



PRIVATE WATER SUPPLIES – CASE STUDY 2012/5

Effective collaboration between a local authority and a water company to resolve a sufficiency problem with a Regulation 8 supply

In November 2012, a water main serving a social club on an estate developed a leak which was reported to the local water company. This privately owned property was once part of a complex of buildings on a site owned by the Ministry of Defence (MOD). Over the years various parcels of MOD land had been sold off, resulting in the present day situation where the buildings are in various forms of ownership; some of the land had been developed as a housing estate, part owner occupied and part housing association managed, while some of the premises were rented out for other purposes, such as the social club, which is the subject of this case study. Historically, the local water company had billed the MOD for all water usage on the entire site, but the sale of the social club, and other pieces of land over the years altered the supply arrangements, such that water originating from the public supply was being further distributed by the MOD to premises owned by others. The MOD had provided records to the local authority showing that they are billing many, but not all, of the properties for their water use. Documents relating to the land sales contained a clause that stated the new owners would be responsible for the water supply assets within the boundary of their premises.

Following the leak report and after a check of its billing records, the water company confirmed that the owners of the social club were not water company customers and referred the situation to the environmental health department of the local authority, on the basis that it was a Regulation 8 supply situation. The local authority acknowledged their responsibilities under the regulations and sought guidance from the Inspectorate (DWI) on resourcing a repair of the leak. DWI liaised with the water company as they were best placed to identify to the local authority an appropriate contractor for the work. The water company dispatched a technician to the site to meet with the contractor and to confirm the supply arrangements. After a slight delay, while arrangements for payment of the works were resolved, the contractor repaired the supply pipe.

This case study illustrates the three features of a typical Regulation 8 supply: namely the water company from which the supply originated, the privately owned premises in receipt of the water supply (the social club) and the person who is further distributing the water from another premises (the MOD). This case study also demonstrates how Regulation 8 supply arrangements tend to arise unintentionally over a period of time out of a general lack of knowledge and awareness of water law by those involved in the sale and purchase of land. The case study is an example of the circumstances where local authorities may be called upon to exercise their powers under the



private supply regulations (including enforcement) to secure a sufficient and wholesome supply. This may involve clarifying the relevant person(s) under the Water Industry Act, especially where there is a dispute between the parties to the sale of land and property. In this instance, the relevant person on whom any notice would have been served was the MOD.

Regulation 8 supply arrangements require timely collaboration between water companies and local authorities when problems arise with either water quality or sufficiency. When these supplies are identified, the Inspectorate recommends a partnership approach to risk assessment with the water company leading on fittings inspections and advising the local authority on competent local contractors, and the scope of any monitoring required to verify the local authority's risk assessment.

