance as to the observance of the requirement or prohibition alleged to have been contravened shall be admissible in evidence; and if it is proved that any act or omission of the defendant alleged to constitute the contravention is a failure to observe such provision of the guideline or code of practice, or if it is proved that any act or omission of the defendant is in compliance with such provision of the guideline or code of practice, then such failure or compliance shall be admissible in evidence.

Water services strategic plan.

36.— F28**[**...**]**

Annotations

Amendments:

F28 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Functions of Minister in relation to water services strategic plans.

37.—F29**[**...**]**

Annotations

Amendments:

F29 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Implementation of a water services strategic plan or any revision thereof.

38.— F30**[**...**]**

Annotations

Amendments:

F30 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Transfer of functions from sanitary authorities.

39.— All functions assigned to sanitary authorities under any other enactment shall, in so far as they relate to the carrying out by a water services authority of functions in relation to the provision of water services, be deemed to be functions of a water services authority, and all references to a sanitary authority in those acts and related enactments are to be construed accordingly.

Annotations

Modifications (not altering text):

C10 Certain functions under section transferred and references construed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), ss. 6, 7(3), (4), (S.I. No. 575 of 2013).

Transfer day

6. The Minister shall, by order, appoint a day to be the transfer day for the purposes of this Act.

Transfer of functions from water service authorities to Irish Water

7.

...

(3) All functions of sanitary authorities deemed to be functions of a water services authority under section 39 of the Act of 2007 shall, on the transfer day, be transferred to Irish Water.

(4) References to a sanitary authority in any enactment or instrument under any enactment shall, on and after the transfer day, in so far as they relate to any function transferred by *subsection (3)*, be construed as references to Irish Water.

...

Continuance of certain functions of water service authorities

10. Functions transferred to Irish Water under section 7 shall, on and after the transfer day continue to be performable by a water services authority for the purposes of the performance of its functions under an excluded provision and, accordingly, for those purposes references in the Act of 2007 that, by virtue of *subsection (2)* of section 7, are to be construed as references to Irish Water shall be construed as including references to a water services authority.

Joint provision of water services.

40.— F31**[**...**]**

Annotations

Amendments:

F31 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Installation of pipes.

41.— (1) In this section—

"local road", "national road" , "public road" , "regional road" and "road" have the same meaning as in section 2 of the Roads Act 1993;

"pipes" includes sewers, drains, water mains, distribution systems, service connections or their accessories;

F32**[** 'road authority' means—

(a) in the case of a toll road within the meaning of Part V of the Roads Act 1993, the National Roads Authority, and

(b) in all other cases, a local authority within the meaning of the Act of 2001, other than a local authority referred to in Part 2 of Schedule 6 to that Act.**]**

(2) A water services authority, or other person acting jointly with it or on its behalf, may, for the purpose of providing or assisting in the provision of water services, carry pipes through, across, over, under or along any public road, or place intended for a public road, or under or over any cellar or vault which may be under the pavement or carriageway of any public road, or from time to time repair, alter, remove or replace the same, subject to the consent of the relevant road authority where the water services authority is not the road authority for that road or place intended for a road.

(3) Any person authorised by a water services authority to provide water services or any person providing water services jointly with or on behalf of that person, may, in respect of the provision of those services, carry pipes through, across, over, under

or along a public road, or place intended for a public road, or under or over any cellar or vault which may be under the pavement or carriageway of any public road, or from time to time repair, alter, remove or replace the same, subject to the consent of the road authority for that road.

(4) Subject to any regulations that the Minister may make under *subsection (6)*, a road authority may attach conditions to the granting of any consent under *subsection (2)* or *(3)*, which shall be binding on the said water services authority or authorised provider of water services or person providing water services jointly with or on behalf of the water services authority or authorised provider of water services as the case may be.

(5) Without prejudice to the generality of *subsection (4)*, conditions attaching to any consent may include—

(*a*) the periods during which and times at which works shall be or shall not be carried out,

(*b*) the period within which works shall be completed,

(*c*) the manner in which works shall be completed,

(*d*) requirements and standards in relation to the temporary or permanent reinstatement of a public road following the carrying out of works,

(*e*) requirements in relation to giving security, including refundable deposits, as the case may be, for the satisfactory reinstatement of a public road following the carrying out of works,

(*f*) requirements in relation to the co-ordination of work with other work being undertaken or proposed by other persons,

(*g*) requirements in relation to the control of traffic in the vicinity of works,

(*h*) requirements in relation to the supervision and inspection of works by the road authority,

(*i*) requirements in relation to the carrying out of additional works,

(*j*) requirements in relation to the provision of information to the public as to the extent or nature of the works or the period within which they shall be completed, and

(*k*) any other measures considered necessary by the road authority for the protection of human health or the environment, and to facilitate sustainable development.

(6) The Minister may, with the consent of the Minister for Transport, make regulations for the purposes of this section.

(7) Without prejudice to the generality of *subsection (6)*, regulations under this section may include provision for—

(*a*) procedures for the administration of the consent process, including in relation to refusal or withdrawal of a consent,

(*b*) charges for administration of the consent process,

(*c*) matters to be taken into consideration by a road authority for the purposes of the consent process,

(*d*) conditions attaching to a consent,

(*e*) waiving or substitution of consent procedures in an emergency for the purposes of protecting human health and the environment,

(*f*) requirements and standards in relation to the reinstatement of roads,

(*g*) notification and public consultation requirements, or

(*h*) procedures when consent is refused or withdrawn, or an applicant for consent wishes to make representations in relation to conditions attaching to a consent.

(8) Regulations under this section may make different provisions for applications for consent for different classes of roads.

(9) A requirement to hold a licence under section 254 of the Act of 2000 in respect of works on, under, over or along a public road shall not apply to a person who has obtained the consent of a road authority under this section, in respect of the works to which the consent relates.

(10) A road authority shall have a right of action for relief by way of injunction or declaration from the High Court against any person to restrain any non-compliance or direct any compliance with a requirement of this section, and the Court may grant such order as it sees fit.

(11) For the purposes of this Act, where a person (other than a road authority) claims an interest in or under any road—

(*a*) it shall be for the person concerned to prove such interest, and

(*b*) the value of such interest shall be taken to be nil unless it is shown to be otherwise by the person.

(12) Section 182 of the Act of 2000 shall apply to a water services authority for the purposes of this Act, and any references to a local authority in the said section or in Part XIV or related Parts of the Act of 2000 shall be deemed to be a reference to a water services authority for the purposes of this Act.

(13) F33**[**...**]**

(14) F33**[**...**]**

Annotations

Amendments:

F32 Substituted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(5)(a), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

F33 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(5)(b), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Modifications (not altering text):

C11 Application of section extended (29.03.2013) by *Water Services Act 2013* (6/2013), s. 21, S.I. No. 108 of 2013.

Installation of pipes.

21.— (1) Section 41 of the Act of 2007 shall apply to the performance by a metering authority of functions in accordance with this Act subject to the deletion, in subsection (2), of the words "subject to the consent of the relevant road authority where the water services authority is not the road authority for that road or place intended for a road".

(2) For the avoidance of doubt, the provisions of the Planning and Development Act 2000 shall apply to a metering authority as, by virtue of subsection (12) of section 41 of the Act of 2007, they apply to a water services authority.

Requirement to connect to waterworks or waste water works.

42.— (1) Where—

(*a*) a water services authority has provided, arranged for the provision of or taken in charge a waste water works, and

(*b*) in the opinion of the authority, any premises F34**[**...**]**—

(i) is not drained in a satisfactory manner, or

(ii) constitutes, or is likely to constitute, a risk to human health or the environment, and

(iii) is capable of being served by means of a service connection of a reasonable length to the waste water works,

the authority may serve on the owner of the premises a notice requiring the execution within a specified period of such works as are necessary for the purpose of securing the service of the premises by the waste water works.

(2) Where—

(*a*) a water services authority has provided, arranged for the provision of or taken in charge a waterworks, and

(*b*) in the opinion of the authority, any premises F34**[**...**]** is—

(i) not provided with a satisfactory supply of water, and

(ii) capable of being served by means of a service connection of a reasonable length to the waterworks,

the authority may serve on the owner of the premises a notice requiring the execution within a specified period of such works as are necessary for the purpose of securing the service of the premises by the waterworks.

(3) A notice under this section shall specify separately any portion of the works required thereby which is to be executed under *subsection (11)* of this section by the water services authority, or under its supervision.

(4) (*a*) *Subsection (1)* and *(2)* shall also apply where a water services authority has authorised or entered into an agreement with another person, or where an authorised provider of water services has entered into such an agreement for the provision of the waterworks or waste water works in question, provided that the agreement of that person to the additional connection is, unless otherwise provided for in any aforementioned agreement, also obtained by the water services authority.

(*b*) Where *paragraph (a)* applies, the water services authority may also require the owner of the premises concerned to take a supply of water through a meter or other instrument provided for measuring the supply of water to that premises or to discharge water through a waste water discharge meter in accordance with *Part 5*.

(5) The person on whom a notice under this section has been served may, within one month from the date of the service of the notice on him or her, appeal against the terms of notice to the District Court and a decision from the District Court under this subsection shall be final, save that, by leave of the Court, an appeal from the decision shall lie to the High Court on a specified question of law.

(6) Notice of appeal under this section shall be given to the water services authority, and that authority shall be entitled to appear and be heard on the hearing of the appeal.

(7) On the hearing of an appeal under this section the District Court may—

(*a*) confirm the notice unconditionally,

(*b*) confirm the notice subject to such modifications, alterations or additions as the Court thinks reasonable, or

(*c*) annul the notice.

(8) A notice under this section shall take effect—

(*a*) in case no appeal is taken, or an appeal is taken and is withdrawn within one month from the service of the notice, on the expiration of one month from the service of the notice,

(*b*) in case an appeal is taken and is not so withdrawn, when the appeal is withdrawn or determined.

(9) (*a*) Subject to the provisions of this subsection, where a notice under this section has been served on the person who was, when the notice was served on him or her, the owner of the premises to which the notice relates and within the period specified in the notice, or within such extended period as the water services authority may allow, the works required by the notice have not been begun or, if begun, have not been completed, that person commits an offence.

(*b*) If a person against whom proceedings are brought under this subsection has at some time before the end of the said period specified in the notice for compliance therewith (or of such extended period as the water services authority may allow for such compliance) ceased to be the owner of the premises, he or she shall, upon complaint duly made by him or her and on giving to the prosecution not less than 3 clear days' notice of his or her intention, be entitled to have the person who then became the owner of the premises brought before the Court in the proceedings.

(*c*) If, after it has been proved that the works required by the notice have not been begun or completed as aforesaid, the original defendant proves that the failure was attributable in whole or in part to the default of the said other person, that other person may be convicted of the offence and, if the original defendant further proves that he or she took all reasonable steps to secure compliance with the notice, he or she shall be acquitted of the offence.

(*d*) In *paragraph (a)* and *(c)* of this subsection, the reference to the works required by the notice shall, in a case in which the relevant notice specifies separately any portion of the works required thereby which is to be executed under *subsection (11)* by the water services authority, be construed as referring to so much of the works required by that notice as is not so specified.

(*e*) For the purposes of this subsection, a person who, apart from this paragraph, would be the owner of a premises by reason of receiving rent shall, if he or she receives the rent as agent for another person, be regarded as not being such owner.

(10) If, on a complaint made by the owner of any premises, it appears to the District Court that a person having an interest in the premises, other than the owner of the premises, prevents the owner from executing works required to be executed by a notice under this section, the Court may order the person to permit the execution of those works.

(11) (*a*) Where a notice under this section requires the execution of works which include the installation of a pipe passing through land of which the owner is not the owner of the premises to which the notice relates, the water services authority which served the notice shall itself install, or arrange for the installation of, so much of the pipe as lies within that land and may recover the costs involved from the person to whom the notice is addressed.

(*b*) For the purpose of installing a pipe under this subsection or *subsection (12)*, a water services authority shall have the powers and duties specified in *section 41* and, where appropriate, *Part 7* or *8*, and, on exercising any such power, shall be liable to pay such (if any) compensation as if the power had been exercised under those provisions.

(12) Without prejudice to *section 92*, where works to facilitate drainage of a premises in accordance with a notice under *section 92(2)*, or to connect a premises to a waterworks or waste water works require the installation of a pipe passing through another premises which is not owned by or under the control of the owner of the premises to be drained or connected, a water services authority may, on request of the owner of the premises to be drained or connected, itself install or connect, or arrange for the installation or connection of, so much of the pipe or related accessories as lie within that premises, and may recover the costs involved from the owner of the premises to be drained or connected.

(13) Responsibility for the subsequent maintenance and renewal of any pipe installed under the powers provided in *subsection (11)* or *(12)* shall lie in the first instance with the person on whose behalf the work is carried out, and his or her successors in title, but a water services authority may, at its absolute discretion, take any such pipe in charge in accordance with *section 43(12)*.

Annotations

Amendments:

F34 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(6), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Connections.

43.— (1) In this section—

"connection" means a drain, a distribution system or a service connection and includes part of such drain, distribution system or service connection;

"public road" and "road authority" have the same meanings respectively as in *section 41*.

(2) A water services authority may, at its absolute discretion, subject to such conditions as it may decide, provide, repair or replace, or contribute to the cost of providing, repairing or replacing a connection.

(3) Subject to *subsection (4)*, a person who owns or controls a connection, or in whom it is vested, or who has taken it in charge, shall be responsible for its maintenance and renewal, and shall ensure that it is kept in good order and repair, so as to—

(*a*) prevent a risk to human health or the environment,

(*b*) facilitate the reasonable conservation of water and the proper and effective management of water services, and

(*c*) prevent the infiltration or exfiltration of water or waste water.

(4) Where a person cannot be identified for the purposes of *subsection (3)*, responsibility under that subsection shall lie with the owner or owners of any premises using the connection, in direct proportion to the level of use of the connection to supply water to or convey waste water from the premises or respective premises, as the case may be.

(5) A water services authority may enter any relevant land and carry out all necessary investigations or works for the purposes of providing, ascertaining the condition of or taking in charge, a connection, or for the purposes of *subsection (6)*.

(6) If, in the opinion of a water services authority, a connection is so defective, foul or neglected as to present a risk to human health, the environment, the reasonable conservation of water or the proper and effective management of water services, or, to permit the infiltration or exfiltration of water or waste water, the water services authority may, at its absolute discretion—

(*a*) direct by notice the person or persons responsible for its maintenance or renewal to carry out such works as it considers necessary, or

(*b*) carry out in the first instance, or in the event of failure to comply with a notice under *paragraph (a)*, such works as it considers necessary, and recover the cost of such works from the person or persons responsible for maintenance or renewal of the connection.

(7) If a connection is found on investigation not to be so defective, foul or neglected as to present a risk to human health, the environment, the reasonable conservation of water or the proper and effective management of water services, or, to permit the infiltration or exfiltration of water or waste water, the water services authority which carried out the investigation shall cause such connection to be restored and any opening or excavation made in the course of the investigation to be closed or filled up and any damage done to be made good.

(8) Where—

(*a*) a person wishes to install a connection, or

(*b*) a person responsible for the maintenance or renewal of a connection wishes, or has been directed under *subsection (6)(a)*, either by himself or herself or by arrangement with a third party to undertake maintenance or renewal works on a connection,

which runs, or is intended to run through, across, under, over or along any public road or place intended for a public road, then he or she may do so, subject to the consent of the road authority in whose functional area the road is situated.

(9) A road authority may attach conditions to the granting of any consent under *subsection (8)* as if the person concerned was a person to whom *section 41(3)* applies, which shall be binding on that person or his or her agents as the case may be.

(10) For the purposes of providing any pipe under this section a water services authority shall have the powers mentioned in *section 41*.

(11) The Minister may make regulations in relation to notices under *subsection (6)(a)*, and without prejudice to the generality of such regulations, they may include provisions in relation to—

(*a*) the action to be carried out under a notice,

(*b*) the time limit by which action directed to be carried out under a notice must be completed,

(*c*) the quality of materials and workmanship to be employed in any remedial action under a notice,

(*d*) powers of entry and investigation by authorised persons, and

(*e*) such incidental provisions as are necessary to ensure the effective supervision by a water services authority of compliance with, or enforcement of, a notice.

(12) A water services authority may, at its discretion and subject to such conditions as it may decide, take in charge a connection, which shall thereafter come under the sole control and responsibility of the water services authority.

(13) (*a*) Without prejudice to section 180 of the Act of 2000, where a water services authority proposes to take in charge a connection under *subsection (12)*,

then it shall by notice inform any person who owns or controls the connection, of its intention to take it in charge, and where the identity of that person cannot be ascertained by reasonable enquiry, a notice for the purposes of this subsection may issue in accordance with *section 19(5)*.

(*b*) Where, for the purposes of *paragraph (a)*, the identity of the person or persons who owns or controls a connection cannot be ascertained after reasonable enquiry, then the water services authority shall also by notice inform any person who is responsible, in accordance with *subsection (4)*, for the maintenance or renewal of that connection, and notwithstanding *section 19* such notice may be issued by publication in a newspaper circulating in the area where the connection is located.

(14) A notice under *subsection (13)* may be appealed in accordance with *section 92(8)* by the person to whom it is addressed as if it was a notice issued under *section 92(2)*, and shall be enforceable as if it was issued under that section.

(15) A person to whom a notice under *subsection (13)* is addressed shall, unless he or she waives that right, be entitled to reimbursement, from the water services authority which issued the notice, for the costs of the materials and labour expended by him or her in providing the connection, together with any additional compensation arising from a reduction in the value of his or her interest in the connection concerned.

(16) Where a dispute arises between a person to whom a notice under *subsection (13)* is addressed and the water services authority which issued it, then the matter may be referred by either of them to arbitration as if it was a referral for arbitration under *section 92(15)* but only to the extent that it relates to reimbursement or compensation under *subsection (15)* of this section.

(17) A person who—

(*a*) damages a connection, or

(*b*) fails to comply with a notice under *subsection (6)(a)*,

commits an offence.

Repairs to service connections.

44.— (1) Where any premises F35**[**...**]** is connected to a water supply or sewer which is either the property of a water services authority or an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, by means of a service connection passing through land, the owner of which is not the owner of the premises, the water services authority F35**[**...**]** may—

(*a*) on the request of the owner of the premises, carry out on such land, any necessary repair or renewal of such service connection,

(*b*) after 7 days' notice in writing to the owner of such land or in case of emergency without notice enter on such land and do all things reasonably necessary for the purpose of the repair or renewal.

(2) Any expenses incurred by a water services authority under this section at the request of the owner of a premises may be recovered from that person by the authority.

Annotations

Amendments:

F35 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(7), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Damage to pipes.

45.— A person who causes any damage to a water main, distribution system, sewer, drain, service connection or their accessories used for the purpose of providing water services belonging to or in the charge of a water services authority, an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, commits an offence.

Obligations under other enactments.

46.— No provision in this Act shall be construed as relieving a water services authority of any obligation under another enactment, including enactments brought into operation after the commencement of this section, to consult with or obtain the agreement of another public authority with an interest in any premises affected before undertaking works in relation to any of its functions under this Act.

Monitoring and inspection.

47.— (1) Each water services authority, the Minister or other person prescribed shall—

(*a*) carry out, or cause to be carried out, such monitoring or inspection of water services operations as it, he or she considers to be necessary for the performance of their functions under this Act, and

(*b*) keep and maintain or cause to be kept and maintained, such records of any monitoring or inspections carried out under *paragraph (a)* as it, he or she considers reasonable and necessary.

(2) Where it appears necessary to do so for any purpose of this Act, a water services authority, the Minister or other person prescribed may require any person who is in control of a water service—

(*a*) to carry out or arrange to have carried out such monitoring, at such frequency (including continuous monitoring by electronic means or otherwise) in relation to the activity concerned as it, he or she may specify,

(*b*) to keep and to supply to the water services authority, the Minister or other person prescribed such records of said monitoring or inspection as it, he or she may specify, or

(*c*) to provide meters, gauges, manholes or inspection chambers or any other apparatus for the purposes of this section.

(3) Each water services authority or other person prescribed shall, if so requested by the Minister, supply to the Minister or to any person specified by the Minister, at such intervals and in such manner as the Minister may require, records of any monitoring or inspection carried out under this section that are in its, his or her possession or control.

(4) Each water services authority, the Minister or other prescribed person, shall carry out or take or cause to be carried out or taken such monitoring or other measures as it, he or she considers necessary to verify that any monitoring, or records of such monitoring, required under *subsection (2)* are being properly carried out or retained, as the case may be.

(5) Without prejudice to any other provision of this Act, the Minister may make regulations requiring the making of payments by any person for the purpose of defraying costs which may be incurred by a water services authority, the Minister or other prescribed person in carrying out any monitoring or inspection or taking other measures under this section in relation to the activities of that person.

(6) A payment which is required under regulations under this section, shall be payable on demand by the person concerned.

Consultation.

48.— The Minister may, having consulted with any Minister of the Government that he or she considers ought to be consulted having regard to their functions, make regulations requiring water services authorities or other persons prescribed, to consult with such other persons and in such manner in relation to the exercise of such powers and duties under this Act as may be prescribed.

Map of works.

49.— F36**[**...**]**

Annotations

Amendments:

F36 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Agreement to take over proposed waterworks or waste water works.

50.— (1) Without prejudice to the State Authorities (Public Private Partnership Arrangements) Act 2002, a water services authority, subject to any conditions of a related planning permission under the Act of 2000, may enter into an agreement.

(2) Subject to *subsection (3)*, the agreement referred to in *subsection (1)* is an agreement with any person proposing to construct any waterworks or waste water works, or any part of a waterworks or waste water works, F37**[**...**]** for the purpose of that waterworks or waste water works, or part of it being constructed by that person in accordance with the agreement.

(3) The agreement referred to in *subsection (1)* shall be entered into with a view to the water services authority, upon its completion and at a specified date, declaring by order the waterworks or waste water works, or such part of the waterworks or waste water works covered by the agreement, to be vested in the water services authority.

Annotations

Amendments:

F37 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(8), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Temporary interruption to water services.

51.— (1) In this section "an authority" means a water services authority, an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services.

(2) An authority may temporarily interrupt service from a waterworks or a waste water works—

(*a*) for the purposes of executing any necessary works,

(*b*) in an emergency, including where an immediate risk to human health or the environment exists, or

(*c*) in such other circumstances as may be prescribed.

(3) An interruption of service under this Act, other than an interruption of service made in circumstances provided for in *subsection (2)(b)*, shall only be effected after the user or users concerned have been given reasonable notice.

(4) In the case of an interruption of service made under *subsection (2)* an authority shall, subject to any agreement in force under *section 32(1)(k)*—

(*a*) ensure the restoration of the service as soon as possible, and

(*b*) arrange for the provision to the user or users concerned of an appropriate alternative supply of drinking water for domestic purposes where the service interruption exceeds 24 hours.

(5) Notwithstanding *section 19*, a notice under *subsection (3)* shall be deemed to have been served on all users concerned if it is—

(*a*) advertised in a newspaper circulating in the area in which an interruption of service is scheduled to take place,

(*b*) broadcast on a radio or television channel generally available in the area in which an interruption of service is scheduled to take place, or

(*c*) advertised in such other manner as the Minister may direct.

(6) The Minister may issue guidance in relation to what constitutes an appropriate alternative supply for the purposes of *subsection (4)(b)*, and the exercise of its powers under this section by an authority shall be subject to any such guidance.

Recovery of sums due.

52.—F38**[...]**

Annotations

Amendments:

F38 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

PART 3

Water Supply

Misuse of water supplies.

53.— (1) A person who—

(*a*) makes or causes or permits a connection to be made to a water supply provided by a water services authority, otherwise than with the agreement of the relevant water services authority and in compliance with any conditions attaching to that agreement, or

(*b*) dishonestly uses, or causes to be diverted for dishonest use, or permits the dishonest use of any water supplied by a water services authority, or

(*c*) wilfully wastes or permits wastage of any water supplied by a water services authority to a material extent,

commits an offence.

(2) For the purposes of *subsection (1)* an act is done by a person dishonestly if the person does the act without claim of legal right.

(3) In this section "water services authority" includes also an authorised provider of water services or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services.

F39**[Review by Commission of rate of demand for water services provided to dwellings**

53A. (1) The Commission shall carry out a review to assess the rate of demand, over a 12 month period, for water services provided by Irish Water to dwellings.

(2) In carrying out the review under *subsection (1)* the Commission shall consider, in relation to water services provided by Irish Water to dwellings—

(a) the estimated rate of demand by an individual for provision of water services,

(b) the estimated rate of demand for provision of water services to dwellings, and the impact on that demand where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4,

(c) information relating to trends or patterns in water usage evident in the provision of water services to dwellings (in this section referred to as 'trends or patterns') furnished by Irish Water to the Commission on receipt of a request in that behalf from the Commission,

(d) any trends or patterns identified by the Commission,

(e) the impact on trends or patterns of the number of individuals who ordinarily reside in a dwelling,

(f) statistics published by the Central Statistics Office relating to trends or patterns, and

(g) any other available information considered relevant by the Commission, including information arising from the exercise by it of its other water regulatory functions (within the meaning of section 27 of the Water Services Act 2013).

(3) A review under this section shall be carried out and completed—

(a) in respect of the first review, not later than one month after the coming into operation of this section, and

(b) in respect of each subsequent review, from time to time as determined by the Commission, and in any case not less than 6 months before the expiration of the period in respect of which, under section 22(2) of the Water Services (No. 2) Act 2013, the water charges plan under that section shall apply.

(4) As soon as may be following the completion of a review under this section, the Commission shall furnish a report of the findings of the review to the Minister and shall, in the report—

(a) provide an assessment of the average rate of demand for water services provided by Irish Water to a dwelling over the 12 month period to which the review refers (the 'average rate'), and

(b) in relation to provision of water services—

(i) over the 12 month period to which the review refers, and

(ii) to a dwelling where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4,

recommend an allowance (the 'recommended allowance') to be made in respect of the provision of water services to each individual, in excess of 4, who so resides in the dwelling.

(5) As soon as may be after furnishing the report to the Minister under *subsection (4)*, the Commission shall publish—

(a) the report on a website maintained by the Commission, and

(b) a notice that the report has been published on the website in not fewer than 2 daily newspapers circulating throughout the State.**]**

Annotations

Amendments:

F39 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 8, S.I. No. 511 of 2017.

Editorial Notes:

E20 The section heading is taken from the amending section in the absence of one included in the amendment.

F40**[Threshold amount and allowance amount**

53B. (1) The Minister, as soon as may be after he or she has considered the first report under *section 53A* (inserted by section 8 of the Water Services Act 2017) furnished to him or her, shall by order specify—

(a) the threshold amount, and

(b) the allowance amount.

(2) When making an order under *subsection (1)(a)*, the Minister shall calculate the threshold amount by multiplying the average rate contained in the report furnished to him or her under *section 53A* by a multiplier of 1.7.

(3) The allowance amount specified by the Minister when making an order under *subsection (1)(b)* shall be the sum equivalent to the recommended allowance contained in the report under *section 53A*.

(4) The Minister, as soon as may be after he or she has considered a subsequent report furnished to him or her under *section 53A*—

(a) may amend the order made under *subsection (1)(a)*, and

(b) shall, unless there has been no change in the recommended allowance specified in the previous report, amend the order made under *subsection (1)(b)* to specify the sum equivalent to the recommended allowance contained in that report.

(5) Where the Minister after consideration of a subsequent report furnished to him or her under *section 53A* amends, during the period of 5 years commencing on the coming into operation of this section, an order made under *subsection (1)(a)* or *(4)(a)*, he or she shall calculate the threshold amount by multiplying the average rate specified in the subsequent report concerned by a multiplier of 1.7.

(6) Where the Minister after consideration of a subsequent report furnished to him or her under section 53A amends, at any time after the expiration of the period of 5 years commencing on the coming into operation of this section, an order made under *subsection (1)(a)* or *(4)(a)*, he or she shall calculate the threshold amount by multiplying the average rate specified in the subsequent report concerned by a multiplier not exceeding 1.7.

(7) Before making an order under *subsection (5)* or *(6)* the Minister shall have regard to—

(a) the need to promote conservation of water and sustainable management of water resources,

(b) the need to prevent or abate risks to human health or the environment in the provision of water services,

(c) any river basin management plans for the time being in force made under Regulation 13 of the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), and

(d) proper planning and sustainable development.

(8) Where an order is proposed to be made under *subsection (6)* a draft of the order shall be laid before each House of the Oireachtas and the Order shall not be made until a resolution approving the draft has been passed by each such House.**]**

Annotations

Amendments:

F40 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 9, S.I. No. 511 of 2017.

Editorial Notes:

E21 Power pursuant to subs. (1) exercised (1.01.2018) by *Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017*, (S.I. No. 597 of 2017), in effect as per reg. 4.

E22 The section heading is taken from the amending section in the absence of one included in the amendment.

F41**[Provision of water services exceeding threshold amount**

53C. (1) Irish Water shall not charge a customer for water services provided by Irish Water to the customer's dwelling over a 12 month period unless the water services so provided exceed the threshold amount.

(2) For the purposes of *subsection (1)*, a calculation by Irish Water of water services provided to a customer's dwelling may be made in respect of any 12 month period.**]**

Annotations

Amendments:

F41 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 10, S.I. No. 511 of 2017.

Editorial Notes:

E23 The section heading is taken from the amending section in the absence of one included in the amendment.

F42**[Notice of provision of water services exceeding threshold amount**

53D. (1) Irish Water shall give a notice to a customer to whom, over a 12 month period, in relation to a dwelling, Irish Water provides water services exceeding the threshold amount.

(2) In the notice under *subsection (1)* Irish Water shall—

(a) identify the 12 month period concerned,

(b) inform the customer that the threshold amount has been exceeded in that 12 month period, and

(c) inform the customer that *subsection (3)* shall apply if the threshold amount continues to be exceeded over the 6 month period beginning on the day of the giving of the notice.

(3) A customer in relation to whose dwelling Irish Water provides water services exceeding the threshold amount over the 6 month period commencing on the day of the giving of a notice under *subsection (1)*, shall be liable, in accordance with section 21 (amended by section 15 of the Water Services Act 2017) of the No. 2 Act of 2013, to pay Irish Water for any such water services provided by Irish Water that exceed the threshold amount—

(a) during that 6 month period, and

(b) during any period after the expiration of that 6 month period.**]**

Annotations

Amendments:

F42 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 11, S.I. No. 511 of 2017.

Editorial Notes:

E24 The section heading is taken from the amending section in the absence of one included in the amendment.

F43**[Allowance for household size**

53E. (1) A customer who receives a notice under *section 53D* may apply under this section to Irish Water for an allowance where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4.

(2) For the purpose of this section Irish Water shall calculate the allowance—

(a) by reference to the 12 month period referred to in the notice under section 53D, and

(b) by multiplying the allowance amount by the number reached by reducing by 4 the total number of individuals ordinarily residing in the dwelling concerned over the 12 month period specified in the notice under *section 53D*.

(3) An allowance under this section may operate to wholly or partly reduce the liability of a customer to pay Irish Water under section 53D for provision of water services exceeding the threshold amount.

(4) A customer who has applied for or claimed an allowance in accordance with this section shall immediately give notice to Irish Water of any change in the number of individuals who reside in the dwelling concerned.

(5) The Minister may, for the purpose of this section prescribe minimum periods, within a specified period, during which an individual is required to reside in a dwelling in order to be considered ordinarily resident in the dwelling.

(6) The Minister shall for the purposes of an allowance under this section prescribe the following matters relating to an application for, and confirming continued entitlement to, an allowance under this section:

(a) procedures to be followed by a customer applying to Irish Water for an allowance;

(b) time limits within which, following receipt of a notice under *section 53D*, an application for an allowance is required to be made;

(c) information to be furnished by the customer claiming, or who has claimed, an allowance to satisfy Irish Water regarding the number of individuals ordinarily residing in the dwelling concerned;

(d) for the purposes of *subsection (4)*, procedures to be followed by a customer and by Irish Water where there is a change in the number of individuals ordinarily residing in a dwelling at any time after the making of an application for, or the granting of, an allowance.**]**

Annotations

Amendments:

F43 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 12, S.I. No. 511 of 2017.

Editorial Notes:

E25 The section heading is taken from the amending section in the absence of one included in the amendment.

F44**[Exemption where certain medical need**

53F. (1) A customer who receives a notice under *section 53D* may apply to Irish Water under this section for an exemption.

(2) Irish Water may grant an exemption to a customer from a liability to pay a charge under *section 53D* for provision of water services exceeding the threshold amount, where Irish Water is satisfied that an individual who ordinarily resides in the dwelling concerned has a medical need which requires that provision of water services exceeding the threshold amount.

(3) A customer who has applied for or claimed an exemption in accordance with this section shall immediately give notice to Irish Water—

(*a*) where any change in the medical need of the individual referred to in *subsection (2)* occurs, or

(*b*) where that individual ceases to ordinarily reside in the dwelling concerned.

(4) The Minister may, for the purpose of this section prescribe minimum periods, within a specified period, during which an individual is required to reside in a dwelling in order to be considered ordinarily resident in the dwelling.

(5) The Minister shall for the purpose of an exemption under this section prescribe any of the following matters relating to an application for, and confirming continued entitlement to, an exemption under this section:

(*a*) procedures to be followed by a customer applying to Irish Water for an exemption;

(*b*) information to be furnished by a customer on an application for an exemption including the form in which medical evidence shall be furnished;

(*c*) time limits within which, following receipt of a notice under *section 53D*, an application for an exemption is required to be made;

(*d*) information to be furnished explaining the increased demand for water services due to the medical need;

(*e*) categories of health professional who may provide medical evidence;

(*f*) any requirement that medical evidence should be provided by the health professional treating the individual the subject of the application;

(*g*) information to be furnished by the customer claiming, or who has claimed, the exemption to satisfy Irish Water that the individual the subject of the application ordinarily resides in the dwelling concerned;

(*h*) for the purposes of *subsection (3)*, the procedures to be followed by a customer and by Irish Water where there is a change in the medical need of the individual the subject of the application at any time after the making of an application for, or the granting of, an exemption.**]**

Annotations

Amendments:

F44 Inserted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 13, S.I. No. 511 of 2017.

Editorial Notes:

E26 The section heading is taken from the amending section in the absence of one included in the amendment.

General duties of an owner.

54.— (1) The owner of a premises shall ensure that the internal distribution system of the premises is sufficient for, and maintained in such condition, as to ensure that water intended for human consumption meets prescribed quality requirements at the tap or taps used for such purposes.

(2) The owner of a premises shall ensure that the distribution system of the premises, and all taps connected to it are maintained in such condition as to ensure that water does not leak from the distribution system or any taps connected to it, and shall be responsible for its repair and renewal, save in the circumstances provided for in *subsection (4)*.

(3) A water services authority may F45**[**...**]** by notice direct the owner of a premises to undertake such remedial action as may be specified in the notice, for the purpose of his or her compliance with *subsection (1)* or *(2)*.

(4) A water services authority may—

(*a*) in lieu of issuing a notice under *subsection (3)*, or

(*b*) in the event of failure by a person to whom a notice has been served under *subsection (3)*, to comply with that notice,

execute such works as it considers necessary in the first instance, for the purpose of facilitating compliance with *subsection (1)* or *(2)*, and may recover the costs of such works, or the costs of any investigations or enforcement undertaken by it for the purposes of this section, from the owner of a relevant premises.

(5) The Minister may make regulations for the purposes of this section, and without prejudice to the generality of the foregoing, such regulations may include provisions in relation to—

(*a*) the action to be carried out under a notice under *subsection (3)*,

(*b*) the time limit by which action directed to be carried out under a notice must be completed,

(*c*) the quality of materials and workmanship to be employed in any remedial action under a notice issued under *subsection (3)*,

(*d*) powers of entry and investigation by authorised persons,

(*e*) such incidental provisions as are necessary to ensure the effective supervision by a water services authority of compliance with *subsection (1)* or *(2)* or enforcement of a notice issued under *subsection (3)*,

(*f*) work standards and specifications for materials and fittings to be used in connection with work to which this section applies, or

(*g*) any incidental and ancillary matters.

(6) A person who—

(*a*) contravenes *subsection (1)* or *(2)*,

(*b*) fails to comply with a notice under *subsection (3)*, or

(*c*) contravenes a regulation made under this section,

commits an offence.

Annotations

Amendments:

F45 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(9), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Connection to a water supply.

55.— (1) (*a*) A person who—

(i) causes or permits the connection of a premises to a water supply of a water services provider, either directly or indirectly, or

(ii) otherwise takes such a supply,

without the agreement of the water services provider, commits an offence.

(*b*) For the purposes of *paragraph (a)*, and without prejudice to *subsection (5)*, the agreement of a water services authority under this subsection may be made the subject of such conditions as the water services authority may specify.

(*c*) In considering whether to agree to a connection under this section, a water services authority shall be entitled to take into account the matters referred to in paragraph 1 of the Fourth Schedule to the Act of 2000 in so far as they may apply to the provision of water supplies by it or another person acting jointly with it or on its behalf.

(2) It is a defence to a prosecution for an offence committed under *subsection (1)* to prove that the connection was made in accordance with a direction under *section 92*.

(3) Without prejudice to *subsection (5)*, where a notice under *section 42(2)* takes effect in relation to any premises, agreement to a subsequent connection to a related waterworks shall be deemed to have been given for the purposes of compliance with *subsection (1)*.

(4) Without prejudice to *subsection (5)*, where a water services authority is also the relevant planning authority, the grant of a permission under Part III of the Act of 2000 in relation to a structure to which this section applies may, if it is indicated in the permission, include the agreement of the water services authority to the connection of that structure to its waterworks for the purposes of this section, subject to such conditions as the water services authority may require, consistent with its functions under this section.

(5) (*a*) As a condition to the agreement of a water services authority to the connection of a premises to water supplies which are provided, or to be provided, by the water services authority or any person providing water services jointly with it or on its behalf, the water services authority may, in its absolute discretion and for the purposes of this section, require—

(i) that the length or overall capacity of the service connection, or such related pipes or accessories as it considers necessary, be increased to such extent beyond technical requirements as it may specify so as to enable adjoining or other premises to be connected to a waterworks, but subject to the water services authority—

(I) paying for any consequential increase in the cost of providing and installing the service connection or related pipes or accessories, and

(II) taking the service connection or related pipes or accessories into its charge or otherwise entering into an agreement in relation to their future use with the person seeking its agreement to connect the premises to the said water services,

as if the requirement was a requirement under section 34(4)(*m*) of the Act of 2000, or

(ii) that the service connection, or such related pipes or accessories as it considers necessary, be opened for inspection or testing, or otherwise inspected or tested, by an authorised person.

(*b*) For the purposes of the application of section 34(4)(*m*) of the Act of 2000 to this subsection, a reference to a planning authority shall be deemed to include a reference to a water services authority.

(6) A connection to water services referred to in *subsection (5)* shall not be made until the authorised person is satisfied that—

(*a*) the service connection or related pipes or accessories are—

(i) of a proper standard,

(ii) have been installed correctly,

and

(*b*) a connection to the water services in question may be properly made.

(7) For the purposes of *subsection (6)*, and subject to any regulations under *subsection (9)*, an authorised person may—

(*a*) give such direction in relation to—

(i) standards of workmanship or working practices generally,

(ii) technical specifications, including levels, for the service connection or related pipes or accessories, or their installation, or

(iii) the completion of the connection,

as appears to him or her to be necessary to comply with relevant prescribed standards, and

(*b*) carry out such inspection or testing as he or she considers necessary to verify compliance with a direction under *paragraph (a)*.

(8) A water services authority, or any person providing water services jointly with it or on its behalf, may—

(*a*) close a connection to its water services made in contravention of *subsection (1)*, or a connection to water services referred to in *subsection (5)* which is made in contravention of *subsection (6)* or a direction under *subsection (7)*, or

(*b*) without prejudice to any power to prosecute provided for under this section—

(i) agree to the retention of a connection referred to in *paragraph (a)* subject to such conditions as it may specify, and

(ii) carry out such work on the connection (including associated pipes and fittings) as it considers necessary to bring it up to a proper standard, or direct that such work be carried out by a specified person,

and may recover any expenses incurred under this subsection from the person who made or caused the connection to be made, or on whose behalf it was made, or such other person who derives benefit from the connection.

(9) The Minister may make regulations for the purposes of this section, and without prejudice to the generality of the foregoing, the regulations may include provisions in relation to—

(*a*) standards of workmanship or working practices,

(*b*) specifications for relevant materials and fittings, or

(*c*) any incidental and related matters.

(10) A water services authority may recover any expenses incurred by it in relation to its functions under this section from the person who is making or has made the relevant connection, or on whose behalf it is being or was made.

(11) A person who—

(*a*) makes a connection referred to in *subsection (5)* in contravention of *subsection (6)* or a direction under *subsection (7)*, or

(*b*) contravenes a regulation under *subsection (9)*,

commits an offence.

Conservation of water.

56.— (1) For the purposes of conserving water, where an authorised person has reason to believe that the management, consumption or other use of water on a premises allows water to be wasted or fails to prevent water from being wasted or consumed in excessive amounts, he or she may by notice direct the owner or occupier of the premises to take such corrective action (including installation, repair or replacement of specified pipes, valves or meters and other accessories, or change in operating practice in relation to the management or use of water) as the authorised person considers necessary.

(2) An authorised person may by notice direct the owner or occupier of a premises to limit consumption of water supplied by a water services authority to the premises to such rate or quantity as may be specified in the notice.

(3) Where an authorised person is of the opinion that an immediate risk to human health or the environment or to the integrity of a water service necessitates a reduction in consumption of water supplied, he or she may issue a notice (in this section referred to as an "emergency notice"), having immediate effect, directing the owner or occupier of a premises to limit consumption of water supplied by a water services authority to the premises to such rate or quantity as may be specified in the notice.

(4) A person who fails to comply with a notice under *subsection (1)*, *(2)* or *(3)* commits an offence.

(5) A notice under *subsection (1)* or *(2)* or an emergency notice under *subsection (3)* may issue to such owners or occupiers of a premises, such classes of owners or occupiers of such classes of premises as the case may be, as the authorised person considers necessary for the purposes of this section.

(6) An emergency notice under *subsection (3)* may, notwithstanding *section 19*, also be issued by—

(*a*) advertisement in a newspaper circulating in the area concerned,

(*b*) broadcast on a radio or television channel generally available in the area, or

(*c*) such other means as the Minister may direct.

(7) A person to whom a notice under *subsection (1)* or *(2)* applies may, within one month from the date of the notice, appeal to the District Court in relation to the notice, or any condition of the notice.

(8) On the hearing of any appeal under *subsection (7)*, the District Court may make an order upholding the notice or giving such directions to the water services authority concerned as the Court thinks proper in relation to the notice, including its amendment or withdrawal.

(9) A notice under *subsection (1)* or *(2)* shall become enforceable—

(*a*) in case an objection is not made against it, upon the expiration of one month from the date of the notice,

(*b*) in case an appeal is brought against it and the determination of the appeal does not set the notice aside, upon and in accordance with such determination, or

(*c*) in case an appeal is brought against it and the appeal is withdrawn, upon withdrawal of the appeal or on expiration of one month from the date of the notice, whichever is the later.

(10) An emergency notice under *subsection (3)* shall become enforceable on the date for compliance specified in the notice.

(11) (*a*) Where there is a failure to comply with a notice under *subsection (1)* or *(2)* or an emergency notice under *subsection (3)* the authorised person who issued such a notice may, on the issue of a further notice to the owner or occupier of a premises, restrict or cut off the supply of water to some or all of the premises referred to in the notice until he or she is satisfied that the notice under *subsection (1)* or *(2)* or the emergency notice under *subsection (3)* has been complied with.

(*b*) *Paragraph (a)* applies—

(i) in addition to and not in substitution for other penalties or provisions applying to non-compliance with a notice under *subsection (1)* or *(2)* or an emergency notice under *subsection (3)*,

(ii) without prejudice to any other of the functions of the authorised person, and

(iii) at the discretion of the authorised person.

(12) Liability shall not accrue to a water services authority arising from any consequence of the restriction or cutting off of a supply of water in accordance with *subsection (11)*.

(13) The Minister may make regulations for any of the following purposes, namely:

(*a*) the form and method of serving of a notice or emergency notice;

(*b*) the duration of a notice or emergency notice;

(*c*) review of an emergency notice;

(*d*) the action to be carried out under a notice or emergency notice;

(*e*) the time limit by which action directed to be carried out under a notice or emergency notice must be completed;

(*f*) the minimum period of notice and other procedures to be followed before a water supply is restricted or cut off;

(*g*) the quality of materials and workmanship to be employed in any remedial action under a notice;

(*h*) the prevention of waste, undue consumption, misuse or contamination of water; or

(*i*) such incidental provisions as are necessary to ensure the effective application of this section.

(14) The Minister may make regulations for the purposes of water conservation and, without prejudice to the generality of the foregoing, such regulations may provide for 1 or more of the following:

(*a*) the specification of devices or systems to reduce demand for water in premises, and of obligations in relation to the design, installation or use of such devices or systems;

(*b*) the specification of obligations or technical requirements in relation to—

(i) the design, installation and use of devices or systems for collection, treatment or distribution of storm water or grey water,

(ii) the introduction of storm water or grey water into the distribution system of premises,

(iii) the redistribution of storm water or grey water for use for purposes other than human consumption;

(*c*) the specification of treatment standards for storm water or grey water, including different standards for different applications;

(*d*) the duties of owners or occupiers of premises in relation to conservation of water or waste water in the premises;

(*e*) the duties of water services providers in relation to conservation of water or waste water.

(15) (*a*) A person who contravenes a regulation under *subsection (13)* which is stated to be a penal regulation commits an offence.

(*b*) A person who contravenes a regulation under *subsection (14)* commits an offence.

(16) Where a water services authority is of the opinion that a serious deficiency of water available for distribution exists or is likely to exist F46**[**...**]**, either by itself or by another provider of water services, then it may by order, for a specified period, prohibit or restrict such class or classes of use, including use at specified times of the day, of any water supplied by it or the other provider of water services. Without prejudice to the generality of the foregoing, an order under this subsection may so prohibit or restrict the use of water—

(*a*) drawn through a hosepipe or similar apparatus for the purpose of—

(i) watering a garden,

(ii) watering recreational parks or sports grounds, either generally or any particular type of such park or ground,

(iii) irrigating or spraying crops, either generally or any particular type of crop, or

(iv) washing a mechanically propelled vehicle or a trailer,

(*b*) used for the provision of a commercial washing service for a vehicle or trailer, or

(*c*) used for filling or replenishing a swimming pool, artificial pond, lake or similar application.

(17) Before making an order under *subsection (16)* the relevant water services authority shall give public notice of its intention to make such order and the period for which the order will remain in force by—

(*a*) causing an advertisement to be published in a newspaper circulating in the area,

(*b*) causing notification of the proposed order to be broadcast on a radio or television channel available in the area, or

(*c*) such other means as the Minister may direct.

(18) A person who contravenes an order under *subsection (16)* commits an offence.

(19) An authorised person or a member of the Garda Síochána who has reasonable grounds for believing that a person is committing or has committed an offence under *subsection (18)*, may request that person to furnish his or her name and address to such authorised person or member.

(20) A person who, when requested to furnish his or her name or address to an authorised person or member of the Garda Síochána under *subsection (19)*, fails to do so, or when so requested furnishes a name and address which is false or misleading commits an offence.

(21) Where a member of the Garda Síochána is of the opinion that an offence under *subsection (20)* is being or has been committed, then the member may arrest that person without warrant.

(22) Where an authorised person or a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under *subsection (18)*, he or she may give to such person a notice in the prescribed form stating that—

(*a*) the person is alleged to have committed the offence,

(*b*) the person may during the period of 21 days beginning on the date of the notice make to the water services authority specified in the notice a payment, accompanied by the notice, of an amount, being a fixed amount of €125, and

(*c*) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice, and if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(23) Where a notice is given under *subsection (22)*, then—

(*a*) a person to whom the notice applies may, during the period specified in the notice, make to the water services authority specified in the notice the payment specified in the notice, accompanied by the notice,

(*b*) the water services authority shall receive the payment and issue a receipt for it and may retain the money so paid to offset costs incurred by it in the course of performing its functions under this Act, and no payment so received shall in any circumstances be recoverable by the person who made it, and

(*c*) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(24) In a prosecution of an offence referred to in *subsection (18)*, the onus of showing that a payment pursuant to a notice under *subsection (22)* has been made shall lie with the accused.

(25) In this section—

"grey water" means domestic waste water excluding that which is flushed from a toilet bowl or urinal;

"water services authority", other than in *subsections (16)*, *(17)* and *(23)*, includes—

(*a*) an authorised provider of water services, and

(*b*) a person providing water services jointly with or on behalf of—

(i) a water services authority, or

(ii) an authorised provider of water services.

Annotations

Amendments:

F46 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(10), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Editorial Notes:

E27 Forms to be used for issue of notices under section and related procedures and requirements prescribed (9.12.2008) by *Water Conservation Regulations 2008* (S.I. No. 527 of 2008).

Pollution of water.

57.— A person who causes or permits water in any waterworks or service connection to become polluted commits an offence.

Taking samples of water.

58.— (1) A water services authority may, for the purposes of analysis, take samples from—

(*a*) any water supply, whether public or private, F47**[**...**]** and

(*b*) F47**[**...**]**

(2) Where, on analysis of samples of water taken by a water services authority, it is found that the water constitutes a potential danger to human health, the water services authority shall, as soon as possible—

(*a*) ensure that—

(i) the supply of affected water is prohibited, or

(ii) the use of affected water is restricted,

or

(*b*) ensure that—

(i) subject to regulations under *section 32*, such other necessary action, including remedial action, is taken to protect human health and to restore the quality of the supply to such prescribed standards as apply to the water supply concerned,

(ii) users are promptly informed of the potential danger and given any necessary advice, and

(iii) except where the extent of non-compliance with prescribed quality standards is considered by the water services authority not to be material in the circumstances, users are notified promptly of any remedial action taken.

(3) A water services authority may issue a notice for the purposes of this section, which, where it is addressed to users, may also—

(*a*) be given to such classes of users as the authority considers necessary, and

(*b*) notwithstanding *section 19*, be issued by—

(i) advertisement in a newspaper circulating in the area,

(ii) being broadcast on a radio or television channel generally available in the area,

(iii) being made available on the internet, or

(iv) such other manner as the Minister may direct.

(4) A person who contravenes a requirement of a notice under this section commits an offence.

Annotations

Amendments:

F47 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(11), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Power to order the closure of a polluted water source.

59.— (1) Where a water services authority becomes aware that water from any source, whether surface water or groundwater or treated water, which is intended for human consumption constitutes a potential danger to human health, it may serve a notice, either on the owner or person having charge of that supply of water, requiring that person, as appropriate, to—

(*a*) shut down the water source in question,

(*b*) cease supplying water from that source, or

(*c*) take specified remedial action to restore water quality to the satisfaction of the water services authority before continuing to take or provide a supply of water from that source.

(2) A person who fails to comply with a requirement of a notice under *subsection (1)* commits an offence.

PART 4

Waste Water

Maintenance of waste water works.

60.— (1) A person who owns, has in his or her charge or otherwise has control over a waste water works shall cause it to be properly maintained so as not to—

(*a*) cause, or be likely to cause a risk to human health or the environment, including risk to waters, the atmosphere, land, soil, plants or animals, or

(*b*) create a nuisance through odours.

(2) A person who contravenes *subsection (1)* commits an offence.

Waste water connections.

61.— (1) (*a*) A person who causes or permits the connection of a premises to waste water services, either directly or indirectly, without the agreement of the provider of those services, commits an offence.

(*b*) For the purposes of *paragraph (a)*, and without prejudice to *subsection (6)*, the agreement of a water services authority under this subsection may be made the subject of such conditions as the water services authority may specify.

(*c*) In considering whether to agree to a connection under this section, a water services authority shall be entitled to take into account the matters referred to in paragraph 1 of the Fourth Schedule to the Act of 2000 in so far as they may apply to the provision of waste water services by it or another person acting jointly with it or on its behalf.

(2) A person who causes or permits the discharge of any effluent or other matter to a waste water works, whether directly or indirectly, without the agreement of the relevant water services provider commits an offence.

(3) It is a defence to a prosecution for an offence committed under *subsection (1)* to prove that the connection was made in accordance with a direction under *section 92*.

(4) Without prejudice to *subsection (6)*, where a notice under *section 42(1)* takes effect in relation to any premises, agreement to a subsequent connection to a related waste water works shall be deemed to have been given for the purposes of compliance with *subsection (1)*.

(5) Without prejudice to *subsection (6)*, where a water services authority is also the relevant planning authority, the grant of a permission under Part III of the Act of 2000 in relation to a structure to which this section applies may, if it is indicated in the permission, include the agreement of the water services authority to the connection of that structure to its waste water works for the purposes of this section, subject to such conditions as the water services authority may require consistent with its powers under this section.

(6) (*a*) As a condition to the agreement of a water services authority to the connection of a premises to waste water services which are provided, or to be provided, by the water services authority or any person providing water services jointly with it or on its behalf, the water services authority may, at its absolute discretion and for the purposes of this section, require—

(i) that the length or overall capacity of the service connection, or such related pipes or accessories as it considers necessary, be increased to such extent beyond technical requirements as it may specify so as to enable adjoining or other premises to be connected to a waste water works, but subject to the water services authority—

(I) paying for any consequential increase in the cost of providing and installing the service connection or related pipes or accessories, and

(II) taking the service connection or related pipes or accessories into its charge or otherwise entering into an agreement in relation to their

future use with the person seeking its agreement to connect the premises to the said waste water services,

as if the requirement was a requirement under section 34(4)(*m*) of the Act of 2000, or

(ii) that the service connection, or such related drainage pipes or accessories as it considers necessary, be opened for inspection or testing, or otherwise inspected or tested, by an authorised person.

(*b*) For the purposes of the application of section 34(4)(*m*) of the Act of 2000 to this subsection, a reference to a planning authority shall be deemed to include a reference to a water services authority.

(7) A connection to water services referred to in *subsection (6)* shall not be made until the authorised person is satisfied that—

(*a*) the service connection or related pipes or accessories are—

(i) of a proper standard,

(ii) have been installed correctly, and

(*b*) a connection to the water services in question may be properly made.

(8) For the purposes of *subsection (7)*, and subject to any regulations under *subsection (10)*, an authorised person may—

(*a*) give such direction in relation to—

(i) standards of workmanship or working practices generally,

(ii) technical specifications, including levels, for the service connection or related pipes or accessories, or their installation, or

(iii) the completion of the connection,

as appear to him or her to be necessary to comply with relevant prescribed standards, and

(*b*) carry out such inspection or testing as he or she considers necessary to verify compliance with a direction under *paragraph (a)*.

(9) A water services authority, or any person providing water services jointly with it or on its behalf, may—

(*a*) close a connection to its water services made in contravention of *subsection (1)*, or a connection to water services referred to in *subsection (6)* which is made in contravention of *subsection (7)* or a direction under *subsection (8)*, or

(*b*) without prejudice to any power to prosecute provided for under this section—

(i) agree to the retention of a connection referred to in *paragraph (a)* subject to such conditions as it may specify, and

(ii) carry out such work on the connection (including associated pipes and fittings) as it considers necessary to bring it up to a proper standard, or direct that such work be carried out by a specified person,

and may recover any expenses incurred under this subsection from the person who made or caused the connection to be made, or on whose behalf it was made, or such other person who derives benefit from the connection.

(10) The Minister may make regulations for the purposes of this section, and without prejudice to the generality of the foregoing, the regulations may include provisions in relation to—

(*a*) standards of workmanship or working practices,

(*b*) specifications for relevant materials and fittings, or

(*c*) any incidental and related matters.

(11) A water services authority may recover any costs incurred by it in relation to its functions under this section from the person who is making or has made the relevant connection, or on whose behalf it is being or was made.

(12) A person who—

(*a*) makes a connection referred to in *subsection (6)* in contravention of *subsection (7)* or a direction under *subsection (8)*, or

(*b*) contravenes a regulation under *subsection (10)*,

commits an offence.

Nuisances in sewers, drainage of premises, etc.

62.— (1) It shall be lawful for a water services authority after 7 days notice in writing to the occupier of the land in which such sewer or part thereof is situated or, in case of emergency, without notice or after shorter notice, to cause such tests to be carried out as it considers necessary, or cause such sewers, or part thereof to be opened and examined, and for those purposes to cause any necessary openings and excavations to be made, where it appears to the water services authority that a sewer or part thereof may—

(*a*) be, or may be likely to become inadequate, defective, foul or neglected,

(*b*) cause a risk to human health or the environment, or

(*c*) permit infiltration or exfiltration of water or waste water.

(2) If a sewer, or part thereof, is found on an examination or test under *subsection (1)* of this section not to be inadequate, defective, foul or neglected, or cause a risk to human health or the environment or permit infiltration of water, the water services authority which authorised the examination shall, subject to *subsections (4)* and *(5)*, cause such sewer to be restored and any openings or excavations made in connection with the examination to be closed or filled up and any damage done to be made good.

(3) If a sewer, or part thereof, is found following test or examination under *subsection (1)* to be inadequate, defective, foul or neglected and any works are necessary for the abatement or prevention of risk to human health or the environment or the infiltration of water, the following provisions shall have effect:

(*a*) the water services authority may, at its absolute discretion—

(i) execute such works in the first instance or in the event of failure to comply with a notice under *subparagraph (ii)*, or

(ii) direct the owner of the sewer by notice to execute such works;

(*b*) the water services authority may recover the cost of such works (including the cost of the test or examination) from the owner of the sewer.

(4) If a drain or related service connection or part thereof is found on investigation by a water services authority not to be inadequate, defective, foul or neglected or to permit the infiltration or exfiltration of water or waste water, but it appears to the water services authority that any separate premises drained by such system or part thereof is not drained satisfactorily, the water services authority may serve notice

on the owner in accordance with *section 42* , or may provide or contribute to the cost of providing drainage for the premises.

(5) If a drain or related service connection or part thereof is found on investigation by a water services authority to be inadequate, defective, foul or neglected or to permit infiltration or exfiltration of water or waste water, and it appears to the water services authority that after executing the necessary remedial works, any premises would still not be drained satisfactorily, such water services authority may serve on the owner of such premises a notice under *section 42*, or may provide or contribute to the cost of providing drainage for the premises.

(6) Where a drain or service connection used for the whole or any part of the drainage of the premises, to which this section refers, is used in common by two or more premises, notice under *section 42* may be served on any one or more of the owners, and it shall not be necessary to serve such notice on all such owners.

(7) For the purposes of this section, any drain, toilet or washing facility shall be regarded as part of the drain of the premises which it serves.

(8) A person who fails to comply with a direction under *subsection (3)(a)(ii)* commits an offence.

Licensing of discharges to sewers.

63.— (1) (*a*) A person other than a water services authority shall not, after such date as may be fixed for the purpose of this section by order made by the Minister, discharge or cause or permit the discharge, either directly or indirectly, of any trade effluent or other matter (other than domestic waste water or storm water) to a sewer or part thereof which is owned, vested in or otherwise under the control of a water services authority, or a person providing water services under an agreement with a water services authority, except under and in accordance with a licence under this section granted by the water services authority which owns the sewer or in which the sewer is vested or by which it is controlled, or under an agreement with which a person providing water services is providing or otherwise controls such sewer.

(*b*) Notwithstanding *paragraph (a)*, subject to *section 92*, the issue of a licence under this section to discharge to a sewer or part thereof which is owned, vested in or otherwise under the control of a person providing services under an agreement with a water services authority shall be subject to the agreement of that person to the discharge to the sewer.

(*c*) A licence issued under *paragraph (a)* to a water services provider in respect of the discharge of trade effluent or other matter (other than domestic waste water or storm water) to a sewer may, where the issuing authority is the same water services authority, be incorporated into the licence issued by that authority to the water services provider under *Part 6* of this Act in respect of the provision of that water service which gives rise to the discharge in question to the sewer.

(2) (*a*) A water services authority may at its discretion—

(i) refuse to grant a licence under this section,

(ii) grant a licence subject to such conditions as it thinks appropriate and specifies in the licence.

(*b*) In considering whether or not to grant a licence under this section a water services authority shall take full account of—

(i) the objectives contained in any relevant plan under section 15 of the Act of 1977 and under *section 36*, and

(ii) whether the grant of such a licence would be prejudicial to the waste water works into which the proposed discharge would be made.

(3) A water services authority shall not grant a licence under this section in respect of the discharge of a trade effluent which would not comply with any relevant standard prescribed under section 26 of the Act of 1977, or would be inconsistent with requirements of *subsection (2)(b)*.

(4) A water services authority shall take all such steps as may be appropriate in the discharge of its functions under this section, and under section 99E of the Act of 1992 as inserted by section 15 of the Protection of the Environment Act 2003, to ensure that the requirements of *Schedule 2* are complied with in respect to the discharge of relevant waste water, and shall review, and if necessary revise, any licence concerned at intervals provided for in *section 65*.

(5) Without prejudice to the generality of *subsection (2)*, conditions attached to a licence under this section may—

(*a*) relate to—

(i) the nature, composition, temperature, volume, rate, method of treatment and location of a discharge and the periods during which a discharge may be made or may not be made,

(ii) the provision and maintenance of meters, gauges, other apparatus, manholes and inspection chambers,

(iii) the taking and analysis of samples, the keeping of records and furnishing of information to the water services authority,

(iv) measuring the intake of water to a premises for the purpose of assessing waste water discharge volumes,

(v) action to be taken in the event of an emergency,

(*b*) provide for the payment by the holder of the licence to the water services authority concerned of such amount or amounts, as may be determined by the water services authority having regard to the expenditure incurred or to be incurred by it, in relation to its administration of the licensing system provided for in this section, including monitoring the discharge of trade effluent or other matter, and

(*c*) specify a date not later than which any conditions shall be complied with.

(6) Any conditions attached to a licence under this section shall be binding on any person discharging, or causing or permitting the discharge of trade effluent or other matter to which the licence relates.

(7) Where, after 3 years from the date on which a licence under this section is granted, no discharge of the type authorised by the licence has been made, or, at any time, where such a discharge has ceased for a period of 3 years, the licence shall cease to have effect.

(8) A water services authority may serve on any person making, causing or permitting a discharge or entry in contravention of any of the provisions of this section, a notice requiring the ceasing of the contravention within such period as may be specified in the notice and requiring mitigation or remedying of any effects of the contravention within such period and in such manner as may be so specified.

(9) Where a person does not comply with a notice under *subsection (8)* within the period specified in the notice, the water services authority which served the notice may take any steps it considers necessary to prevent the discharge or entry or to mitigate or remedy any effects of the contravention and may recover the cost of such steps from the person on whom the notice is served.

(10) A notice may be served under *subsection (8)* whether or not there has been a prosecution under this section.

(11) A person who contravenes *subsection (1)*, fails to comply with a requirement applied by regulations under *subsection (14)*, or who fails to comply with a notice under *subsection (8)* or a condition of a licence issued by a water services authority under this section, commits an offence.

(12) (*a*) A person who, in relation to an application for a licence under this section, or a review of a licence under *section 65* or an appeal under *section 66*, when furnishing information under this section or when verifying any such information, makes a statement, in writing or otherwise, which is false or to his or her knowledge misleading in a material respect, commits an offence.

(*b*) Where a person is convicted of an offence under this subsection, any licence issued to that person consequent on the application or appeal in relation to which the information was furnished shall stand revoked from the date of the conviction.

(13) F48**[**...**]**

(14) (*a*) The Minister may by regulations—

(i) apply the requirements of *paragraph (a)* of *subsection (1)* to such class or classes of domestic waste water or storm water, or

(ii) exempt from *paragraph (a)* of *subsection (1)* such class or classes of discharge,

as he or she considers appropriate in the circumstances.

(*b*) The Minister shall not make regulations under *paragraph (a)* without having consulted with any Minister of the Government whom he or she considers ought to be consulted in relation to the making of the regulations, having regard to his or her functions.

(*c*) Regulations under *paragraph (a)* may specify requirements in relation to exempted classes of discharge, without prejudice to the generality of which may provide for—

(i) measures to avoid risk to human health or the environment or prejudicial effect on the collection, treatment, recovery or disposal of such discharges,

(ii) monitoring and inspection, or

(iii) recovery of monitoring and inspection costs.

(15) It shall be a defence to a prosecution for an offence under any enactment other than this Act that the act constituting the alleged offence is authorised by a licence under this section, provided that the licence was not obtained through intentional or negligent misrepresentation in the application.

(16) A person shall not be entitled solely by reason of a licence under this section to make, cause or permit a discharge to a sewer.

(17) It is an offence to contravene a regulation made under *subsection (14)* in respect of measures to avoid risk to human health or the environment or prejudicial effect on the collection, treatment, recovery or disposal of discharges.

(18) (*a*) Where a water services authority has obtained a court order in respect of the recovery of a charge to offset the costs incurred by it for the purpose of the treatment and recovery or disposal of the effluent to which a licence under this section relates and the charge remains unpaid, then a water services authority may by order declare that the licence stands revoked with effect from a date specified in the order and shall so stand revoked unless the charge is paid to the water services authority before that date.

(*b*) A licence revoked under *paragraph (a)* shall not be subject to appeal under *section 66*.

Annotations

Amendments:

F48 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(12), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Editorial Notes:

E28 Application of *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 4, to a licence granted under section confirmed (23.08.2011) by *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 4(4)(d), S.I. No. 433 of 2011.

Transitional arrangements.

64.— (1) In this section—

"existing discharge" means a discharge which is similar in nature, composition and temperature to, and is of a similar volume and is made at a similar rate to, a discharge made during any corresponding period in the period of 12 months ending on the relevant date;

"relevant date" means the date fixed by order under *section 63*.

(2) Where a water services authority proposes to grant a licence under *section 63* for an activity in respect of which a licence has been granted under section 16 of the Act of 1977, the water services authority shall, if the licence is being granted during the period of 3 years from the grant of the aforementioned licence, have regard to the conditions (if any) attached to such licence and the costs in relation to the activity which would be incurred if different conditions were attached to the licence to be granted under *section 63*.

(3) A person shall be deemed not to have contravened *section 63(1)* in relation to an existing discharge of trade effluent made in accordance with a licence under section 16 of the Act of 1977 if, before the relevant date, he or she applies for a licence under this section and complies with the requirements of any regulations under *section 67* regarding the furnishing of information to a water services authority.

(4) In a prosecution for an offence under *section 63* it shall be presumed, until the contrary is shown by the person charged, that the discharge concerned is not an existing discharge of trade effluent or other matter made in the circumstances specified in *subsection (3)*.

(5) On or after the commencement of this section, the relevant water services authority shall ensure that an activity for which a licence is required under *section 63* is carried out in accordance with any licence issued under section 16 of the Act of 1977 for the same discharge until a decision on an application for a licence under *section 63* or an appeal under *section 66*, made in accordance with the requirements of this Act, has been made, as the case may be, at which stage the licence under the Act of 1977 will lapse.

(6) Notwithstanding *section 63(1)*, where a licence under section 16 of the Act of 1977 lapses before a decision on an application for a licence under that section or an appeal under *section 66*, as the case may be, has been made, the discharge to which the licence relates may continue, subject to the conditions (if any) attached to such licence, until a decision on an application for a licence under *section 63* or an appeal under *section 66* as the case may be, has been made, provided that the application for the licence under *section 63* or an appeal to the Board under *section 66* has been made in the manner prescribed by such date as may be prescribed by the Minister for the purposes of those sections.

(7) Where, before the commencement of *section 63* there is an application for a licence to discharge or cause or permit the discharge of any trade effluent or other matter (other than domestic sewage or storm water) to a sewer or part thereof which is owned, vested in or otherwise under the control of a water services authority or of a person providing water services under an agreement with a water services authority, and a decision on the application has yet to be made by the water services authority, the application shall, on commencement of *section 63*, be deemed to be an application under that section.

(8) Notwithstanding *subsection (7)*, neither this section nor *section 63* shall apply to an activity where an appeal to the Board under section 20 of the Act of 1977, as inserted by the Act of 1990 has been, or may still be made, until the time for making the appeal has expired or the appeal has been determined or withdrawn and the licence (if any) issued, as the case may be, and the powers of the Board under the Act of 1977 shall continue to apply for this purpose.

Review of a licence under *section 63*.

65.— (1) A water services authority may review a licence under *section 63* at intervals of not less than 3 years from the date of the licence or the last review of the licence, or at any time with the consent of the person making, causing or permitting the discharge.

(2) Notwithstanding any other provision of this Act or any condition in a licence under *section 63*, any such licence may be reviewed at any time by the water services authority that granted it if—

(*a*) the water services authority has reasonable grounds for believing that the discharge authorised by the licence conflicts, or is likely to conflict, with the sustainable use of water resources or is inconsistent, or likely to be inconsistent, with requirements of a river basin management plan or a programme of measures under the EU Water Framework Directive,

(*b*) there has been a material change in the nature or volume of the discharge,

(*c*) there has been a material change in relation to the waters to which the sewer concerned discharges,

(*d*) further information has become available since the date of the granting of the licence relating to polluting matter present in the discharge concerned or relating to the effects of that matter,

(*e*) the licensee applies to the water services authority concerned to review the licence,

(*f*) a revision has been made to standards for effluent discharges under this Act or any other enactment,

(*g*) the capacity of the receiving waste water works has been or is likely to be exceeded, or

(*h*) a drain or service connection, or part of a drain or service connection, through which trade effluent or other relevant matter is discharged under the terms of the licence is declared to be a sewer under *section 69*.

(3) Notwithstanding *subsection (1)*, where regulations are made under section 26 of the Act of 1977 relating to a trade effluent or sewage effluent from a sewer or to waters to which a sewer discharges, a licence under *section 63* shall be reviewed by the water services authority F49**[**...**]** as soon as may be after the commencement of such regulations and thereafter at such intervals as may be specified in the regulations.

(4) Upon completion of a review under this section, a water services authority may amend or delete any condition of the licence or attach conditions or additional conditions to the licence or revoke the licence; and if a water services authority

proposes to exercise a power aforesaid, it shall do so as soon as may be after the completion of the relevant review under this section.

(5) The Minister may make regulations for the purpose of this section.

(6) Without prejudice to the generality of *subsection (5)*, regulations under that subsection may make provision in relation to all or any of the following matters:

(*a*) the giving of notice by a water services authority to a person discharging or causing or permitting a discharge of its intention to review a licence;

(*b*) the insertion of a requirement in such a notice that representations relating to the review may be made within a specified period;

(*c*) the payment to water services authorities of fees of such amounts as may be specified in the regulations in relation to reviews of licences;

(*d*) the payment of fees of different amounts in respect of different classes of such reviews as aforesaid;

(*e*) exemption from the payment of such fees in such circumstances as may be specified;

(*f*) the waiver, remission or refund (in whole or in part) of such fees in such circumstances as may be specified, or

(*g*) the manner in which fees may be disposed of.

Annotations

Amendments:

F49 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(13), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Appeals in relation to *sections 63* and *65*.

66.— (1) (*a*) A person causing or permitting a discharge to which a licence under *section 63* relates may, before the expiration of such period as may be prescribed, appeal to the Board in relation to—

(i) the revocation of the licence,

(ii) the attachment of conditions or additional conditions to the licence, or

(iii) the amendment or deletion of any condition attached to the licence,

by a water services authority.

(*b*) A person whose application for a licence under *section 63* has been refused by a water services authority may, before the expiration of such period as may be prescribed, appeal to the Board in relation to the refusal.

(*c*) An act of a water services authority referred to in *paragraph (a)* or *(b)* shall have effect—

(i) in case an appeal is not brought against it, upon the expiration of the period referred to in *paragraph (a)* or *(b)*, as the case may be,

(ii) in case an appeal is brought against it and the final determination of the appeal does not set the act aside, upon and in accordance with such final determination, or

(iii) in case an appeal is brought against it and the appeal is withdrawn, upon the withdrawal of the appeal.

(2) The Board, after consideration of an appeal under this section, shall either, as it thinks proper, allow or refuse the appeal in whole or in part, or, give appropriate direction to the water services authority concerned relating to the granting or refusal of a licence, or the attachment, amendment or deletion of conditions, and a water services authority shall comply with any such direction.

Regulations for purpose of *sections 63* and *66*.

67.— (1) The Minister may make regulations for the purpose of licensing under *section 63* and appeals under *section 66*.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision for all or any of the following:

(*a*) the form of licence;

(*b*) requiring the furnishing by applicants of specified information in relation to an application for a licence;

(*c*) requiring the production of evidence to verify any information given by an applicant;

(*d*) requiring water services authorities to furnish to the Minister, to the Board or to any other specified persons any specified information in relation to any applications and the manner in which they have been dealt with;

(*e*) requiring an applicant to defray or contribute towards the cost of any investigation carried out by a water services authority in relation to an application;

(*f*) the oral hearing of any appeal to the Board and any such oral hearing being conducted by the Board or by a person appointed for that purpose by the Board;

(*g*) any procedural matter in relation to appeals under *section 66*;

(*h*) the payment to a water services authority of a fee of such amount as may be specified in respect of an application to it for a licence under *section 63*;

(*i*) the payment of fees of different amounts in respect of different classes of such applications;

(*j*) exemption from the payment of fees provided for under *paragraph (h)* or *(i)* in such circumstances as may be specified;

(*k*) the waiver, remission or refund (in whole or in part) of such fees in such circumstances as may be specified; or

(*l*) the purpose for which fees may be used.

(3) Where, under regulations made under this section, a fee is payable to a water services authority in respect of an application for a licence under *section 63*, the water services authority shall not consider the application unless the fee is received by the water services authority.

(4) A defrayment or contribution under *subsection (2)(e)* or a fee under *subsection (2)(h)* or *(i)* or an amount specified under *section 63(5)(b)* shall be payable on demand by the applicant or licence holder as the case may be.

Sewage facilities for vessels, etc.

68.— (1) For the purposes of this section—

"temporary dwellings" means any—

(*a*) tent, or

(*b*) van or other conveyance (whether on wheels or not), or

(*c*) shed, hut or similar structure,

used on a temporary basis for human habitation or constructed or adapted for such use;

"traveller community" has the meaning assigned to it by section 2 of the Equal Status Act 2000;

"vehicle" includes any car, van, bus, lorry, truck or train;

"vessel" means a water-borne craft of any type, whether self-propelled or not, and includes any air-cushion craft, ship, boat, barge or lighter.

(2) A water services authority may provide or arrange for the provision of facilities for the reception and disposal of sewage from vessels, vehicles, aircraft or temporary dwellings, and may impose fees or other charges for the provision or use of such facilities.

(3)F50**[**...**]**

Annotations

Amendments:

F50 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(14), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Power to declare drains to be sewers for certain purposes.

69.— (1) (*a*) In this section a reference to a drain shall be construed as a reference to a drain or a service connection.

(*b*) An order under *subsection (2)* may relate to all or a specified part only of a specified drain, and references in this section to a drain shall be construed accordingly.

(2) A water services authority may by order declare that a specified drain shall be regarded as a sewer under the control of the water services authority for the purposes of *section 63* and for no other purpose.

(3) Whenever a water services authority proposes to make an order under *subsection (2)* in relation to a drain—

(*a*) it shall, not less than 30 days before the date of the making of the order, give notice in writing of its intention to make the order to the owner of the drain and any person causing or permitting a discharge of trade effluent or other matter (other than domestic waste water or storm water) to the drain, and

(*b*) a person on whom a notice is served under *paragraph (a)* may within 30 days of the giving to him or her of the aforesaid notice make representations in writing to the water services authority in relation to the making of the order and the authority shall, before deciding whether to make the order, take into consideration any representations made by that person.

(4) An order under *subsection (2)* shall come into operation on such date (not being less than 6 months after the date of its making) as may be specified therein.

(5) Copies of an order under *subsection (2)* shall, within 10 days after the date of its making, be deposited and made available for inspection and purchase at the offices of the water services authority F51**[**...**]** and a copy thereof shall, within the period aforesaid, be given or served on each person served under *subsection (3)(a)*.

(6) (*a*) Where an order is made by a water services authority under *subsection (2)*, then any person causing or permitting a discharge of trade effluent or other matter (other than domestic waste water or storm water) to the drain concerned shall, within 6 months after the order is made—

(i) apply to the authority which made the order for a licence under *section 63* in respect of the discharge, or

(ii) cease the discharge.

(*b*) (i) A person who, in pursuance of *paragraph (a)*, duly applies for a licence under *section 63* and furnishes any information duly required by the water services authority concerned in relation to the application shall be deemed not to have contravened *section 63* during the period from the commencement of the order to the grant or, as the case may be, the expiration of one month after the refusal to grant the licence, in respect of any discharge to the drain concerned that is similar in nature, composition, temperature and volume, and is made, during that period, at a rate similar to that of the discharge concerned to which *paragraph (a)* relates during the corresponding period before such commencement.

(ii) In a prosecution for an offence under *section 63* it shall be presumed until the contrary is shown that the discharge concerned is not one to which *subparagraph (i)* applies.

(*c*) Where a drain or part of a drain through which relevant effluent is discharged is declared to be a sewer under *subsection (2)*, then a licence under section 4 of the Act of 1977 may be reviewed by the local authority which granted it, in accordance with the provisions of that Act.

(7) A person who fails to apply for a licence or to cease a discharge to which *subsection (6)(a)* refers within 6 months from commencement of the relevant order commits an offence.

(8) The Minister may make regulations in relation to administrative procedures under this section.

Annotations

Amendments:

F51 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(15), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

General duties of an owner or occupier.

70.— (1) The occupier of a premises (or if unoccupied the owner) shall not permit waste water to be discharged from the premises to a sewer in a manner that—

(*a*) causes, or is likely to cause a risk to human health or the environment, including risk to waters, the atmosphere, land, soil, plants or animals, or

(*b*) creates a nuisance through odours.

(2) The owner of a premises shall ensure that all drains, manholes, gullytraps and storage and treatment systems for waste water, including related accessories, not in the charge of a water services provider, which serve that premises are kept so as not to—

(*a*) cause, or be likely to cause, a risk to human health or the environment, including to waters, the atmosphere, land, soil, plants or animals, or

(*b*) create a nuisance through odours.

(3) A person shall not throw or cause to be thrown, pass or cause to be passed any matter or substance into any sewer or drain—

(*a*) by which the free flow of the contents of such sewer or drain may be interfered with,

(*b*) by which any such sewer, drain or related waste water works may be damaged,

(*c*) which would prejudicially affect the treatment, recovery or disposal of the contents of the sewer or drain, whether because of its temperature, chemical composition or otherwise,

(*d*) which causes, or is likely to cause, a risk to human health or safety or gives rise to, or is likely to give rise to substances which cause such risk, or

(*e*) which causes or is likely to cause a risk to the environment, including to waters, the atmosphere, land, soil, plants or animals.

(4) A person shall not permit or cause the entry of any polluting matter, including sewage, to any drain or sewer provided or used solely for the reception or disposal of storm water.

(5) The occupier of a premises (or if unoccupied the owner) shall notify the water services authority F52**[**when a leak**]**, accident or other incident occurs concerning waste water discharges from the premises to a drain, sewer or treatment system which is causing or is likely to cause a risk to human health or safety, or the environment, or which prejudicially affects, or is likely so to do, the treatment, recovery or disposal of the contents of the drain, sewer or treatment system, and shall actively co-operate with the water services authority and comply with the instructions of the water services authority in relation to measures necessary to effect remediation.

(6) A water services authority or any person affected by a failure, or alleged failure of a third party to comply with a duty of care provided for under this section may complain to the District Court, and the Court may order the third party to take the measures necessary to effect a cessation of the activity which is the subject of the complaint, or to take specified measures to effect compliance with their obligations under this section.

(7) Before a complaint is made to the District Court under *subsection (6)*, the water services authority or the person concerned, as the case may be, shall serve a notice in the prescribed form of the intention to make such a complaint, within such time as may be specified in the notice, on the said third party.

(8) In a prosecution for a contravention of *subsection (1)* or *(3)* or in proceedings under *subsection (6)* it shall be a defence to prove that the activity concerned was carried out in accordance with a licence or revised licence under Part 4 of the Act of 1992 or a licence under section 16 of the Act of 1977 or *section 63*, provided that the licence was not obtained through intentional or negligent misrepresentation in the application.

(9) The Minister may make regulations to prohibit or restrict, or to specify measures (including pre-treatment requirements) to be undertaken prior to, the discharge of specified effluent to a drain or waste water works.

(10) A person who fails to comply with or contravenes *subsection (1)*, *(2)*, *(3)*, *(4)* or *(5)* or a regulation under *subsection (9)* commits an offence.

(11) In this section a reference to a drain shall be construed as a reference to a drain or a service connection.

Annotations

Amendments:

F52 Substituted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(16), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Editorial Notes:

E29 Form of notice required to be served by a water services authority or any person intending to complain to the District Court concerning a failure or alleged failure by a third party to comply with a duty of care under section prescribed (30.04.2009) by *Water Services Act 2007 (Waste Water Complaint Notice Form) Regulations* (S.I. No. 141 of 2009), in effect as per reg. 1(b).

F53[PART 4A

Domestic Waste Water Treatment Systems

Definitions.

70A.— In this Part—

'advisory notice' has the meaning assigned to it by section 70H;

'certificate of registration' means a certificate of registration issued under section 70B;

'domestic waste water treatment system' means a system involving physical, chemical, biological or thermal processes, or a combination of such processes, utilised for the treatment or disposal of domestic waste water, or the sludge derived from domestic waste water, and includes—

(*a*) all septic tanks and waste water tanks and systems receiving, storing, treating or disposing of domestic waste water and all drains associated with such tanks or systems, and

(*b*) all drains associated with the discharge of domestic waste water, whether or not they discharge to a septic tank or waste water tank;

'inspector' means a person appointed by the Agency in accordance with *section 70E*;

'national inspection plan' has the meaning assigned to it by *section 70K*;

'prescribed date' means the date prescribed by regulations made by the Minister under *section 70B*;

'register of domestic waste water treatment systems' has the meaning assigned to it by *section 70B*. **]**

Annotations

Amendments:

F53 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F54[Register of domestic waste water treatment systems.

70B.— (1) Each water services authority shall establish and maintain a register of domestic waste water treatment systems situated within its functional area (in this Part referred to as a 'register of domestic waste water treatment systems').

(2) The owner of a premises connected to a domestic waste water treatment system shall, on or before the prescribed date and in accordance with this section, apply to the water services authority in whose functional area the treatment system is situated, to have the treatment system entered in the register of domestic waste water treatment systems maintained by the water services authority concerned.

(3) An application under this section shall—

(*a*) be made in writing or by electronic means,

(*b*) specify the name of the applicant and the address at which he or she normally resides,

(*c*) specify the address at which the domestic waste water treatment system is situated,

(*d*) contain such other information as may be prescribed, and

(*e*) in the case of an application under *subsection (2)*, be accompanied by the prescribed fee.

(4) On receipt of an application under this section, a water services authority shall—

(*a*) enter the domestic waste water treatment system concerned in the register of domestic waste water treatment systems for the functional area of the water services authority concerned, and

(*b*) issue a certificate of registration to the applicant.

(5) A certificate of registration shall be valid F55**[**...**]** from the date on which it was issued.

(6) F56**[**...**]**

(7) F57**[**...**]**

(8) A water services authority shall, from time to time, review each entry in the register of domestic waste water treatment systems maintained by it and, if the water services authority becomes aware that any particular in the register is incorrect or has ceased to be correct, the water services authority shall make such alteration to the register as it considers necessary and shall notify any person it considers appropriate of such alteration.

(9) A register of domestic waste water treatment systems shall be maintained by a water services authority in such form (including electronic form) as the Agency may direct and shall contain—

(*a*) details of domestic waste water treatment systems which have been entered on the register by the water services authority concerned, including the date on which each system was entered on the register and the date on which each certificate of registration is due to expire,

(*b*) details of domestic waste water treatment systems in the functional area of the water services authority concerned which have been inspected under *section 70H*,

(*c*) details of advisory notices issued by the water services authority concerned,

(*d*) details of applications made under *subsection (7)* of *section 70H*,

(*e*) details of appeals made under *subsection (9)* of *section 70H*,

(*f*) details of notices of compliance made by the water services authority concerned under *section 70H(17)*, and

(*g*) such other information as may be determined by the Agency from time to time.

(10) A water services authority shall publish in such manner as it thinks fit, including by electronic means, and make available for inspection at all reasonable times by members of the public, the register of domestic waste water treatment systems maintained by it under this section.

(11) An authorised person appointed by a water services authority may request the owner of a premises connected to a domestic waste water treatment system to produce a valid certificate of registration in respect of the system.

(12) A person who fails to comply with a request under *subsection (11)* within 20 working days, commits an offence.

(13) The Minister may, following consultation with the Agency, make regulations for the purposes of this section and, without prejudice to the generality of the foregoing, regulations under this section may prescribe:

(*a*) the form and manner, including by electronic means, in which an application, under *subsection (2)* or *(6)* shall be made;

(*b*) the fee payable to the water services authority, which shall not exceed €50, which shall accompany an application under *subsection (2)*;

(*c*) the date for the purposes of *subsection (2)*; and

(*d*) such consequential or ancillary matters as the Minister considers appropriate.**]**

Annotations

Amendments:

F54 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F55 Deleted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 62(a), S.I. No. 511 of 2017.

F56 Deleted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 62(b), S.I. No. 511 of 2017.

F57 Deleted (17.11.2017) by *Water Services Act 2017* (29/2017), s. 62(b), S.I. No. 511 of 2017.

Editorial Notes:

E30 Power pursuant to subs. (13) exercised (28.05.2013) by *Domestic Waste Water Treatment Systems (Registration) (Amendment) Regulations 2013* (S.I. No. 180 of 2013).

E31 Power pursuant to subs. (13) exercised (25.06.2012) by *Domestic Waste Water Treatment Systems (Registration) Regulations 2012* (S.I. No. 220 of 2012), as amended (3.10.2012) by *Water Services Act 2007 (Registration and Inspections) Regulations 2012* (S.I. No. 384 of 2012), reg. 10, in effect as per reg. 1(b).

F58**[** Duties of owners of premises connected to domestic waste water treatment systems.

70C.— (1) The owner of a premises connected to a domestic waste water treatment system shall—

(*a*) comply with regulations made under *section 70L*,

(*b*) ensure that the system does not constitute, and is not likely to constitute, a risk to human health or the environment, and, in particular does not—

(i) create a risk to water, air or soil, or to plants and animals,

(ii) create a nuisance through noise or odours, or

(iii) adversely affect the countryside or places of special interest,

and

(*c*) ensure that the system is entered on a register of domestic waste water treatment systems in accordance with *section 70B*.

(2) A person who contravenes *paragraph (a)*, *(b)* or *(c)* of *subsection (1)* commits an offence.**]**

Annotations

Amendments:

F58 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F58**[** Sale of premises connected to domestic waste water treatment systems.

70D.— (1) A person who, on or after the prescribed date, sells a premises connected to a domestic waste water treatment system, shall on the completion of the sale, furnish a valid certificate of registration in respect of the treatment system concerned to the purchaser of the premises.

(2) A purchaser of a premises connected to a domestic waste water treatment system shall, after the completion of the sale, notify the relevant water services authority of the change in ownership and the water services authority concerned shall update the register of domestic waste water treatment systems accordingly. **]**

Annotations

Amendments:

F58 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F59**[** Appointment of inspectors.

70E.— (1) Subject to *subsection (2)*, the Agency shall appoint such persons as it considers appropriate to carry out inspections of domestic waste water treatment systems for the purposes of this Part.

(2) The Agency shall not appoint a person to be an inspector for the purposes of this Part unless that person—

(*a*) has made an application to the Agency in the prescribed form accompanied by the prescribed fee,

(*b*) is the holder of a prescribed professional or technical qualification,

(*c*) has satisfactorily completed a prescribed training course,

(*d*) is the holder of the prescribed professional indemnity insurance, and

(*e*) has complied with any other prescribed requirements.

(3) An appointment under *subsection (1)* shall cease if—

(*a*) the Agency revokes the appointment, or

(*b*) the appointment is for a fixed period, on the expiration of that period.

(4) Where the Agency—

(*a*) refuses to appoint or renew the appointment of an inspector under this section, or

(*b*) revokes the appointment of an inspector under *paragraph (a)* of *subsection (3)*,

the Agency shall notify the person in writing of the refusal or revocation together with the reasons for the refusal or revocation and the person may appeal the refusal or revocation in the prescribed manner.

(5) The Agency may, with the consent of the Minister, appoint one or more persons who, in the opinion of the Agency, have the relevant knowledge and experience in relation to domestic waste water treatment systems and the procedures in relation to carrying out an inspection to be an appeals officer for the purposes of this section (in this section referred to as an 'appeals officer').

(6) An appeals officer shall be independent in the performance of his or her functions under this section.

(7) An appeals officer shall consider an appeal under *subsection (4)* and shall, in accordance with prescribed procedures, allow or refuse the appeal.

(8) An inspector shall be furnished with a certificate of his or her appointment by the Agency.

(9) When exercising a power conferred on him or her by this Part, an inspector shall, if requested by a person affected, produce the certificate of his or her appointment or a copy of it and a form of personal identification to that person.

(10) A person who acts as an inspector for the purposes of this Part—

(*a*) without having been duly appointed under *subsection (1)*,

(*b*) after his or her appointment has been revoked under paragraph (*a*) of subsection (3), or

(*c*) after the expiration of his or her term of appointment,

commits an offence.

(11) The Minister may, following consultation with the Agency, make regulations for the purposes of this section and, without prejudice to the generality of the foregoing, regulations under this section may provide for—

(*a*) application procedures in relation to the appointment, and renewal of appointment, of inspectors,

(*b*) criteria for appointment of inspectors, including specification of the relevant:

(i) class or classes of professional or technical qualifications to be held by a person appointed as an inspector,

(ii) class or classes of training course which a person appointed as an inspector shall have satisfactorily completed, and

(iii) professional indemnity insurance to be held by a person appointed as an inspector,

(*c*) an application form for appointment as an inspector (including an application form to renew such an appointment),

(*d*) the fee payable to the Agency, which shall not exceed €1,000, which shall accompany an application for appointment or renewal of appointment as an inspector,

(*e*) the period for which an appointment as an inspector shall have effect,

(*f*) the circumstances in which the appointment of an inspector may be revoked,

(*g*) procedural matters in relation to the hearing and determination of appeals under subsection (4),

(*h*) any consequential or ancillary matters.**]**

Annotations

Amendments:

F59 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

Editorial Notes:

E32 Form prescribed for purposes of subs. (2) (28.05.2013) by *Water Services Act 2007 (Appointment of Inspectors) Regulations 2013* (S.I. No. 190 of 2013), reg. 2 and schedule.

E33 Application procedures and criteria which must be met prior to appointment as an inspector for the purposes Part prescribed (3.10.2012) by *Water Services Act 2007 (Registration and Inspections) Regulations 2012* (S.I. No. 384 of 2012), in effect as per reg. 1(b).

F60**[** Register of inspectors.

70F.— (1) The Agency shall establish and maintain a register of inspectors for the purposes of this Part (in this section referred to as the 'register of inspectors').

(2) The register of inspectors shall be maintained in such form (including electronic form) as the Agency considers appropriate.

(3) The register of inspectors shall contain the name and contact details of each inspector and such other information as may be determined from time to time by the Agency.

(4) The register of inspectors shall be kept at the offices of the Agency, and shall be made available to each water services authority.**]**

Annotations

Amendments:

F60 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F61**[** Powers of inspectors.

70G.— (1) For the purposes of carrying out an inspection under section 70H, an inspector may—

(*a*) enter and inspect any premises connected to a domestic waste water treatment system,

(*b*) inspect, examine or test the course or condition of a domestic waste water treatment system, including any fixture, fitting, appliance, plant, drain, service or process associated with the treatment system,

(*c*) monitor any domestic waste water which is contained in or discharged from a premises or domestic waste water treatment system,

(*d*) take samples of any substance or thing associated with or discharged to or from, a domestic waste water treatment system,

(*e*) take photographs,

(*f*) carry out surveys, take levels and measurements, make excavations, take samples and carry out examinations of the depth and nature of subsoil,

(*g*) require information regarding the maintenance, servicing or operation of a domestic waste water treatment system from an owner or occupier of the premises or any person employed on the premises or any other person present on the premises,

(*h*) require the production of, or inspect, records or other documents (including records or documents stored in non-legible form) relevant to the maintenance, servicing or operation of a domestic waste water treatment system, or take copies of or extracts from, or take away if considered necessary for the purposes of inspection or examination, any such records or documents,

(*i*) require that the premises or any part of the premises or anything in the premises shall be left undisturbed for such period of time as may be necessary for carrying out the inspection.

(2) An inspector shall not, other than with the consent of the occupier, enter into a private dwelling under this section.

(3) The Agency or a water services authority may authorise any other person as it considers appropriate to accompany an inspector in the performance of his or her functions.

(4) Any certificate or other evidence given, or to be given, by an inspector in respect of any test, examination or analysis of any sample shall, in relation to that sample, be evidence, without further proof, of the result of the test, examination or analysis unless the contrary is shown.

(5) Any person who, following notification of an inspection by a water services authority—

(*a*) refuses to allow an inspector to enter any premises or to bring any person or equipment with him or her in the exercise of his or her powers,

(*b*) obstructs or impedes an inspector in the exercise of any of his or her powers,

(*c*) gives either to an inspector, a relevant water services authority or the Agency, information which is to his or her knowledge false or misleading in a material respect, or

(*d*) fails or refuses to comply with any reasonable request or requirement of an inspector,

commits an offence. **]**

Annotations

Amendments:

F61 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F62**[** Inspection of domestic waste water treatment systems.

70H.— (1) (*a*) An inspector shall inspect such domestic waste water treatment systems as he or she is directed by the Agency, or a water services authority, to inspect.

(*b*) The Agency or a water services authority shall notify in writing the owner of a premises connected to a domestic waste water treatment system of a proposed inspection at least 10 working days before such inspection.

(2) When directing an inspector to carry out an inspection under *subsection (1)*, the Agency or a water services authority shall have regard to the national inspection plan.

(3) Where, following an inspection under *subsection (1)*, an inspector is of the opinion that—

(*a*) the owner of a premises connected to a domestic waste water treatment system has not contravened regulations made under *section 70L*, and

(*b*) the domestic waste water treatment system does not constitute, and is not likely to constitute, a risk to human health or the environment, and, in particular does not—

(i) create a risk to water, air or soil, or to plants and animals,

(ii) create a nuisance through noise or odours, or

(iii) adversely affect the countryside or places of special interest,

the inspector shall, within 21 days of the inspection, notify the owner of the premises to which the treatment system concerned is connected and the water services authority concerned.

(4) Where, following an inspection under *subsection (1)*, an inspector is of the opinion that—

(*a*) the owner of a premises connected to a domestic waste water treatment system has contravened regulations made under *section 70L*, or

(*b*) the domestic waste water treatment system constitutes, or is likely to constitute, a risk to human health or the environment, and, in particular—

(i) creates a risk to water, air or soil, or to plants and animals,

(ii) creates a nuisance through noise or odours, or

(iii) adversely affects the countryside or places of special interest,

the inspector shall immediately notify the owner of the premises to which the treatment system concerned is connected and shall, within 21 days of the inspection, notify the water services authority concerned, in each case stating the reasons for his or her opinion.

(5) A water services authority notified by an inspector under *subsection (4)* shall, within 21 days of that notification, issue a notice (in this Part referred to as an 'advisory notice') to the owner of the premises to which the treatment system concerned is connected.

(6) An advisory notice shall—

(*a*) state that the water services authority is of the opinion that—

(i) the owner of the premises connected to the domestic waste water treatment system has contravened regulations made under *section 70L*, or

(ii) the domestic waste water treatment system constitutes, or is likely to constitute, a risk to human health or the environment, and, in particular—

(I) creates a risk to water, air or soil, or to plants and animals,

(II) creates a nuisance through noise or odours, or

(III) adversely affects the countryside or places of special interest,

(*b*) state the reasons for that opinion,

(*c*) direct the owner of the premises to remedy the matters specified in the advisory notice by a date specified in the notice, and the notice may specify measures

to be taken to remedy any contravention or matter to which the notice relates,

(*d*) include information regarding the making of an application under *subsection (7)*,

(*e*) be signed and dated by an officer of the water services authority, and

(*f*) include any other requirement that the water services authority considers appropriate.

(7) (*a*) A person aggrieved by an advisory notice may, within 21 days of the date of such notice, apply to the water services authority concerned to have the domestic waste water treatment system inspected by an authorised person appointed by the water services authority.

(*b*) On receipt of an application under *paragraph (a)* in the prescribed form, accompanied by the prescribed fee, which shall not exceed €20, a water services authority shall arrange for an inspection of the domestic waste water treatment system by an authorised person appointed by the water services authority.

(*c*) An authorised person who carries out an inspection for the purposes of this subsection shall, within 10 days of the inspection by notice in writing to the person who made the application—

(i) confirm the advisory notice,

(ii) confirm the advisory notice subject to such modifications, alterations or additions as the authorised person considers appropriate, or

(iii) cancel the advisory notice.

(*d*) Where an advisory notice is confirmed under *subparagraph (i)* or *(ii)* of *paragraph (c)*, the notice under *paragraph (c)* shall include information regarding the making of an appeal under *subsection (9)*.

(*e*) Where an advisory notice is cancelled under *paragraph (c)* the water services authority concerned shall refund the application fee to the person who made the application.

(8) Where there is no application under *subsection (7)*, the advisory notice shall take effect on the later of—

(*a*) the end of the period for making the application, or

(*b*) the day specified in the notice.

(9) A person aggrieved by an advisory notice confirmed under *subparagraph (i)* or *(ii)* of *subsection (7)(c)* may, within 14 days beginning on the day on which the notice is served on him or her, appeal against the notice to a judge of the District Court in the district court district in which the domestic waste water treatment system the subject of the notice is situated, on the following grounds:

(*a*) that the appellant is not the person on whom the notice should have been served; or

(*b*) any substantive or procedural illegality.

(10) In determining an appeal under *subsection (9)* the judge may, if he or she is satisfied that it is reasonable to do so, confirm, vary or cancel the notice.

(11) A person who appeals under *subsection (9)* shall at the same time notify the relevant water services authority of the appeal and the grounds for the appeal and

that water services authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(12) Where an appeal under *subsection (9)* is taken, and the advisory notice is not cancelled, the notice shall take effect on the later of—

(*a*) 21 days after the day on which the notice is confirmed or varied on appeal or the appeal is withdrawn, or

(*b*) the day specified in the notice.

(13) Where an application has been made under *subsection (7)* and the advisory notice has not been cancelled and there is no appeal under *subsection (9)*, the advisory notice shall take effect on the later of—

(*a*) the end of the period for making an appeal, or

(*b*) the day specified in the notice.

(14) A water services authority may, where no application under *subsection (7)* or no appeal under *subsection (9)* is made or pending, extend the period specified under *subsection (6)(c)*.

(15) A person on whom an advisory notice has been served, who is of the opinion that the matters specified in the advisory notice have been remedied, shall within 10 days of completion of the remedial works, confirm in writing to the water services authority concerned that the matters specified in the advisory notice have been remedied.

(16) A water services authority shall, for the purposes of satisfying itself that the matters specified in an advisory notice have been remedied, carry out such further inspections of the system the subject of the advisory notice concerned, as the water services authority considers appropriate.

(17) Where a water services authority is satisfied that the matters specified in the advisory notice have been remedied, the water services authority shall notify the person on whom the advisory notice was served of such compliance.

(18) A person who contravenes a requirement of an advisory notice commits an offence. **]**

Annotations

Amendments:

F62 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

Editorial Notes:

E34 Scheme of financial assistance provided to owners of domestic waste water systems which require remediation or upgrading arising from an inspection carried out and subsequent issue of an advisory notice under section (25.06.2013) by *Domestic Waste Water Treatment Systems (Financial Assistance) Regulations 2013* (S.I. 222 of 2013), regs. 3-5.

E35 Form and fee prescribed for purposes of subs. (7)(a) (28.05.2013) by *Water Services Act 2007 (Re-inspection) Regulations 2013* (S.I. No. 189 of 2013), reg. 2 and schedule.

F63**[** Supervision of water services authorities.

70I.— (1) The Agency shall supervise a water services authority in the performance of such of its functions as the Agency considers appropriate.

(2) Where the Agency is of the opinion that a water services authority has failed to perform all or any of its functions, the Agency shall issue a direction to the water services authority concerned.

(3) The Agency may direct a water services authority to keep such records in relation to the performance of its functions and to submit to it, in such manner and at such times as the Agency may direct, such information as it may specify, and, in particular details in relation to—

(*a*) the registration of domestic waste water treatment systems within the functional area of the water services authority concerned,

(*b*) the inspection of domestic waste water treatment systems within the functional area of the water services authority concerned,

(*c*) advisory notices issued by the water services authority concerned, including details in relation to the confirmation, modification or cancellation of an advisory notice,

(*d*) notices of compliance made by the water services authority concerned under *section 70H(17)*,

(*e*) appeals to the District Court under *section 70H*,

(*f*) prosecutions taken by the water services authority concerned under this Part, and

(*g*) such other matters as the Agency considers appropriate.

(4) The Agency shall keep and maintain or cause to be kept and maintained, such records of any supervision carried out under *subsection (1)* and such directions issued under *subsection (2)* as the Agency considers appropriate.

(5) A water services authority shall comply with a direction under this section.

(6) A water services authority that fails to comply with a direction under this section commits an offence.

(7) In this section, 'functions' means functions of a water services authority under this Part.**]**

Annotations

Amendments:

F63 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F64**[** Directions to inspectors.

70J.— (1) The Agency may, from time to time, issue directions to inspectors with regard to—

(*a*) the manner in which an inspection under *section 70H* is to be carried out,

(*b*) the period or periods to be specified in an advisory notice during which remedial works are to be carried out,

(*c*) the manner, including by electronic means, in which an inspector is to notify a water services authority in relation to an inspection,

(*d*) the details in respect of an inspection which are to be notified by an inspector to a water services authority, and

(*e*) any other matters the Agency considers relevant for the purposes of this Part.

(2) An inspector shall comply with a direction issued under *subsection (1)*.**]**

Annotations

Amendments:

F64 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F65**[** National inspection plan.

70K.— F66**[**(1) The Agency shall, as soon as may be after the commencement of this section, but not later than 31 March 2013, make a national plan (in this Part referred to as 'the national inspection plan') with regard to the inspection and monitoring of domestic waste water treatment systems.**]**

(2) When making the national inspection plan, the Agency shall have regard to—

(*a*) relevant risks or potential risks to human health or the environment, and, in particular—

(i) risks to water, air or soil, or to plants and animals,

(ii) nuisances through noise or odours, and

(iii) risks to the countryside or places of special interest,

(*b*) relevant available information in relation to specific types and locations of domestic waste water treatment systems,

(*c*) appropriate and specific qualitative and quantitative criteria, targets and indicators for inspections, and

(*d*) any incidental or ancillary matters or such matters as may be prescribed by the Minister.

(3) The Agency shall from time to time as it thinks appropriate, and at least once in each period of 5 years after the date of making of the national inspection plan, review the plan and make such revisions thereto as it thinks fit and references in this Part to such a plan shall, unless the context otherwise requires, be construed as including references to such a plan as so revised.

(4) The Agency shall furnish a copy of the national inspection plan to the Minister, each water services authority and such other person as may be prescribed.

(5) It shall be a function of each water services authority to take necessary measures to implement or otherwise give effect to the national inspection plan, including arranging for inspections under section 70H to be carried out within its functional area, as provided for in the plan. **]**

Annotations

Amendments:

F65 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

F66 Substituted (8.02.2013) by *European Union (Inspection Plan) Regulations 2013* (S.I. No. 38 of 2013), reg. 2.

F67**[** Regulations.

70L.— (1) The Minister may, following consultation with the Agency, make regulations for the purposes of this Part, and without prejudice to the generality of the foregoing, the regulations may make provision for—

(*a*) maintenance plans for domestic waste water treatment systems,

(*b*) performance standards for domestic waste water treatment systems,

(*c*) standards and procedures to apply in relation to emptying a domestic waste water treatment system and the disposal of the waste water and sludge derived therefrom,

(*d*) such consequential or ancillary matters as the Minister considers appropriate.

(2) A person who contravenes a regulation made under this section commits an offence.**]**

Annotations

Amendments:

F67 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

Editorial Notes:

E36 Power pursuant to section exercised (26.06.2012) by *Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012* (S.I. No. 223 of 2012), in effect as per reg. 1(b).

F68**[** Offences and penalties.

70M.— (1) A person guilty of an offence under *section 70B(12)*, *70C(2)*, *70E(10)*, *70G(5)*, *70H(18)*, or *70L(2)* is liable, on summary conviction, to a class A fine.

(2) A water services authority guilty of an offence under *section 70I(6)* is liable on conviction on indictment, to a fine not exceeding €50,000. **]**

Annotations

Amendments:

F68 Inserted (26.06.2012) by *Water Services (Amendment) Act 2012* (2/2012), s. 4, S.I. No. 219 of 2012.

Editorial Notes:

E37 A class A fine means a fine not exceeding €5,000 as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(1), S.I. No. 662 of 2010.

PART 5

Meters

Interpretation (*Part 5*).

71.— (1) In this Part—

"water supply meter" means a mechanical, electronic or other device for measuring volume or rate of flow of water, together with any ancillary equipment for the purposes of data collection or transmission;

"waste water discharge meter" means an electronic or other device for measuring volume or rate of discharge of waste water, together with any ancillary equipment for the purposes of data collection or transmission;

"meter" may be construed as a water supply meter or a waste water discharge meter as appropriate;

"water services authority" includes—

(*a*) an authorised provider of water services, and

(*b*) a person providing water services jointly with or on behalf of—

(i) a water services authority, or

(ii) an authorised provider of water services.

Provision of meters.

72.— (1) Subject to any direction of the Minister under this Act—

(*a*) a water services authority may—

(i) supply water by measure,

(ii) meter or otherwise measure the volume of water supplied or the volume of waste water discharged,

(iii) subject to complying with other enactments in relation to charging for water services, charge a rent or otherwise recover from a consumer the costs incurred by it in respect of every meter or other instrument provided for measuring the water supplied to or the waste water discharged by that consumer,

(iv) require any consumer of water supplied by it to take such supply through a specified water supply meter,

(v) require any consumer of waste water services provided by it to discharge their waste water via a specified waste water discharge meter,

and

(*b*) a water services authority shall—

(i) keep every meter whether let by it for hire to a consumer or supplied free of charge, in proper order for measuring the supply of water or discharge of waste water, and in default of so doing, such consumer shall not be liable to pay rent as long as the default continues, and

(ii) have access to and be at liberty at all reasonable times to install, read, remove, examine, repair, replace or reinstall such meter.

(2) An owner of a meter shall, subject to the requirements of—

(*a*) the Metrology Acts 1980 to 1998,

(*b*) any relevant instrument made under those Acts, and

(*c*) any relevant regulations made under the European Communities Act 1972,

ensure that the meter is the correct type and size required for the accurate measurement of consumption or discharge, that is foreseen or foreseeable. For that purpose account shall be taken in particular of the operating conditions for the meter, including flowrate range, temperature range and relative pressure range of the water or waste water to be metered.

(3) Where, following testing pursuant to the Metrology Acts 1980 to 1998 or any relevant instrument or regulations specified in *subsection (2)*, it is determined that a meter has failed to record correctly the volume of water supplied, or of waste water discharged, then a water services authority may estimate usage on the basis of historical data, and any amount of charges which are found to be outstanding on the basis of such estimate may be recovered by the water services authority from the person to whom the water services were provided.

(4) Subject to *subsection (2)*, the Minister may make regulations in relation to the provision of a meter.

(5) Without prejudice to the generality of *subsection (4)*, regulations under that subsection may provide for all or any of the following matters:

(*a*) responsibility of the consumer for the safe custody of a meter, and any piping or ancillary fittings belonging to a water services authority;

(*b*) rental of meters;

(*c*) taking of meter readings;

(*d*) estimation of usage on the basis of historical data;

(*e*) any incidental or ancillary matters.

(6) A person commits an offence if he or she—

(*a*) fails to comply with a requirement under *subsection (1)(a)(iv)* or *(v)*,

(*b*) contravenes *subsection (2)*, or

(*c*) contravenes a regulation made under *subsection (4)* which is stated to be a penal regulation.

Meter performance.

73.— (1) For the purpose of the measurement of water usage or waste water discharge determined by a meter, the register of that meter shall be *prima facie* evidence of the volume supplied or discharged, as the case may be.

(2) F69**[**...**]**

Annotations

Amendments:

F69 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(17), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Interference with meters.

74.— (1) A person who—

(*a*) removes, damages or causes the removal or damage, or otherwise impairs, or causes impairment of the proper working of a meter,

(*b*) alters or causes to be altered fraudulently a meter,

(*c*) prevents or causes to be prevented from being duly registered the volume of water or waste water supplied or discharged through a meter, or

(*d*) fraudulently bypasses or causes or permits the bypass of a meter provided for the purposes of measuring the volume of water or waste water supplied or discharged,

commits an offence.

(2) If in proceedings for an offence under *paragraph (b)* or *(c)* of *subsection (1)* it is alleged that the defendant prevented such meter from correctly recording the volume of water supplied to, or waste water discharged from, a premises, and it is proved that, during the period such prevention is alleged to have occurred or immediately thereafter—

(*a*) an artificial means for causing such prevention was present on the said premises or in the precincts thereof, and

(*b*) the defendant was in occupation of the premises,

such proof shall be *prima facie* evidence, in those proceedings, of the allegation.

(3) A person who, without lawful excuse, manufactures, imports, sells, offers for sale, supplies or has in his or her possession any thing designed or adapted to prevent a meter from correctly recording the volume of water supplied to or waste water discharged from a premises, commits an offence.

(4) (*a*) A consumer of water services who has reasonable grounds for believing that a meter to which this section applies is not duly registering a quantity of water being supplied to, or of waste water being discharged from, a premises by reason of the meter being unlawfully interfered with shall take all reasonable steps to ensure that such interference is discontinued.

(*b*) A person who fails to comply with *paragraph (a)* commits an offence.

(5) A water services authority may reinstate or repair any damage sustained to any of its property in the course of or arising from an offence under *subsection (1)* and recover any costs incurred from the person or persons guilty of the offence.

(6) Without prejudice to any other prosecution, or right to prosecute, where, in the opinion of a water services authority, there has been—

(*a*) an unauthorised taking of water supplies, or

(*b*) an unauthorised discharge of waste water to a waste water works, or

(*c*) any unauthorised interference with a meter,

whereby a greater volume of water than registered by a meter is supplied to a person through that meter, or a greater volume of waste water than registered is discharged by a person through that meter, the water services authority may estimate the unrecorded or unauthorised use or discharge and recover or arrange for the recovery of the cost of it from that person.

(7) The Minister may make regulations for the purposes of *subsection (6)*, setting out procedures and methodologies to be adopted to estimate the unrecorded or unauthorised use or discharge.

PART 6

Rural Water Services

Chapter 1

General administrative provisions

National Rural Water Services Committee.

75.—F70**[**...**]**

Annotations

Amendments:

F70 Repealed (11.06.2018) by *Water Services Act 2017* (29/2017), s. 5(1)(a), commenced as per s. 5(3) of *Water Services Act 2017* (29/2017) and S.I. No. 193 of 2018.

Editorial Notes:

E38 Power pursuant to subs. (2) exercised (15.12.2008) by *National Rural Water Services Committee (Establishment Day) Order 2008* (S.I. No. 522 of 2008).

2. The 15th day of December 2008 is appointed as the establishment day for the purposes of section 75(2) of the Water Services Act 2007 (No. 30 of 2007).

E39 Composition of the National Rural Water Services Committee established under section and related procedural and ancillary matters prescribed pursuant to subs. (5) (2.12.2008) by *National Rural Water Services Committee Regulations 2008* (S.I. No. 510 of 2008).

County rural water services committees.

76.— (1) The Minister may by regulations provide for the establishment by the relevant water services authority of a county rural water services committee in the functional area of such water services authorities as may be prescribed, and on such date and for such purpose as may be prescribed.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may provide for any or all of the following matters in relation to a county rural water services committee:

(*a*) composition, appointment and removal procedures and term of office;

(*b*) meetings and procedures;

(*c*) functions generally in relation to rural water services provision;

(*d*) reporting arrangements;

(*e*) expenditure and finance; and

(*f*) any incidental and ancillary matters.

(3) The expenses of a county rural water services committee may be met by the water services authority under whose auspices it is established.

(4) A water services authority may direct a county rural water services committee established by it to undertake specific actions in accordance with the prescribed functions of the committee, and the committee shall be obliged to comply with such direction.

Rural water services strategic plans.

77.— (1) Notwithstanding *section 36*, a water services authority may, and if directed by the Minister shall, make or review rural water services strategic plans with regard to the provision of water services to all rural areas within its functional area.

(2) A plan under *subsection (1)* shall form an integral component of a water services strategic plan under *section 36*, and shall be reviewed from time to time in conjunction with a review of such latter plan.

(3) A rural water services strategic plan which has been made, or is in the process of being made, prior to the first occasion of the making of a water services strategic plan under *section 36* shall be reviewed as necessary, and in any event shall be incorporated into the first such plan or plans which is or are made by a water services authority under this Act in respect of its functional area or any part of it.

(4) Any reference to a water services strategic plan in *Part 2* may be read as a reference to a rural water services strategic plan for the purpose of such plan.

Chapter 2

Supervision of water services

Responsibility of water services authorities.

78.— (1) In this Chapter, licence includes, where the context requires, a revised licence.

(2) Each water services authority, for the purposes of the protection of human health and the environment, is responsible for the supervision, in its functional area, of water services provided by a person other than a water services authority.

Water services licences.

79.— (1) (*a*) On or after such date or dates as may be prescribed, a person shall not—

(i) provide water for human consumption from a tanker, or

(ii) otherwise provide water services,

except under and in accordance with a water services licence issued under this Chapter.

(*b*) *Paragraph (a)* does not apply to the provision of water in bottles or containers for human consumption, where such provision is in the ordinary course of business.

(*c*) In this subsection "person" means a person other than a water services authority or a person acting jointly with it or on its behalf under an agreement for that purpose.

(2) The Minister may by regulations provide that *subsection (1)* shall not apply to the provision of a certain class or classes of water services if and for so long as the person providing such services complies with specified provisions in relation to such provision.

(3) Without prejudice to the generality of *subsection (2)*, regulations under that subsection may specify—

(*a*) (i) a threshold below which a water services licence will not be required, either based on numbers of people to which water services are provided or a volumetric equivalent, subject to such exceptions as may be specified,

(ii) criteria for determining a level of service equivalent to a specified number of people,

(iii) measures to preclude the separation of water services operations into linked series of smaller schemes for the purposes of evading licence control,

(iv) requirements in relation to notification and registration, monitoring and inspection, drinking water quality and waste water quality standards, water conservation, and provision of information, including the provision of such information and guidance necessary for the purposes of the protection of human health and the environment, in relation to water services to which these regulations apply,

(v) requirements in relation to the treatment, re-use or disposal of by-products arising from the treatment of water and waste water, or

(vi) incidental and ancillary matters,

or

(*b*) that a system of notification or registration established under *paragraph (a)(iv)* shall constitute an agreement for the purposes of *section 31(13).*

(4) The provision of water services shall, in the period before a licence required under this Chapter is granted or refused, be deemed not to have contravened *subsection (1)*, if—

(*a*) before the date prescribed under *subsection (1)* or within one month of a notice under *section 80(2)* taking effect, as the case may be, an application has been made for a water services licence in accordance with the requirements of this Chapter or regulations thereunder,

(*b*) an appeal under *section 80(3)* is being processed, or

(*c*) on determination by a District Court in accordance with *section 80* that a nominated person should apply for a water services licence, an application is made for a licence to the relevant water services authority within 14 days of the date of such determination.

(5) A person who contravenes—

(*a*) *subsection (1)*, or

(*b*) a regulation made under *subsection (3)(a)(iii)*, *(iv)* or *(v)*,

commits an offence.

(6) For the purposes of *subsection (1)*, a person who enters into an agreement, including a legal agreement, with another person for the provision of water services jointly with him or her or on his or her behalf, shall, notwithstanding the agreement, continue to be the person to whom the obligation under that subsection applies in respect of the water services which are the subject of the agreement.

Determination of an activity as a licensable water services activity.

80.— (1) A water services authority may, on or after such date as may be prescribed, determine that a particular activity constitutes the provision of water services to another person for which a water services licence is required under *section 79*.

(2) If an application for a water services licence has not been received in respect of an activity for which a determination has been made by a water services authority under *subsection (1)*, the water services authority may, by notice, require that person who it considers to be providing the said water services to apply for such licence, and that person shall apply for a licence within one month of the notice taking effect.

(3) The person to whom a notice under *subsection (2)* is addressed may, within 21 days from the date of issue of the notice, appeal to the District Court against the requirement to apply for a water services licence, on the grounds that he or she is not providing such water services to another person or that the activity to which the notice refers does not constitute the provision of water services for which a water services licence is required under *section 79*.

(4) On the hearing of an appeal under this section the District Court may confirm or annul the requirement to apply for a water services licence.

(5) A notice under this section shall take effect—

(*a*) in case no appeal is taken, or an appeal is taken and is withdrawn within one month from the service of the notice, on the expiration of one month from the service of the notice,

(*b*) in case an appeal is taken and is not so withdrawn, within 1 month of the appeal subsequently being withdrawn or determined, but only if the

determination by the District Court does not annul the requirement to apply for a water services licence.

(6) A person who fails to comply with a notice under *subsection (2)* commits an offence.

Grant of a water services licence.

81.— (1) On an application being made to it, a water services authority may grant a water services licence, subject to, or without, conditions or refuse to grant such a licence.

(2) In considering an application for a water services licence, a water services authority shall—

(*a*) carry out or cause to be carried out such investigations as it deems necessary or as may otherwise be prescribed, and

(*b*) have regard to—

(i) any submissions duly made within the prescribed notification period for making submissions,

(ii) any relevant water services strategic plan or plans, or rural water services strategic plan or plans for the area or areas in which the service is to be provided,

(iii) the resources of the applicant in terms of financial, operational and management capacity to ensure the effective and efficient provision of water services in accordance with prescribed standards,

(iv) in the case of an application to which *section 82(2)* applies, the views of other water services authorities in whose functional area the service is to be provided,

(v) the availability of alternative water services for the area to which the licence application refers, and any proposals by the water services authority or any other person in this regard which might reasonably act as such an alternative,

(vi) any request by a provider of water services to have the scheme taken in charge by the water services authority,

(vii) any related licence under *section 63* in relation to the discharge of trade effluent, or a licence under section 4 of the Act of 1977 in relation to the discharge of trade effluent or sewage to any waters,

(viii) any water supply standards or waste water treatment standards prescribed,

(ix) such other matters related to the prevention of risk to human health or the environment as it considers necessary, or

(x) such other matters as may be prescribed or the Minister may direct in relation to the grant of a water services licence.

Annotations

Editorial Notes:

E40 Application of *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 4, to a water services licence granted under section confirmed (23.08.2011) by *Environment (Miscellaneous Provisions) Act 2011* (20/2011), s. 4(4)(d), S.I. No. 433 of 2011.

Water services authority to be licensing authority.

82.— (1) Subject to *subsection (2)*, for the purpose of this Chapter the licensing authority shall be the water services authority in whose functional area the water services are being or intended to be provided.

(2) Where the water services that are the subject of a licence application are provided within the functional areas of two or more water services authorities, the water services authorities may, or shall if the Minister requires them to do so, decide that one of them shall perform the functions of a licensing authority with respect to the application and any subsequent water services licence and the nominated authority shall have such functions in regard to such licence as if it related solely to its functional area in the first instance.

(3) A water services licence under this Chapter shall, without prejudice to the rights, including right of ownership or use, of any person in relation to water in any source, be deemed to be an agreement for the purposes of *section 31(13)*.

Conditions attached to a water services licence.

83.— (1) A water services licence may provide as respects any condition attaching to it that the condition shall be complied with before or after any activity to which the licence relates has been commenced.

(2) Conditions attaching to a water services licence shall include—

(*a*) measures to ensure against risk to human health or the environment,

(*b*) water supply standards or waste water treatment standards, as appropriate,

(*c*) standards of service,

(*d*) monitoring and supervision,

(*e*) sampling and analysis, or

(*f*) such other matters as may be prescribed or the Minister may direct in relation to the grant of a water services licence.

(3) Conditions attaching to a water services licence may include—

(*a*) the scale of the activity,

(*b*) specification of individual households, areas or activities to which the water services which are the subject of the licence shall be provided,

(*c*) operational and management procedures,

(*d*) procurement procedures,

(*e*) measures to ensure public safety,

(*f*) emergency plans in the event of any incident,

(*g*) evidence of employers and public liability insurance,

(*h*) conservation measures,

(*i*) measures to prevent source contamination,

(*j*) requirements in relation to metering, in accordance with any guidance or direction given by the Minister,

(*k*) requirements in relation to the treatment, re-use or disposal of by-products arising from the treatment of water or waste water,

(*l*) the latest date by which a condition is to be complied with,

(*m*) such provisions as are necessary to facilitate the application of relevant obligations imposed under this Act or any other enactment,

(*n*) requirements in relation to the preparation and publication of the accounts and annual report of the licensee,

(*o*) any other matters as may be prescribed in relation to a water services licence, or

(*p*) incidental and ancillary matters.

(4) The Minister may make regulations requiring a water services authority to attach a condition to a water services licence requiring compliance with any specified standard or procedure, or direction under this Act, or to take account of any other specified matter.

(5) A water services authority may recover costs due to it under this Chapter in relation to licensing from the relevant applicant or licence holder as the case may be.

Review of a water services licence.

84.— (1) A water services authority may review a water services licence—

(*a*) at the request of a licence holder,

(*b*) where it considers that the activity which is the subject of the licence is causing, or is likely to cause, a risk to human health or the environment,

(*c*) where there has been a material change in the nature or scale of the activity which is the subject of the licence,

(*d*) where there has been a material change in the financial, operational or management capacity of the licence holder,

(*e*) where information which was not available when the licence was granted, and which would materially have affected the decision of the water services authority on the licence, becomes available,

(*f*) on receipt of an objection from any person to a refusal or failure by the holder of a licence to provide adequate water services to that person,

(*g*) where in the opinion of the water services authority provision of water services has been unsatisfactory or unreasonably refused by the holder of a licence, or

(*h*) where amended standards applying to the licensed service are prescribed or are made by any other enactment or any regulations are made by the Council, Commission or the Parliament of the European Community.

(2) Without prejudice to *subsection (1)*, a water services authority shall review a water services licence at a time not exceeding 5 years from when it was granted.

(3) As soon as may be after it has completed a review of a water services licence under this Chapter, a water services authority may grant the holder thereof a water services licence, the terms and conditions of which are, in such respects as the water services authority considers appropriate, different from those of the first-mentioned licence, and the revised water services licence shall have effect in lieu of the first-mentioned licence.

Revocation of a water services licence.

85.— A water services authority may revoke a water services licence in all or any of the following circumstances:

(*a*) non-compliance with its conditions;

(*b*) on request from the licence holder;

(*c*) where, in the opinion of the water services authority, the licence holder is not providing an adequate service;

(*d*) where the operation or management of a waterworks or waste water works to which the licence refers is taken over on a temporary basis in accordance with *section 91*; or

(*e*) where a waterworks or waste water works to which the licence refers is taken in charge or acquired in accordance with *Part 7* .

Decision by a water services authority in relation to licences or licence applications.

86.— (1) A water services authority, before making a decision in relation to the grant, review, transfer or revocation of a water services licence, shall as appropriate consider any submissions made to it under and in accordance with regulations made under *section 88*.

(2) Where a water services authority decides—

(*a*) to grant, transfer, amend, add or delete any conditions that it has attached to, a water services licence,

(*b*) to refuse to grant or transfer such a licence, or

(*c*) to revoke such a licence,

it shall notify the applicant or its holder and any person who made a valid submission referred to in *subsection (1)*, as the case may be, of the decision and the reasons for the decision.

Appeals in relation to *sections 81*, *83*, *84* and *85* .

87.— (1) The applicant for, or the holder of, a water services licence under *section 81*, may, within one month of the date of a notification under *section 86* appeal to the District Court any one or more of the following actions by a water services authority:

(*a*) refusal of an application for the grant of the licence;

(*b*) the attachment of conditions or additional conditions to the licence;

(*c*) the amendment, addition or deletion of any condition attached to the licence;

(*d*) the transfer of or refusal to transfer the licence; or

(*e*) the revocation of the licence.

(2) On the hearing of an appeal under *subsection (1)*, the District Court may make an order giving such directions to the water services authority concerned as the Court thinks proper in relation to the actions of the water services authority referred to in *subsection (1)*.

(3) The grant of a licence, or any act of a water services authority referred to in *subsection (1)*, shall have effect—

(*a*) in case an appeal is not made under *subsection (1)*, on the expiration of the period referred to in that subsection,

(*b*) in case an appeal is brought against it and the determination of the appeal does not set the act aside, upon and in accordance with such determination,

(*c*) in case an appeal is brought against it and the appeal is withdrawn, upon withdrawal of the appeal or on the expiration of the period referred to in *subsection (1)*, whichever is the later.

(4) Subject to the outcome of any appeal which may be made under this section, and without prejudice to the powers of a water services authority to bring separate

proceedings in respect of the contravention of a provision of this Chapter, a water services authority may apply to the District Court for an order to close down any water service which is being provided without, or in contravention of, a water services licence granted under this Chapter.

Regulations for the purposes of this Chapter.

88.— (1) The Minister may make regulations in relation to licensing procedures in respect of water services generally.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision for all or any of the following matters:

(*a*) the form in which the application for a water services licence shall be made, and the form of a water services licence;

(*b*) information and particulars to be submitted by an applicant for the grant of or review of a water services licence, and verification of such information and particulars;

(*c*) specifying the period within which an application for the grant or review of a water services licence shall be dealt with by a water services authority;

(*d*) additional matters in respect of which a water services authority shall be satisfied before granting a water services licence;

(*e*) specifying additional conditions that a water services authority may attach to a water services licence;

(*f*) specifying additional grounds for the review or revocation of a water services licence;

(*g*) making available for inspection by members of the public of an application for the grant, transfer, amalgamation or review of a water services licence, or a proposed water services licence, and the making of submissions by members of the public to a water services authority, within a specified period in relation to such application or proposed licence;

(*h*) the publication or notification by a water services authority of decisions made by it in relation to water services licences;

(*i*) requiring an applicant to defray, or contribute towards, any costs incurred by a water services authority in processing an application, including carrying out any investigation necessary in relation to the application or in relation to monitoring or supervision;

(*j*) transfer of a water services licence to another person;

(*k*) amalgamation of licences; or

(*l*) any matters consequential on, or ancillary to, any of the foregoing.

Contravention of a condition of a water services licence.

89.— A contravention of any condition of a water services licence by any person employed by, or acting on behalf of or jointly with, the holder of that licence shall be deemed also to be a contravention of the condition by the holder of the licence.

Related licences.

90.— Where a water services authority grants a water services licence under this Chapter—

(*a*) it shall take into account any relevant licence granted under section 4 of the Act of 1977, and

(*b*) any licence granted under *section 63* shall lapse, in so far as it relates to the activity in respect of which a licence under this Chapter is granted.

Take-over of the operation or management of a waterworks or waste water works on a temporary basis.

91.— (1) Subject to *subsection (4)*, a water services authority may by order take over the operation or management of a waterworks or waste water works on a temporary basis (with or without the consent of the owner or trustees of the owner or other persons entitled to sell it) where—

(*a*) in the opinion of the water services authority—

(i) the waterworks or waste water works is being operated or managed in such manner as to cause, or be likely to cause, a risk to human health or the environment,

(ii) the relevant licence holder under *section 81* has persistently failed to comply with the conditions of a water services licence, or

(iii) the resources of the licence holder under *section 81*, in terms of financial, operational or management capacity, or access to the same, are not sufficient to ensure the effective or efficient provision of water services in accordance with prescribed standards,

or

(*b*) a water services licence for the scheme has been refused or revoked.

(2) Where a water services authority has taken over the management and operation of a waterworks or waste water works in accordance with *subsection (1)*—

(*a*) the water services authority may take such action as it considers necessary, in accordance with its powers under this Act, to provide water services through the waterworks or waste water works on behalf of the owner or trustees,

(*b*) the water services authority shall not be liable for existing debts and liabilities in relation to the waterworks or waste water works, but may at its discretion discharge such debts or liabilities, in whole or in part.

(3) A water services authority may recover all or part of its costs under this section from the owner or trustees of the owner of the waterworks or waste water works.

(4) A temporary take-over by a water services authority of the operation or management of a waterworks or waste water works under *subsection (1)* shall be reviewed by the water services authority at intervals not exceeding 12 months.

(5) If, in the opinion of the water services authority, arising from a review under *subsection (4)*, the relevant water services provider—

(*a*) is capable of resuming the operation or management of the waterworks or waste water works, the take-over under *subsection (1)* shall cease as and from a date to be notified by the water services authority,

(*b*) is not capable of resuming the operation or management of the waterworks or waste water works, the water services authority may—

(i) by order extend the temporary take-over of the operation or management of the waterworks or waste water works under *subsection (1)* for a further period not exceeding 12 months,

(ii) take into public charge or acquire the waterworks or waste water works in accordance with *section 95*,

(iii) acquire the waterworks or waste water works by compulsory purchase order in accordance with its powers under this Act, or

(iv) provide alternative water services to the users of the water services being provided via the waterworks or waste water works.

(6) A water services licence issued to a water services provider under *section 81* in respect of any relevant undertaking, or any relevant licence under *section 63* or under section 4 or 16 of the Act of 1977, will lapse for the duration of the take-over of the management or operation of the undertaking.

Through connection to services, etc.

92.— (1) In this section "connection" includes, where the context permits, a drain, sewer, distribution system, water main, service connection or any other pipe or related fittings, including manholes, which is or are connected to, or to be connected, to water services, whether directly or indirectly.

(2) (*a*) In this subsection—

"facilitate" means do, or refrain from doing, as the case may be, such things as are directed in, or which arise from a direction in, a notice under this subsection to enable the water services or drainage of storm water which are the subject of the notice to be provided or put in place;

"premises" includes waterworks or waste water works.

(*b*) Without prejudice to *section 31(19)*, a water services authority may by notice direct that a person who owns or has control over or uses all or part of—

(i) a connection, or proposed connection, to water services provided by the authority, an authorised provider of water services or any person acting jointly with or on behalf of the authority or authorised provider of water services, or

(ii) a drain that is used, or is capable of being used, for the drainage of storm water to storage facilities or waters,

shall facilitate the provision of specified water services to a specified person or premises, or part of a premises, or the drainage of storm water from a specified premises or part of a premises to storage facilities or to waters through that connection or drain and in accordance with the notice, and that person shall comply with the notice.

(*c*) Where a notice under *paragraph (b)* indicates the position of any pipe or related accessories, such position shall be deemed to include any minor modification that is not of any material consequence and which may be carried out in the course of installation.

(3) F71**[**...**]**

(4) Without prejudice to the generality of *subsection (2)*, a notice under that subsection may also include, as appropriate, directions in relation to—

(*a*) actions to be taken or works to be carried out under the notice,

(*b*) the proposed route of any new pipe and location of any related accessories specified in the notice,

(*c*) the location of the junction between the connection or pipe referred to in the notice and the pipe through which water services will subsequently be provided to the person or premises,

(*d*) standards of workmanship or work practices generally in relation to works carried out under the notice,

(*e*) technical specifications for any materials or fittings provided for in the notice, and

(*f*) the latest date for compliance with the notice,

and the notice may include annexed to it such maps or drawings as the water services authority considers appropriate for illustrative purposes, and may specify the person by or on behalf of whom works in accordance with the notice shall be carried out.

(5) A person shall not be regarded as a water services provider for the purposes of this Act solely because of his or her compliance with a notice under *subsection (2)*.

(6) *Subsection (2)* may not be exercised so as to interfere unreasonably with—

(*a*) the capacity of the person, to whom a notice is directed, to carry on a business which is connected to the water services, or drained to the storm water storage facilities or waters referred to in the notice, or

(*b*) in the case of another water services provider, the capacity of that person adequately to provide water services.

(7) (*a*) A person to whom a notice under *subsection (2)* is directed shall be entitled to be paid the following costs and compensation, as the case may be, arising from his or her compliance with that notice:

(i) to the extent that he or she has reasonably incurred or will incur them, the cost of works necessary to effect compliance with the notice, or expenses related directly to such compliance;

(ii) compensation determined in accordance with *paragraph (b)*;

(iii) any additional costs, expressed in current prices, already incurred by the person to whom the notice is addressed for the purpose of installing in the first instance a pipe of larger capacity than necessary to meet technical requirements, including minimum technical requirements of a local authority, but only to the extent that the excess capacity will be reduced by the additional connection which is the subject of the notice;

and in determining the amount of compensation payable, regard shall also be had to any grant or subsidy that has been paid or provided in respect of all or any part of the connection.

(*b*) (i) Where, on a claim made to a water services authority, it is shown that, as a result of any action pursuant to this section in—

(I) placing, renewing or removing any pipe for the purposes of this section, or

(II) affixing any notice,

the value of an interest of any person in the connection or drain referred to in *subsection (2)* or in any adjacent land existing at the time of the action of the water services authority is reduced, or that any person having an interest in such connection, drain or land at that time has suffered damage by being disturbed in his or her enjoyment or use of it arising from compliance with the notice, then that person shall be entitled to claim compensation in the amount of the reduction in value or the amount of the damage, and such a claim shall be determined as if it were a claim for compensation under section 199 of the Act of 2000.

(ii) The provisions of Chapter 1 of Part XII of the Act of 2000 shall, in so far as they are relevant to this section, apply in relation to a claim for compensation under this subsection as if—

(I) references to a planning authority were references to a water services authority or such other person performing the action concerned pursuant to this section,

(II) references to section 199 were references to this subsection,

(III) the reference to section 182 was a reference to this section,

and subject to any other necessary modifications.

(*c*) Subject to *paragraph (d)*, the costs and compensation referred to in *paragraph (a)* shall be met in full by any person for whom a connection to water services or the drainage of storm water to storage facilities or waters is facilitated by the issue of the notice.

(*d*) A water services authority which issues a notice under *subsection (2)* may, at its sole discretion, contribute towards related costs and compensation referred to in *paragraph (a)*, to such extent, if any, as it considers appropriate, and may carry out such related works as it considers appropriate.

(8) (*a*) Where a notice under *subsection (2)* is directed at a person who owns or controls all or part of a relevant connection or drain, or proposed connection or drain, that person may, within 28 days of the date of the notice, appeal to the High Court in relation to the notice.

(*b*) Where a notice under *subsection (2)* is directed at a user of all or part of a relevant connection or drain, that person, and in addition any person who claims to be the owner or to have control over the connection or drain and who satisfies the Court in relation to proof of such ownership or control, may within 28 days of the date of the notice appeal to the High Court in relation to the notice.

(*c*) *Paragraph (a)* or *(b)* shall not apply to provisions in *subsection (7)* in relation to costs.

(9) On hearing an appeal under *subsection (8)*, the High Court may, by order, as it thinks proper—

(*a*) confirm the notice, with or without variation, or

(*b*) set the notice aside.

(10) The determination by the High Court of an appeal under *subsection (8)* shall be final, and no appeal shall lie from the decision of the Court to the Supreme Court save with the leave of the High Court, which leave shall only be granted where the High Court certifies that its decision involves a point of law of exceptional public importance, and that it is desirable in the public interest that an appeal should be taken to the Supreme Court. If such an appeal is taken the Supreme Court shall have jurisdiction to determine only the point of law certified by the High Court.

(11) *Subsection (10)* does not apply to a determination of the High Court in so far as it involves a question as to the validity of any law having regard to the provisions of the Constitution.

(12) (*a*) The High Court shall, in determining an appeal under *subsection (8)* act as expeditiously as possible consistent with the administration of justice.

(*b*) The Supreme Court shall, in determining an appeal from a determination of the High Court under *subsection (9)*, act as expeditiously as possible consistent with the administration of justice.

(*c*) Rules of court may make provision for the expeditious hearing of appeals under this section.

(13) The notice under *subsection (2)* shall be enforceable in accordance with this Act—

(*a*) in case an appeal is not brought against it, upon the expiration of the period referred to in *subsection (8)*,

(*b*) in case an appeal is brought against it and the determination of the appeal does not set it aside, upon and in accordance with such determination,

(*c*) in case an appeal is brought against it and the appeal is withdrawn, upon withdrawal of the appeal, or the expiration of the period referred to in *subsection (8)*, whichever is the later,

and the water services authority which issued the notice, or an authorised person acting on its behalf, or such other person specified in the notice or his or her servant or agent, may enter any relevant land and carry out all necessary works for the purposes of enforcing the notice.

(14) Responsibility for the maintenance, repair or renewal of any pipes and accessories connecting the junction referred to in *subsection (4) (c)* and the premises for which the provision of water services is facilitated by the notice under *subsection (2)* shall remain with the owner of that premises, until such time as the water services authority which issued the notice, at its discretion, takes them into its charge.

(15) (*a*) Subject to *paragraph (b)*, any dispute between a person to whom a notice under *subsection (2)* is addressed and the water services authority which issued it in relation to the calculation of costs or compensation for the purposes of *subsection (7)* may be referred by either party to an agreed arbitrator, as if such referral was in accordance with an arbitration agreement under the Arbitration Acts 1954 to 1998.

(*b*) In the absence of agreement on choice of an arbitrator for the purposes of *paragraph (a)*, the President of the High Court may, on the application of either party, appoint an arbitrator.

(*c*) Any decision of an arbitrator appointed under *paragraph (a)* or *(b)* made at proceedings held in accordance with the Arbitration Acts 1954 to 1998 as to the calculation of costs or compensation shall be binding and enforceable in accordance with those Acts.

(16) (*a*) Where on application by a water services authority to the Circuit Court the Court is satisfied that a person has failed to comply with or is obstructing or preventing compliance with a requirement of a notice under this section, whether or not that person has an interest in any pipe or land referred to in the notice, then the Court may by order—

(i) direct that person to comply with the requirement or cease obstructing or preventing compliance with the requirement, and

(ii) make such other provision, including provision in relation to payment of costs, as the Court considers appropriate.

(*b*) An application under this subsection to the Circuit Court shall be made to the judge of the Circuit Court for the circuit in which the connection or drain, or any part of it, which is the subject of the application is located, or to be located as the case may be.

(*c*) An application to the Circuit Court for an order under this subsection shall be by motion, and the Court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate.

(*d*) Rules of court may provide for an order under this subsection to be made against a person whose identity is unknown.

(17) (*a*) The Minister may make regulations for the purposes of this section.

(*b*) Without prejudice to the generality of *paragraph (a)*, regulations under that paragraph may provide for 1 or more of the following:

(i) the format of a notice under *subsection (2)*;

(ii) procedures for service of a notice under this section;

(iii) inclusion of such additional details in a notice under *subsection (2)* as required to clarify the actions which are necessary to effect compliance with the notice;

(iv) procedures for calculation of excess capacity under *subsection (7)(a)(iii)*;

(v) procedures or related time limits for referral of a dispute to arbitration under *subsection (15)*;

(vi) related or ancillary matters to any of the foregoing.

Annotations

Amendments:

F71 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(18), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

PART 7

Acquisition Provisions

Power to acquire land, etc.

93.— (1) Subject to *sections 95* and *96*, a water services authority may acquire land for the purpose of performing any of its functions under this Act, and section 182 and Part XIV of the Act of 2000 shall apply to a water services authority as it applies to a local authority.

(2) For the purposes of *subsection (1)*, "acquisition of land" under the Act of 2000 shall include any—

(*a*) dam, weir or construction which interferes with the proper drainage or supply of water F72**[**...**]**, or the provision of water services by that water services authority,

(*b*) water, or right of access to water, or right to take or convey water,

(*c*) waterworks or part of a waterworks, or related accessories or right of access to them, or

(*d*) waste water works or part of a waste water works, or related accessories or right of access to them.

(3) A water services authority may do any other thing which arises out of or is consequential on or is necessary for the purposes of or would facilitate the performance of its functions under this section.

Annotations

Amendments:

F72 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(19), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Extension of acquisition powers.

94.— The powers of a water services authority under *section 93* or *97* shall also apply to any such acquisition or any such laying of pipes or related infrastructure, fixtures or fittings for the purpose of facilitating the provision of water services by—

(*a*) any authorised provider of water services, or

(*b*) a person providing water services jointly with or on behalf of—

(i) a water services authority, or

(ii) an authorised provider of water services.

Taking in charge or acquisition by agreement of waterworks or waste water works by a water services authority.

95.— (1) A water services authority may by agreement take into public charge or acquire all or part of a waterworks or waste water works, or any rights connected to it, F73**[**...**]** where not fewer than two thirds of those persons entitled to dispose of it agree to such transfer.

(2) (*a*) Where a water services authority proposes to take into public charge all or part of the distribution network of a waterworks or the collection network of a waste water works, together with the accessories of the network concerned (in this section referred to as the "pipe network and accessories") F73**[**...**]**, and it cannot after reasonable enquiry establish the identity of those persons entitled to agree to such transfer, then the water services authority shall publish in one or more newspapers circulating in the area served by the waterworks or waste water works, and serve on the owner of every premises which appears to it to be connected to the pipe network and accessories in question, a notice which—

(i) describes the pipe network and accessories in question, including a description of the area it serves,

(ii) states the intention of the water services authority to take the pipe network and accessories into its charge,

(iii) names the place where a map of the pipe network and accessories in question is deposited and the times during which it may be inspected, and

(iv) specifies the manner and period within which (not being less than one month from the date of the notice) any person, claiming entitlement to agree to or disagree with such transfer, may register such a claim with the water services authority.

(*b*) Where no entitlement to agree to or disagree with the transfer referred to in *paragraph (a)* is claimed, or no claim to such entitlement is substantiated, then the water services authority shall hold a plebiscite to ascertain the wishes of the owners of the premises concerned in relation to the taking in charge of the pipe network and accessories by the water services authority.

(*c*) Where a simple majority of owners who vote in the plebiscite referred to in *paragraph (b)* indicate their agreement to the water services authority taking in charge the related pipe network and accessories, then the water services authority may by order declare such pipe network and accessories to be in its charge.

(*d*) Where a simple majority of the owners who vote in the plebiscite referred to in *paragraph (b)* indicate that they do not wish the water services authority to take in charge the related pipe network and accessories, then the water services authority may by order declare the pipe network and accessories to be a connection for the purposes of *section 43*.

(*e*) Where a claim of entitlement to agree to or disagree with the transfer referred to in *paragraph (a)* is substantiated and a consequential direction to the claimant under *section 80* to apply for a licence under *section 79* is annulled by the District Court, then the water services authority may declare the pipe network and accessories to be a connection for the purposes of *section 43*.

(3) F73**[**...**]**

(4) The Minister may make regulations in relation to the procedures and notification requirements necessary for the purposes of this section.

Annotations

Amendments:

F73 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(20), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Compulsory acquisition of waterworks or waste water works by a water services authority.

96.— Where a compulsory acquisition by way of compulsory purchase order is made in respect of a waterworks or waste water works, or part thereof, a duly appointed arbitrator shall, to the extent that it can reasonably be ascertained, in determining the amount of compensation payable, have regard to any grant or subsidy that has been paid or provided in respect of all or any part of the waterworks or waste water works.

PART 8

Miscellaneous

Chapter 1

Miscellaneous provisions concerning provision of water services

Laying of water mains, sewers, service connections and related cables and wires.

97.— (1) (*a*) Where in the opinion of a water services authority it is considered necessary for the purpose of any of its functions to—

(i) place, construct, lay or connect, as may be appropriate, water mains, sewers, service connections or any ancillary fixtures or fittings or related cables or wires on, into, through, under or over any land not forming part of a public road,

(ii) attach to or erect on a premises any bracket or other fixture required for the carrying or support of those water mains, sewers or service connections or any ancillary apparatus or related cables or wires, or

(iii) affix to or erect on any premises a notice referred to in *subsection (2)*,

then it may, after giving 28 days notice of its intention to the owner and the occupier of that land or premises, as the case may be, indicating the position of the proposed installations referred to in *subparagraph (i)*, and with the consent of the said owner and occupier, place, construct, lay or connect water mains, sewers, service connections or any ancillary fixtures or fittings or related cables or wires, or attach to the premises such bracket, or notice referred to in *subsection (2)*, or other fixture as indicated in the notice given under this subsection, and may, from time to time, inspect, repair, alter, renew or remove any of them.

(*b*) In *paragraph (a)* "position" includes any minor modification that is not of any material consequence which may be carried out in the course of installation.

(2) A water services authority may erect and maintain notices indicating the position of water mains, sewers, service connections or any ancillary fixtures or fittings or related cables or wires referred to in *subsection (1)*.

(3) Where a person to whom a notice under *subsection (1)* is addressed has not, within 28 days of the giving of such notice, indicated his or her consent, that person's consent shall be deemed to have been withheld.

(4) (*a*) Where a person to whom a notice under *subsection (1)* is addressed has withheld his or her consent, or where his or her consent is deemed to be withheld under *subsection (3)*, then, the water services authority which issued the notice may appeal to the Circuit Court.

(*b*) The Circuit Court in considering an appeal under this section may, by order—

(i) confirm the notice, with or without variation, or

(ii) set the notice aside,

but shall not determine any matter to which *subsection (8)* refers.

(5) Where the Circuit Court confirms, with or without variation, a notice under *subsection (1)*, consent shall be treated as having been given for the purposes of *subsection (1)*, with effect from the date of such confirmation.

(6) F74**[**...**]**

(7) (*a*) A consent under this section may be registered, in the appropriate manner taking account of requirements to facilitate access from time to time for inspection, repair, alteration, renewal or removal of infrastructure to which the consent relates, by the relevant water services authority, in either the Land Registry or in the Registry of Deeds, as may be appropriate.

(*b*) The full cost of registering a consent under this subsection shall be borne by the water services authority which issued the related notice under *subsection (1)*.

(8) (*a*) If, on a claim made to a water services authority, it is shown that, as a result of the action of the authority pursuant to this section in—

(i) placing, renewing or removing any water mains, sewers, service connections or any ancillary fixtures or fittings or related cables or wires, referred to in *subsection (1)*,

(ii) attaching any bracket or fixture, or

(iii) affixing any notice,

the value of an interest of any person in the land or structure existing at the time of the action of the water services authority is reduced, or that any person having an interest in the land or structure at that time has suffered damage by being disturbed in his or her enjoyment or use of the land or structure affected by the action of the water services authority, that person shall be entitled to claim compensation in the amount of the reduction in value or the amount of the damage, and such a claim shall be determined as if it were a claim for compensation under section 199 of the Act of 2000.

(*b*) The provisions of Chapter 1 of Part XII of the Act of 2000 shall in so far as they are relevant to this section, apply in relation to a claim for compensation under this subsection as if—

(i) references to a planning authority were references to a water services authority,

(ii) references to section 199 were references to this subsection,

(iii) the reference to section 182 was a reference to this section,

and subject to any other necessary modifications.

(9) An authorised person may enter on land for any purpose connected with this section and that entry shall be subject to the relevant provisions of section 252 of the Act of 2000 as if—

(*a*) it were an entry made under that section, and

(*b*) any reference in the said section to appropriate authority or local authority was a reference to a water services authority.

Annotations

Amendments:

F74 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(21), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Alteration of sewers and pipelines by other persons.

98.— (1) Subject to *subsection (2)*, any person authorised (however expressed) by any Act or instrument made under an Act to—

(*a*) navigate or use any river, canal, dock, harbour or river-basin, or

(*b*) charge a toll for such use,

may take up, divert or alter the level of any pipe which is—

(i) constructed by or vested in a water services authority or an authorised provider of water services, or a person providing water services jointly with or on behalf of a water services authority or an authorised provider of water services, and

(ii) passing under or interfering with such river, canal, dock, harbour or river-basin or any towing path thereof,

and, subject to complying with any statutory or contractual requirement and the giving of any due notice to any person concerned, the person so authorised may do all such things as may be necessary for carrying into effect such taking up, diversion or alteration.

(2) Any work carried out by a person pursuant to *subsection (1)* shall be at his or her own expense, and shall be subject to his or her substituting other equally effective pipes.

(3) Any person intending to carry out work under *subsection (1)* shall consult with the persons referred to in that subsection and the water services authority F75**[**...**]** before commencing the work, and shall agree with those persons and the water services authority as to what constitutes an "equally effective" substitution for the purposes of *subsection (2)* in that instance.

(4) Unresolved matters arising from consultations under *subsection (3)* may, at the sole discretion of the person intending to carry out the work, be referred to an agreed arbitrator or an arbitrator appointed by the President of the High Court, and any decision of that arbitrator taken at proceedings held in accordance with the Arbitration Acts 1954 to 1998 as to what constitutes "equally effective" for the purposes of *subsection (2)* in that instance shall be binding.

Annotations

Amendments:

F75 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(22), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Policy directions by Minister.

99.— F76**[...]**

Annotations

Amendments:

F76 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Emergency Orders.

100.— (1) The Minister may, for the purposes of preventing risk to public health and safety or the environment, make an order suspending or amending for a stated period any obligation placed by this Act on a water services authority or other person specified in the order.

(2) An order under this section may contain such consequential provisions arising from the suspension or amendment of the obligation under this Act as the Minister considers necessary.

(3) Where an order is proposed to be made under *subsection (1)*, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Non-application of certain statutes.

101.— A provision in any statute or Act, other than an Act of the Oireachtas, which remains in operation after enactment of this Act shall no longer have any force of law where it—

(*a*) conflicts with, or could conflict with,

(*b*) provides for a purpose or purposes the same as or similar to any purpose or purposes of, or

(*c*) interferes with or could interfere with,

the performance of a function under this Act or with any regulations, standards, codes of practice, guidelines, requests or directions made or issued under this Act.

Enabling power.

102.— F77**[...]**

Annotations

Amendments:

F77 Repealed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 575 of 2013, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Determination by the Board of fees for certain appeals.

103.— (1) Subject to the approval of the Minister, the Board may determine fees in relation to appeals to it under *section 66*, and under section 8 of the Act of 1977, as amended, and requests for oral hearings, and may provide for the payment of different fees in relation to different classes or descriptions of appeals, for exemption from the payment of fees in specified circumstances and for the waiver, remission or refund in whole or in part of fees in specified circumstances.

(2) The Board shall review the fees determined under *subsection (1)* from time to time, but at least every 3 years, having regard to any change in the consumer price index since the determination of the fees for the time being in force, and may amend the fees to reflect the results of that review, without the necessity of the Minister's approval under *subsection (1)*.

(3) For the purposes of this section, "change in the consumer price index" means the difference between the All Items Consumer Price Index Number last published by the Central Statistics Office before the date of determination under this section and the said number last published before the date of review under *subsection (2)*, expressed as a percentage of the last-mentioned number.

(4) Where the Board determines or amends fees in accordance with this section, it shall give notice of the fees in at least one newspaper circulating in the State, not less than 8 weeks before the fees come into effect.

(5) Fees determined in accordance with regulations under the Act of 1977, as amended, shall continue to be payable to the Board in accordance with those regulations until such time as the Board determines fees in accordance with this section.

(6) Where a fee is payable to the Board in respect of an appeal to it or a request for an oral hearing of an appeal under *section 66*, or under section 8 of the Act of 1977, as amended, the Board shall not entertain or consider the said appeal or request until the fee is received by the Board, and where a period is prescribed for the making of such an appeal, unless the fee is received by the Board before the expiration of that period.

Building over pipes.

104.— (1) A person shall not, except with the consent of a relevant water services authority and following an application for the purposes of this section to that authority, erect or commence to erect, or cause to be so erected, any structure—

(*a*) over, or

(*b*) so close to as to cause a risk to, or interfere with, the structural integrity of or access to,

a sewer, drain, water main, distribution system, service connection or related accessories which are owned, controlled or used by another person.

(2) The obligation in *subsection (1)* shall apply notwithstanding any provision in any other enactment in relation to control of development, building standards or practices, or any related exemptions.

(3) A relevant water services authority may grant a consent under *subsection (1)* where it is satisfied that—

(*a*) adequate access to the pipes and related accessories affected will remain available for maintenance or renewal purposes,

(*b*) human health and the environment are adequately protected, and

(*c*) the structural integrity of the pipes and related accessories affected, and access to water services through them, will not be adversely affected,

and it may include in a consent such conditions as it considers necessary for these purposes.

(4) Where a structure to which this section applies is commenced or erected without a consent under *subsection (1)*, or in contravention of such a consent, a relevant water services authority may by notice to the person who erected or commenced to erect the structure or caused it to be erected, or to any other person who for the

time being owns the structure, direct that remedial action be taken within a specified period, including—

(*a*) provision of such alternative sewers, drains, water mains, distribution systems, service connections or accessories as it may specify,

(*b*) re-routing around the structure of such pipes as may be affected,

(*c*) provision of alternative or additional access to such pipes as may be affected,

(*d*) demolition or alteration of the structure, or

(*e*) incidental and related requirements.

(5) A relevant water services authority shall have a right of action for relief by way of injunction or declaration from the High Court against any person, to restrain any non-compliance, or direct any compliance with a requirement of a notice issued by the authority under *subsection (4)*, and the Court may grant such order as it sees fit, in such manner as to achieve the purposes set out in *subsection (3)*, including an order requiring provision of alternative pipes or related access, re-routing of pipes, or removal or alteration of a related structure within a specified period.

(6) It shall be a defence to a prosecution for a contravention of *subsection (1)*, that all reasonable inquiry was made to ascertain the existence of any relevant pipe or related accessory before a structure to which this section refers was erected, or commenced to be erected, over it.

(7) Without prejudice to *subsection (5)*, and whether or not a prosecution has been taken under this section, where a person on whom a notice is served under *subsection (4)* fails to carry out the required remedial action within the period specified in that notice or to complete any works specified in an injunction of the High Court under *subsection (5)*, the water services authority which issued the notice, or a person authorised on its behalf, may enter the relevant land, carry out the remedial action or complete the specified works, and recover the cost from the person who fails to comply with the notice or injunction.

(8) A water services authority may charge a fee to an applicant for a consent under this section in respect of the estimated cost of processing the application, including the cost of related investigation and inspection costs, and such fee shall be recoverable from the person making the application.

(9) A water services authority may recover any costs incurred by it in connection with the exercise of its functions under *subsection (4)* from the person to whom the notice under that subsection is addressed.

(10) F78**[**...**]**

(11) Regulations under *section 18* may provide for—

(*a*) the form of an application for a consent under *subsection (1)*,

(*b*) the information to be provided with any such application,

(*c*) the time limits relating to such application, including time limits relating to—

(i) consideration of such an application, and

(ii) notification of a decision on such an application.

(12) A person who contravenes *subsection (1)* or who fails to comply with a notice under *subsection (4)* commits an offence.

Annotations

Amendments:

F78 Deleted (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 45(23), S.I. No. 575 of 2013, subject to subs. (24) which excludes certain provisions from effect of amendment.

Power to make and fix charges for non-domestic water services.

105.—F79**[**...**]**

Annotations

Amendments:

F79 Repealed (1.10.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 422 of 2014, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Editorial Notes:

E41 Previous affecting provision: subs. (1) repealed and subss. (11) and (12) amended by *Water Services Act 2013* (6/2013), s. 28(1), not commenced; section repealed as per F-note above.

E42 Previous affecting provision: application of section affected by *Water Services Act 2013* (6/2013), s. 28(2) to (4), not commenced; section repealed as per F-note above.

Regulations for the purpose of *section 105*.

106.— F80**[**...**]**

Annotations

Amendments:

F80 Repealed (1.10.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 4(1), S.I. No. 422 of 2014, subject to subs. (4) which excludes certain provisions from effect of amendment: s. 32(1)(b) in so far as it relates to the provision, operation or maintenance of storm water sewers, Part 4A and Part 6 (other than ss. 91 and 92).

Chapter 2

Miscellaneous amendments

Amendment of Act of 1992.

107.— The Act of 1992 is amended—

(*a*) by substituting the following for section 58:

"Drinking water.

58.— (1) The Agency may request a water services authority to submit to it in such manner and at such times as it may direct, such information as the Agency may specify in relation to the management and treatment, and the

monitoring of compliance with prescribed quality standards and other parametric values, of water intended for human consumption.

(2) The Agency shall arrange for, carry out or cause to be carried out, such inspection, auditing or monitoring as it considers necessary to verify information (including monitoring results) transmitted to it under subsection (1).

(3) The Agency shall, in relation to each year, prepare and submit to the Minister a report on—

(*a*) the monitoring, together with an assessment of the results, referred to in subsection (1) or (2), and

(*b*) the implementation by the Agency of section 58A,

and the report shall include such recommendations as seem to it to be appropriate.

(4) Each report under subsection (3) shall be laid by the Minister before each House of the Oireachtas and shall be published by the Agency.

(5) In this section and section 58A 'parametric values' and 'water services authority' have the meanings assigned to them, respectively, in *section 2* of the *Water Services Act 2007*.

Performance by water services authorities of statutory functions in relation to drinking water.

58A.— (1) Notwithstanding *section 30* of the *Water Services Act 2007*, the Agency shall—

(*a*) monitor compliance with prescribed water quality standards and other parametric values of water supplied by or on behalf of a water services authority for human consumption, and

(*b*) be responsible for enforcement of compliance with such standards.

(2) Without prejudice to subsection (1), and with a view to achieving the satisfactory compliance with relevant prescribed water quality standards and other parametric values of water intended for human consumption supplied by the water services authority concerned, the Agency may, having exercised its powers under subsection (1) or (2) of section 58 and considered any information furnished to, or otherwise coming into its possession in consequence of that exercise, do all or any of the following:

(*a*) issue such advice, directions or recommendations to the water services authority, as it considers necessary;

(*b*) provide, on such terms and conditions as may be agreed, such assistance, support or guidance as the Agency considers, after consultation with the water services authority, would be helpful.

(3) (*a*) Notwithstanding any other provision of this section, where the Agency is of the opinion in respect of water for human consumption supplied by or on behalf of a water services authority that—

(i) there has been a breach of prescribed water quality standards or other parametric values,

(ii) the water contains a substance or micro-organism for which no water quality standard exists, or

(iii) a standard of efficiency of related disinfection equipment exists,

that constitutes, or may constitute, a risk to public health, then the Agency may issue such direction to the relevant water services authority as it considers necessary to ensure that appropriate measures are taken for the purposes of preventing, limiting, eliminating or abating such risk.

(*b*) A water services authority shall comply with any direction to it under paragraph (*a*).

(4) (*a*) Where the Agency, having reviewed the information—

(i) submitted to it in accordance with section 58(1), or

(ii) obtained during the course of inspection, auditing or monitoring carried out under section 58(2),

is of the opinion that a water services authority has failed adequately to carry out monitoring of its water supplies or related distribution networks, then the Agency shall direct the water services authority to arrange for such monitoring to be carried out adequately.

(*b*) A water services authority shall comply with any direction to it under paragraph (*a*).

(5) Where a water services authority fails to comply with a direction issued under subsection (2), (3) or (4), the Agency may arrange, carry out or cause to be carried out such action as it considers necessary to ensure compliance with the direction. The costs of such action may be recovered by the Agency from the water services authority concerned as a simple contract debt in any court of competent jurisdiction.

(6) A water services authority commits an offence if—

(*a*) it fails to comply with a request under section 58(1), or

(*b*) it fails to comply with a direction under subsection (2), (3) or (4).

(7) The Agency may apply to the High Court in a summary manner for an order against a water services authority to direct compliance with a request under section 58(1), or a direction under subsection (3), and the Court may grant such order as it considers appropriate.",

(*b*) in section 59 by inserting the following after subsection (8):

"(9) In this section a reference to a sanitary authority shall be construed, subject to the discretion of the Minister in relation to regulations under subsection (5), as including a reference to any person acting on behalf of or jointly with a sanitary authority.",

(*c*) in section 60 by inserting the following after subsection (2):

"(3) In this section, a reference to a sanitary authority shall be construed as including a reference to any person acting on behalf of or jointly with a sanitary authority.",

(*d*) in section 61 by inserting the following after subsection (3):

"(4) In this section, a reference to a sanitary authority shall be construed as including a reference to any person acting on behalf of or jointly with a sanitary authority.",

and

(*e*) in Part IV (inserted by section 15 of the Protection of the Environment Act 2003)—

(i) in section 84(1)—

(I) by deleting "or" in paragraph (*b*) and by substituting "the Fisheries (Consolidation) Act 1959, or" for "the Fisheries (Consolidation) Act 1959," in paragraph (*c*), and

(II) by inserting the following after paragraph (*c*):

"(*d*) *section 63* or *81* of the *Water Services Act 2007*.",

(ii) in section 84(2)—

(I) by deleting "or" in paragraph (*b*) and by substituting "the Fisheries (Consolidation) Act 1959, or" for "the Fisheries (Consolidation) Act 1959," in paragraph (*c*), and

(II) by inserting the following after paragraph (*c*):

"(*d*) *section 63* or *81* of the *Water Services Act 2007*,",

(iii) in section 87 by deleting subsection (10) and substituting the following:

"(10) (*a*) Subject to paragraph (*b*), a person shall not, by application for judicial review or in any other legal proceedings whatsoever, question the validity of a decision of the Agency to grant or refuse a licence or revised licence (including a decision of it to grant or not to grant such a licence on foot of a review conducted by it of its own volition) unless the proceedings are instituted within the period of 8 weeks beginning on the date on which the licence or revised licence is granted or the date on which the decision to refuse or not to grant the licence or revised licence is made.

(*b*) Where, on application to the High Court, the Court considers that in the particular circumstances there is good and sufficient reason for doing so, the Court may extend the period referred to in paragraph (*a*).",

(iv) in section 99B(1)(*a*)—

(I) by deleting "or" in subparagraph (ii) and by substituting "the Fisheries (Consolidation) Act 1959, or" for "the Fisheries (Consolidation) Act 1959," in subparagraph (iii), and

(II) by inserting the following after subparagraph (iii):

"(iv) *section 63* or *81* of the *Water Services Act 2007*,",

(v) in section 99E by inserting the following after subsection (5):

"(6) In this section, a reference to a sanitary authority shall be construed as including a reference to any person acting on behalf of or jointly with a sanitary authority.",

and

(vi) in section 99G(1)—

(I) by deleting "or" in subparagraph (*b*) and by substituting "the Fisheries (Consolidation) Act 1959, or" for "the Fisheries (Consolidation) Act 1959," in paragraph (*c*), and

(II) by inserting the following after paragraph (*c*):

"(*d*) *section 63* or *81* of the *Water Services Act 2007*,".

Amendment of Housing Finance Agency Act 1981.

108.— The Schedule to the Housing Finance Agency Act 1981 (inserted by section 17 of the Housing (Miscellaneous Provisions) Act 2002) is amended by inserting "*Water Services Act 2007*" after "Water Supplies Act 1942".

Amendment of Act of 1977.

109.— The Act of 1977 is amended—

(*a*) in section 4(1) by inserting the following paragraph after paragraph (*b*):

"(*c*) In this subsection a discharge to waters includes a discharge from a septic tank or other waste water treatment system to a percolation area or to soil.",

(*b*) in section 6(2) by substituting the following for paragraph (*f*) and paragraph (*g*) (inserted by the Local Government (Water Pollution) Act 1977 (Transfer of Appeals) Order 1978 (S.I. No. 96 of 1978)):

"(*f*) requiring an applicant to defray or contribute towards the cost of investigation carried out by a local authority in relation to an application;

(*g*) the oral hearing of any appeal to An Bord Pleanála and any such oral hearing conducted by it or by a person appointed for that purpose by it;

(*h*) procedural matters in relation to appeals;

(*i*) related ancillary and incidental matters.".

Increase of penalties under Local Government (Water Pollution) Acts 1977 and 1990.

110.— (1) The Act of 1977 (as amended by the Act of 1990) is amended—

(*a*) in section 3 by substituting the following for subsection (2):

"(2) A person who contravenes subsection (1) commits an offence and is liable—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €15,000,000 or imprisonment for a term not exceeding 5 years, or both.",

(*b*) in section 4 by substituting the following for subsection (8):

"(8) A person who contravenes subsection (1) commits an offence and is liable—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.",

(*c*) in section 6 by substituting the following for subsection (3)(*a*):

"(3) (*a*) A person who, in relation to an application for a licence under section 4 or an appeal under section 8, when—

(i) furnishing information under this section, or

(ii) verifying any such information,

makes a statement in writing which is false or to such person's knowledge misleading in a material respect commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*d*) in section 10 by substituting the following for subsection (2):

"(2) Without prejudice to any power of a court to enforce orders made by it, a person who does not comply with an order under subsection (1) commits an

offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*e*) in section 12 by substituting the following for subsection (4):

"(4) Where a notice under this section is not complied with in the period specified in the notice, the person on whom it was served commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*f*) in section 14 by substituting the following for subsection (2):

"(2) A person who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*g*) in section 16—

(i) by substituting the following for subsection (8):

"(8) A person who contravenes subsection (1) or (7) commits an offence and is liable—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.",

and

(ii) by substituting the following for subsection (13A):

"(13A) Where a notice under this section is not complied with, the person on whom it was served commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*h*) in section 19 by substituting the following for subsection (3)(*a*):

"(*a*) A person who, in relation to an application for a licence under section 16 or an appeal under section 20, when furnishing information under this section or when verifying any such information, makes a statement which is false or to such person's knowledge misleading in a material respect commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*i*) in section 23 by substituting the following for subsection (4):

"(4) A person who—

(*a*) fails or refuses to comply with a requirement in a notice under this section, or

(*b*) in purported compliance with a requirement in a notice under this section gives to a local authority or sanitary authority information that, to such person's knowledge, is false or is misleading in a material respect,

commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

(*j*) in section 26A (inserted by section 66(1) of the Act of 1996) by substituting the following for subsection (3):

"(3) (*a*) A person who contravenes a regulation under this section commits an offence.

(*b*) A person who commits an offence under this section is liable—

(i) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(ii) on conviction on indictment, to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.",

(*k*) in section 27 by substituting the following for subsection (3):

"(3) A person who contravenes a regulation under this section commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

and

(*l*) in section 28 by—

(i) substituting the following for subsection (3A)(*b*):

"(*b*) A person who—

(i) fails or refuses to comply with a request under this subsection, or

(ii) in pursuance of such a request, furnishes, to such person's knowledge, information that is false or misleading to an authorised person,

commits an offence, and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.",

and

(ii) by substituting the following for subsection (4):

"(4) A person who obstructs an authorised person in the performance of duties under this section commits an offence and is liable on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both.".

(2) The Act of 1990 is amended—

(*a*) in section 21 by substituting the following for subsection (3):

"(3) (*a*) A person who contravenes or fails to comply with bye-laws under subsection (2) commits an offence.

(*b*) A person who commits an offence under this subsection is liable—

(i) on summary conviction to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(ii) if the offence is a contravention of or a failure to comply with a bye-law prohibiting the carrying on of a specified activity or a bye-law relating to a matter referred to in subsection (2)(*c*), on conviction on indictment to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.",

and

(*b*) in section 21A (inserted by section 66(3) of the Act of 1996) by substituting the following for subsection (11):

"(11) A person who fails to comply with a notice under subsection (1) or (8) within the period specified in the notice commits an offence and is liable on summary conviction to a fine not exceeding €5,000.".

Annotations

Editorial Notes:

E43 A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Increase of penalties under sections 171 and 172 of Fisheries (Consolidation) Act 1959.

111.— A person guilty of an offence under section 171 or 172 of the Fisheries (Consolidation) Act 1959 is liable, in lieu of the penalties specified in section 25 of the Act of 1990—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 3 months, or both, or

(*b*) on conviction on indictment, to a fine not exceeding €15,000,000, or imprisonment for a term not exceeding 5 years, or both.

Annotations

Editorial Notes:

E44 A fine of €5,000 translates into a class A fine, not greater than €5,000, as provided (4.01.2011) by *Fines Act 2010* (8/2010), ss. 3, 4(2) and table ref. no. 1, S.I. No. 662 of 2010.

Amendment of Water Supplies Act 1942.

112.— The Water Supplies Act 1942 is amended—

(*a*) by substituting the following for section 2:

"Power of making proposal to take a supply of water.

2.— Whenever a sanitary authority desires to take from a source of water (whether within or without its sanitary district) a supply of water for the purpose of increasing, extending, or providing a supply of water under the Local Government (Sanitary Services) Acts 1878 to 2001, or the *Water Services Act 2007*, they may make, under and in accordance with this Act, a proposal for so taking such supply from such source of water.",

(*b*) by substituting the following for section 13(1)(*b*):

"(*b*) to use such supply for the purpose of increasing, extending, or providing under the Local Government (Sanitary Services) Acts 1878 to 2001, or the *Water Services Act 2007*, a supply of water, and",

and

(*c*) by substituting the following for section 23:

"Expenses of sanitary authority.

23.— Any expenses incurred by a sanitary authority under this Act for the purposes of increasing, extending or providing a supply of water under the Local Government (Sanitary Services) Acts 1878 to 2001, or the *Water Services Act 2007*, shall be raised and defrayed as part of the expenses incurred by such sanitary authority under any of those Acts for the said purpose.".

Amendment of Local Government (Financial Provisions) (No. 2) Act 1983.

113.— The Local Government (Financial Provisions) (No. 2) Act 1983 is amended in section 1(1) (as amended by section 2 of the Local Government (Financial Provisions) Act 2000) by the substitution for the definition of "existing enactment" of the following definition:

" 'existing enactment' means an enactment in force on, or at any time after the commencement of, this Act;".

Amendment of Act of 2000.

114.— The Act of 2000 is amended—

(*a*) in section 10, by substituting the following for subsection (2)(*b*):

"(*b*) the provision or facilitation of the provision of infrastructure including—

(i) transport, energy and communication facilities,

(ii) water supplies and waste water services (regard having been had to the water services strategic plan for the area made in accordance with the *Water Services Act 2007*),

(iii) waste recovery and disposal facilities (regard having been had to the waste management plan for the area made in accordance with the Waste Management Act 1996), and

(iv) any ancillary facilities or services;",

and

(*b*) in section 180—

(i) in subsection (1) by substituting "service connections (within the meaning of the *Water Services Act 2007*)" for "drains" and "water mains" for "watermains", and

(ii) in subsection (4) by substituting "service connections (within the meaning of the *Water Services Act 2007*)" for "drains" and "water mains" for "watermains".

Amendment of Act of 2001.

115.— The Act of 2001 is amended by substituting the following for Schedule 12:

"Section 63.

SCHEDULE 12

Acts of the Oireachtas: Functions of Local Authorities

PART 1

Responsibility primarily with the Minister

Air Pollution Act 1987
Building Control Act 1990
Control of Dogs Acts 1986 and 1992
Derelict Sites Act 1990
Dublin Docklands Development Authority Act 1997
Electoral Acts 1992 to 2004
Environmental Protection Agency Acts 1992 to 2007
Fire Services Acts 1981 and 2003
Housing Acts 1966 to 2004
Housing (Private Rented Dwellings) Acts 1982 and 1983
Licensing of Indoor Events Act 2003
Litter Pollution Acts 1997 to 2003
Local Authorities (Miscellaneous Provisions) Act 1936

Local Authorities (Mutual Assurance) Acts 1926 to 1935
Local Authorities (Officers and Employees) Acts 1926 to 1983
Local Authorities (Works) Act 1949
Local Elections Acts 1974 to 2004
Local Government Acts 1925 to 2007
Local Government (Collection of Rates) Act 1924
Local Government (Multi-Storey Buildings) Act 1988
Local Government (Rates) Act 1970
Local Government (Sanitary Services) Acts 1878 to 2001
Local Government (Superannuation) Act 1980
Local Government (Water Pollution) Acts 1977 to 2007
National Monuments Acts 1930 to 2004
Planning and Development Acts 2000 to 2007
Presidential Elections Acts 1992 to 2004
Protection of the Environment Act 2003
Seanad Electoral (Panel Members) Acts 1947 to 2001
Town Renewal Act 2000
Urban Renewal Acts 1986 and 1987
Urban Renewal Act 1998
Waste Management Acts 1996 to 2003
Water Services Act 2007
Water Supplies Act 1942

PART 2

Responsibility primarily with a Minister of the Government other than the Minister

Abattoirs Act 1988
Air-raid Precautions Acts 1939 and 1946
Animals Act 1985
Arterial Drainage Acts 1945 and 1995
Arts Act 2003
Canals Acts 1986 and 2005
Casual Trading Act 1995
Civil Defence Acts 1939 to 2002
Coast Protection Act 1963
Communications Regulation Act 2002
Control of Horses Act 1996
Coroners Acts 1962 and 2005
Dangerous Substances Acts 1972 and 1979
Dublin Transport Authority (Dissolution) Act 1987
Finance (Excise Duties) (Vehicles) Acts 1952 and 1960
Food Safety Authority of Ireland Act 1998
Foreshore Acts 1933 to 2005
Gaming and Lotteries Acts 1956 to 2003
Harbours Acts 1996 to 2005
Harbours Acts 1946 to 2005
Health Acts 1947 to 2006
Health (Fluoridation of Water Supplies) Act 1960
Intoxicating Liquor Act 2003
Local Authorities (Higher Education Grants) Acts 1968 to 1992
Local Authorities (Traffic Wardens) Acts 1975 and 1987
Malicious Injuries Acts 1981 and 1986
Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003
Pounds (Provision and Maintenance) Act 1935
Roads Acts 1993 to 2001
Road Traffic Acts 1961 to 2006
Safety, Health and Welfare at Work Act 2005
Social Welfare Acts
State Authorities (Public Private Partnership Arrangements) Act 2002
Údarás na Gaeltachta Acts 1979 to 1999
Universities Acts 1997 and 1999

Valuation Act 2001
Vocational Education Acts 1930 to 2001.".

Amendment of Housing of the Working Classes Act 1885.

116.— The Housing of the Working Classes Act 1885 is amended by inserting the following new section after section 7:

"Interpretation of section 7.

7A.— Section 7 shall not be construed as providing a right for the receipt of water services in excess of that which may be construed from the *Water Services Act 2007*.".

Section 4(1).

SCHEDULE 1

Enactments Repealed

Session and Chapter or Number and Year (1)	Short Title (2)	Extent of Repeal (3)
10 and 11 Vic., c. 17	Waterworks Clauses Act 1847	The whole Act
24 and 25 Vic., c. 172	Dublin Corporation Waterworks Act 1861	Sections 43 and 57
26 and 27 Vic., c. 93	Waterworks Clauses Act 1863	Sections 12 to 21
29 and 30 Vic., c. cclxi	Bray Township Act 1866	Sections 45, 49, 50, 64, 65 and 66
37 and 38 Vic., c. cxlii	Dublin Corporation Waterworks Act 1874	The whole Act
41 and 42 Vic., c. 52	Public Health (Ireland) Act 1878	Sections 15 to 23, 27, 29(1), 30, 31, 32, 34, 44, 47, 48, 50, 57(2), 58, 61, 62, 64, 65, 65A, 67 to 71, 73, 74, 75, 77, 78, 79 and 92 In section 202 (as amended by section 6(1) of the Act of 1962) in the first paragraph from "they may also" to the end of that paragraph, and the final sentence (inserted by the said section 6(1)) Sections 228, 268, 285, 289 and 290
48 and 49 Vic., c. 34	Water Rate Definition Act 1885	The whole Act
53 and 54 Vic., c. 59	Public Health Acts Amendment Act 1890	Sections 16, 17, 20, 22, 27 and 47
59 and 60 Vic., c. 54	Public Health (Ireland) Act 1896	In section 2, the words "and may with the like consent supply and sell water to any person in such adjoining district," Sections 5(2) and 15
7 Edw., 7. c. 53	Public Health Acts Amendment Act 1907	Sections 36, 38 to 46, 49 and 95
No. 3 of 1948	Local Government (Sanitary Services) Act 1948	Sections 10, 11, 18, 26 to 29 and 51
No. 26 of 1962	Local Government (Sanitary Services) Act 1962	The whole Act
No. 1 of 1977	Local Government (Water Pollution) Act 1977	Sections 6(2A)(*b*) (inserted by the Act of 1990), 9(3), 16 to 20 and 27(2)
No. 21 of 1983	Local Government (Financial Provisions) (No. 2) Act 1983	Section 8
No. 21 of 1990	Local Government (Water Pollution) (Amendment) Act 1990	Sections 12 to 15, 22, 24 and 25
No. 31 of 1993	Local Government (Dublin) Act 1993	Section 33
No. 30 of 2000	Planning and Development Act 2000	Sections 258 and 259

Annotations

Editorial Notes:

E45 Schedule commenced to extent set out in E-notes to section 3.

Section 63(4).

SCHEDULE 2

Discharge Pre-treatment Objectives

Discharges subject to licence under *section 63* entering waste water works shall be subject to such pre-treatment as required in order to:

(*a*) protect the health of staff working in collection systems and treatment plants;

(*b*) ensure that waste water works are not damaged;

(*c*) ensure that the operation of a waste water treatment plant and the treatment of sludge are not adversely affected;

(*d*) ensure that discharges from treatment plants do not adversely affect human health or the environment or prevent receiving waters from complying with any European Community Directives;

(*e*) ensure that sludge can be disposed of safely in an environmentally acceptable manner.

Number 30 *of* 2007

WATER SERVICES ACT 2007

REVISED

Updated to 29 March 2024

About this Revised Act

This revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Environmental Protection Agency Acts 1992 to 2011: this Act is one of a group of Acts included in this collective citation, to be cited together as one (*Environmental Protection Agency Act 1992 (First Schedule) (Amendment) Regulation 2011* (S.I. No. 308 of 2011), reg. 2.) The Acts in this group are:

- *Environmental Protection Agency Act 1992* (7/1992)
- *Protection of the Environment Act 2003* (27/2003), Part 2
- *Water Services Act 2007* (30/2007), ss. 1(2) and 107
- *Environmental Protection Agency Act 1992 (First Schedule) (Amendment) Regulations 2011* (S.I. No. 308 of 2011)

Fisheries Acts 1959 to 2022: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Sea-Fisheries (Miscellaneous Provisions) Act 2022* (2/2022), s. 15(3)). The Acts in this group are:

- *Fisheries (Consolidation) Act 1959* (14/1959)
- *Fisheries (Amendment) Act 1962* (31/1962)
- *Fisheries (Amendment) Act 1964* (23/1964)
- *Fisheries (Amendment) Act 1976* (23/1976)
- *Fisheries Act 1980* (1/1980)
- *Fisheries (Amendment) Act 1987* (14/1987)
- *Fisheries (Amendment) (No. 2) Act 1987* (32/1987)
- *Local Government (Water Pollution) (Amendment) Act 1990* (21/1990)
- *Fisheries (Amendment) Act 1991* (26/1991)
- *Fisheries (Amendment) Act 1994* (23/1994)
- *Fisheries (Amendment) Act 1995* (27/1995)
- *Fisheries (Commissions) Act 1997* (1/1997)
- *Fisheries (Amendment) Act 1997* (23/1997)
- *Fisheries and Foreshore (Amendment) Act 1998* (54/1998), ss. 2 to 4 and, in so far as they relate to those sections, ss. 1 and 7
- *Fisheries (Amendment) Act 1999* (35/1999)
- *Fisheries (Amendment) Act, 2001* (40/2001)
- *Fisheries (Amendment) Act 2003* (21/2003), other than s. 32 and s. 2 in so far as it relates to s. 32

- *Sea-Fisheries and Maritime Jurisdiction Act 2006* (8/2006), other than Part 3 and sections 100, 102, 103 and 104
- *Water Services Act 2007* (30/2007), ss. 1(5) and 111
- *Sea-Fisheries (Amendment) Act 2019* (9/2019)
- *Sea-Fisheries (Miscellaneous Provisions) Act 2022* (2/2022), ss. 1 to 13

Acts previously included in the group but now repealed are:

- *Fisheries (Amendment) Act 1974* (25/1974)
- *Fisheries (Amendment) Act 1978* (18/1978)
- *Fisheries (Amendment) Act 1983* (27/1983)
- *Fisheries (Amendment) Act 2000* (34/2000)

Housing Finance Agency Acts 1981 to 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(c)). The Acts in this group are:

- *Housing Finance Agency Act 1981* (37/1981)
- *Housing Finance Agency (Amendment) Act 1982* (27/1982)
- *Housing Finance Agency (Amendment) Act 1985* (20/1985)
- *Housing Finance Agency (Amendment) Act 1988* (1/1988)
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992), ss. 14, 15, 29 and 38(3)
- *Water Services Act 2007* (30/2007), ss. 1(3) and 108
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 66

Inland Fisheries Acts 1959 to 2017: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Inland Fisheries Act 2017* (16/2017), s. 5(3)). The Acts in this group are:

- *Fisheries (Consolidation) Act 1959* (14/1959)
- *Fisheries (Amendment) Act 1962* (31/1962)
- *Fisheries (Amendment) Act 1964* (23/1964)
- *Fisheries (Amendment) Act 1976* (23/1976)
- *Fisheries Act 1980* (1/1980)
- *Fisheries (Amendment) Act 1987* (14/1987)
- *Fisheries (Amendment) Act (No. 2) Act 1987* (32/1987)
- *Fisheries (Amendment) Act 1991* (26/1991)
- *Fisheries (Amendment) Act 1994* (23/1994)
- *Fisheries (Amendment) Act 1995* (27/1995)
- *Fisheries (Commissions) Act 1997* (1/1997)
- *Fisheries (Amendment) Act 1997* (23/1997), (insofar as it relates to IFI)
- *Fisheries (Amendment) Act 1999* (35/1999)
- *Water Services Act 2007* (30/2007), s. 111
- *Inland Fisheries Act 2010* (10/2010)
- *Inland Fisheries (Amendment) Act 2017* (16/2017)

Local Government Acts 1925 to 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(a)). The Acts in this group are:

- *Local Government Act 1925* (5/1925)
- *Local Government Act 1927* (3/1927)
- *Local Government Act 1941* (23/1941)
- *Local Government Act 1946* (24/1946)
- *Local Government Act 1955* (9/1955)
- *Local Government (No. 2) Act 1960* (40/1960)
- *Local Government (Buncrana) Act 1968* (2/1968)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends the Local Government Acts 1925 to 1968
- *Local Government (Financial Provisions) Act 1978* (35/1978)
- *Local Government (Financial Provisions) Act 1983* (10/1983)
- *Local Government (Financial Provisions) (No. 2) Act 1983* (21/1983)
- *Local Government (Reorganisation) Act 1985* (7/1985)
- *Local Government Act 1991* (11/1991)

- *Local Government Act 1994* (8/1994)
- *Local Government (Financial Provisions) Act 1997* (29/1997)
- *Local Government Act 1998* (16/1998)
- *Local Government (Financial Provisions) Act 2000* (6/2000)
- *Local Government Act 2001* (37/2001), other than ss. 163, 164 and 211 and Parts 23, 24 (ss. 238-247)
- *Local Government Act 2003* (8/2003)
- *Local Government (No.2) Act 2003* (17/2003)
- *Electoral (Amendment) Act 2004* (15/2004), s. 34
- *Local Government (Business Improvement Districts) Act 2006* (42/2006), ss. 2 to 7
- *Water Services Act 2007* (30/2007), ss. 1(7), 13 and 115
- *Copyright and Related Rights (Amendment) Act 2007* (39/2007), Part 3 (s. 14)
- *Local Government (Miscellaneous Provisions) Act 2012* (17/2012), Part 4 (ss. 16-18)
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 9 (s. 29)
- *Local Government Reform Act 2014* (1/2014), other than s. 1(3)-(8), s. 5(3)-(5) and sch. 2
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), ss. 1(2)(c), 52
- *Local Government Act 2019* (1/2019)
- *Local Government Rates and other Matters Act 2019* (24/2019), other than ss. 23-26
- *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), s. 2
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), Part 13 chs. 6, 7 (ss. 261-274)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), other than Part 5 (ss. 36-45) and ss. 65, 66, 67, 69

Local Government (Water Pollution) Acts 1977 to 2007: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Water Services Act 2007* (30/2007), s. 1(4)). The Acts in this group are:

- *Local Government (Water Pollution) Act 1977* (1/1977)
- *Local Government (Water Pollution) Act 1990* (21/1990)
- *Water Services Act 2007* (30/2007), ss. 1(4), 109 and 110

Planning and Development Acts 2000 to 2023: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), s. 1(3)). The Acts in this group are:

- *Planning and Development Act 2000* (30/2000)
- *Local Government Act 2001* (37/2001), ss. 2, 5(3) and Schedule 4 (in so far as they relate to the Act of 2000) and s. 247
- *Planning and Development (Amendment) Act 2002* (32/2002), Parts 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), s. 2
- *Planning and Development (Strategic Infrastructure) Act 2006* (27/2006)
- *Water Services Act 2007* (30/2007), ss. 114 and 1(6)
- *Harbours (Amendment) Act 2009* (26/2009), ss. 7(1) and (2) and s. 21(3)
- *Planning and Development (Amendment) Act 2010* (30/2010), other than Part 3
- *Compulsory Purchase Orders (Extension of Time Limits) Act 2010* (17/2010)
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011), Part 5
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 8
- *Local Government Reform Act 2014* (1/2014), ss. 1(8), 5(7) and sch. 2, part 4.
- *Urban Regeneration and Housing Act 2015* (33/2015)
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), other than s. 1(2)(b), (c) and sch. parts 3-5
- *Planning and Development (Amendment) Act 2017* (20/2017)
- *Planning and Development (Amendment) Act 2018* (16/2018), other than Part 4 and sch. 3 ref. nos. 12-18
- *Aircraft Noise (Dublin Airport) Regulation Act 2019* (12/2019), Part 3 (ss. 11-18)
- *Residential Tenancies (Amendment) Act 2019* (14/2019), s. 38

- *Local Government Rates and other Matters Act 2019* (24/2019), ss. 23, 24
- *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), s. 9
- *European Union (Waste Water Discharge) Regulations 2020* (S.I. No. 214 of 2020), Part II (reg. 5)
- *Planning and Development, and Residential Tenancies, Act 2020* (27/2020)
- *Planning and Development, Heritage and Broadcasting (Amendment) Act 2021* (11/2021), Part 2 chs. 2 (ss. 4-11), 5 (s. 15)
- *Planning and Development (Large Scale Residential Developments) Act 2021* (40/2021)
- *Maritime Area Planning Act 2021* (50/2021), Part 8 (ss. 171-174) and schs. 10 to 12
- *Planning and Development, Maritime and Valuation (Amendment) Act 2022* (29/2022), Part 2 (ss. 2-41)
- *Planning and Development and Foreshore (Amendment) Act 2022* (47/2022), Part 2 (ss. 2-14)
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), Part 13 ch. 3 (ss. 246-253)

Water Services Acts 2007 to 2022: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Water Services (Amendment) Act 2022* (39/2022), s. 1(2)). The Acts in this group are:

- *Water Services Act 2007* (30/2007)
- *Water Services (Amendment) Act 2012* (2/2012)
- *Water Services Act 2013* (6/2013)
- *Water Services (No. 2) Act 2013* (50/2013)
- *Water Services Act 2014* (44/2014)
- *Environment (Miscellaneous Provisions) Act 2015* (29/2015), Part 10
- *Water Services Act 2017* (29/2017)
- *Water Services (Amendment) Act 2022* (39/2022)

Annotations

This revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions. A version without annotations, showing only textual amendments, is also available.

An explanation of how to read annotations is available at www.lawreform.ie/annotations

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024)
- *Water Services (Amendment) Act 2022* (39/2022)
- *Planning and Development (Amendment) Act 2018* (16/2018)
- *Water Services Act 2017* (29/2017)
- *Environment (Miscellaneous Provisions) Act 2015* (29/2015)
- *Water Services Act 2014* (44/2014)

- *Local Government Reform Act 2014* (1/2014)
- *Water Services (No. 2) Act 2013* (50/2013)
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013)
- *Water Services Act 2013* (6/2013)
- *Local Government (Miscellaneous Provisions) Act 2012* (17/2012)
- *Water Services (Amendment) Act 2012* (2/2012)
- *Environment (Miscellaneous Provisions) Act 2011* (20/2011)
- *Inland Fisheries Act 2010* (10/2010)
- *Fines Act 2010* (8/2010)

All Acts up to and including *Road Traffic Act 2024* (10/2023), enacted 17 April 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Water Services Act 2007 (Commencement) Order 2024* (S.I. No. 116 of 2024)
- *European Union (Natural Mineral Waters, Spring Waters and Other Waters in Bottles or Containers) (Amendment) Regulations 2022* (S.I. No. 691 of 2022)
- *Legal Metrology (European Conformity Assessment of Measuring Instruments) Regulations 2018* (S.I. No. 2 of 2018)
- *Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017* (S.I. No. 597 of 2017)
- *Domestic Waste Water Treatment Systems (Financial Assistance) Regulations 2013* (S.I. No. 222 of 2013)
- *Planning and Development (Amendment) Regulations 2013* (S.I. No. 219 of 2013)
- *Water Services Act 2007 (Appointment of Inspectors) Regulations 2013* (S.I. No. 190 of 2013)
- *Water Services Act 2007 (Re-inspection) Regulations 2013* (S.I. No. 189 of 2013)
- *Domestic Waste Water Treatment Systems (Registration) (Amendment) Regulations 2013* (S.I. No. 180 of 2013)
- *European Union (Inspection Plan) Regulations 2013* (S.I. No. 38 of 2013)
- *Water Services Act 2007 (Registration and Inspections) Regulations 2012* (S.I. No. 384 of 2012)
- *Water Services Acts 2007 and 2012 (Domestic Waste Water Treatment Systems) Regulations 2012* (S.I. No. 223 of 2012)
- *Domestic Waste Water Treatment Systems (Registration) Regulations 2012* (S.I. No. 220 of 2012)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Environmental Protection Agency Act 1992 (First Schedule)(Amendment) Regulations 2011* (S.I. No. 308 of 2011)
- *Water Services Act 2007 (Waste Water Compliant Notice Form) Regulations* (S.I. No. 141 of 2009)
- *Water Services Act 2007 (Commencement) Order 2009* (S. I. No. 139 of 2009)
- *European Communities (Environmental Liability) Regulations 2008* (S.I. No. 547 of 2008)
- *Water Services Act 2007 (Commencement) Order 2008* (S. I. No. 528 of 2008)
- *Water Conservation Regulations 2008* (S.I. No. 527 of 2008)
- *National Rural Water Services Committee (Establishment Day) Order 2008* (S.I. No. 522 of 2008)
- *National Rural Water Services Committee Regulations 2008* (S.I. No. 510 of 2008)
- *Water Services Act 2007 (Commencement) Order 2007* (S. I. No. 846 of 2007)

All statutory instruments up to and including *Water Services Act 2007 (Commencement) Order 2024* (S.I. No. 116 of 2024), made 26 March 2024, were considered in the preparation of this revision.