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Water (Scotland) Act 1980:**The Water Supply (Water
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Introduction and Background to the Byelaws

The control of water supply installations in Scotland has been radically revised by the introduction of the Water Byelaws 2000, the Water Byelaws 2004, and now the Water Supply (Water Fittings) (Scotland) Byelaws 2014.

Following a period of deliberation and consultation, the **Secretary of State for the Department of the Environment, Transport and the Regions (DETR) used his powers under Sections 73, 74, 75, 84 and 213(2) of the Water Industry Act 1991(a) to make Water Regulations** to control the installation and use of water fittings. This resulted in the making of the **Water Supply (Water Fitting) Regulations 1999 which came into force on 1st July 1999.**

It should be noted that the **Byelaws apply only in Scotland.** Similar provisions have been implemented by The Water Supply (Water Fittings) Regulations 1999 which apply in England and Wales, and the 2009 Regulations in Northern Ireland.

We have in the UK, a long history of Water Byelaws, administered and enforced by local water suppliers. As long ago as 1823 the Manchester and Salford Act was brought about to '*prevent the wilful and negligent use of water*', a practice in water wastage control which spread to other private and municipal water companies throughout the country.

The Water Act of 1945 formalised this arrangement by placing an obligation on water *undertakers to enforce water byelaws 'for preventing waste, undue consumption, misuse or contamination of water'*. From 1945, Water Byelaws were required to be based on the Government's 'model' and needed the approval of the Government Minister with responsibility for water supply before they could be implemented. Generally, Byelaws were made to expire after a life of ten years, after which time they were renewed and updated as became necessary.

This constant renewal of Water Byelaws continues in Scotland with the latest version coming into force on the **12th July 2014.**

So! How do Scottish Byelaws differ from English Regulations?

Quite simply, **Byelaws are made locally** and apply only in the area in which they are made. Water Byelaws enforcement in Scotland is the responsibility of **Scottish Water.**

Water Regulations on the other hand, **are National Regulations**, made by the Department of the Environment, Food and Rural Affairs (DEFRA) **and they apply to every installation in England and Wales that is supplied from a public main by a Water Undertaker.**

The responsibility for enforcement of Regulations in England and Wales is placed on the Water Undertakers.

The new Byelaws have similar technical content to the previous Byelaws. They are still made ‘*as a means of preventing waste, undue consumption, misuse, contamination, and the erroneous measurement of water*’.

What legislation is in place to control water installations in this country?

Water Byelaws are made by Scottish Water, as a water authority in terms of section 62 of the Local Government etc. (Scotland) Act 1994 (hereinafter referred to as the “undertaker”) under section 70 of the Water (Scotland) Act 1980 for preventing waste, undue consumption, misuse or contamination of water supplied by them.

Extracts from section 70 of the Water (Scotland) Act 1980 are given below.

PART VI – Byelaws for preventing misuse of water.

70-(1) Scottish Water may make byelaws for preventing waste, undue consumption, misuse or contamination of water supplied by it, and such byelaws may, without prejudice to the foregoing generality, include provisions—

- (a) *prescribing the size, nature, design, materials, strength and workmanship, and the mode of arrangement connection, disconnection, alteration and repair of the water fittings to be used; and*
- (b) *forbidding the use of any water fittings which are of such a nature or design or are so arranged or connected as to cause or permit, or be likely to cause or permit, waste, undue consumption, misuse, erroneous measurement or contamination of water, or reverberation in pipes.*

(2)

If a person contravenes the provisions of any byelaw made under this section, Scottish Water may, whether proceedings have been taken in respect of the offence or not, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by it in so doing from the person in default.

(3)

Nothing in this section, or in any byelaw made thereunder, shall apply to any fittings used on premises which belong to a railway company and are held or used by them for the purposes of their railway, so long as those fittings are not of such a nature or design or so arranged or connected as to cause or permit waste, undue consumption, misuse or contamination of water supplied by Scottish Water or board or reverberation in pipes:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or dwelling houses or in offices not forming part of a railway station.

So! by briefly looking at the wording of Section 70, we can see that the Water Byelaws made under the Act have been made for the following purposes:

- to make sure that **water is not contaminated, and its quality and suitability for purpose is not prejudiced,**
- to **prevent waste, undue consumption, and misuse of water** supplied by Scottish Water, and
- to make sure that **water fittings installed and used are safe and do not cause or lead to erroneous measurement, or reverberation** (vibration/noise) in pipes.

In other words, the Byelaws have been written to protect the water supply and to protect users against their own actions.

European Law

Under the terms of a Directive of the European Commission (EEC), Britain is obliged to consult with the EEC and through them, the other European countries, and must obtain EEC approval before any technical regulations are made. The purpose of this consultation is firstly to ensure that the introduction of any regulation does not cause any barriers to trade, and secondly to allow any comment by European countries to be taken into account in the making of the regulations.

This process has inevitably led to changes in the way water is being used and how some of our water installations are arranged. Perhaps the most obvious examples being (a) the permitted use of pressure flushing valves for WCs and urinals, and the use of valve type WC cisterns, which is quite a departure from previous practices. (see module 6)

The Water Supply (Water Fittings) Regulations 1999 (England/ Wales)

These are made in a similar format to Building Regulations and over the years prior to the Water Regulations being made, there was considerable discussion as to whether they should actually be included within Building Regulations and whether they should be enforced by Building Control Officers. After much consideration it was decided that the Water Regulations (and Byelaws) should remain separate from Building Regulations and continue to be administered and enforced by the water undertakers (suppliers)

What is in the Byelaws that I should know about?

Well! you should know, or at least be aware of, pretty well everything that is in the Byelaws. However, before getting into detail, let's start with a brief overview which is as follows.

The Water Byelaws 2014 consists of nine Byelaws which are supported by two schedules

Byelaw 1 makes provision as regards citation, commencement and interpretation. **Byelaw 2** Makes provision in regard to the application of the Byelaws. **Byelaw 3** provides for the prevention of waste, misuse and undue consumption

Byelaw 4 sets out what is expected of persons installing water fittings, how water fittings should be installed and used to prevent waste or contamination and places conditions on the materials and fittings that may be used.

Byelaw 4(3) is supported by **Schedule 2 ‘Requirements for Water Fittings’** which deals with the more practical aspects of the Byelaws.

Byelaw 5 deals with **Notification**, **Byelaw 6** with **Approved Contractors and Certification**, and **Byelaws 7 & 8** deal with **Offences and penalties**

Schedule 1 to the Byelaws sets out fluid risk categories related to the backflow requirements of Schedule 2.

Schedule 2 to Byelaw 4(3) ‘Requirements for Water Fittings’ consists of 31 separate requirements and really contains the ‘meat’ of the document, looking at the use of water fittings in all its many aspects. In fact with the exception of the first two modules, the whole of this training package deals with the requirements set out in the Schedule. In modules 3 to 12 we will be looking at requirements for:

- **Materials** (in module 3)
- **Requirements for water fittings** (in module 4)
- **Design and installation** (in module 5)
- **Commissioning** (in module 6)
- **Prevention of cross connections** (in module 7)
- **Backflow** (in module 8)
- **Cold water services** (in module 9)
- **Hot water services** (in module 10)
- **WCs, flushing devices and urinals** (in module 11) and
- **Sanitary appliances and water for outside use** (in module 12)

Approved (Guidance) Document.

Water Byelaws, compared to previous byelaws are less prescriptive, and contain little in the way of technical detail other than that given in Schedule 2 'Requirements to Byelaw 4(3). The Department of the Environment, Food and Rural Affairs (DEFRA) has produced a Guidance Document to accompany the Regulations that can be used in a similar way to that of the approved documents that go with Building Regulations. The DEFRA Guidance Document will also provide useful information which can be used on the Water Byelaws 2014.

In addition to the DEFRA Guidance, the Water Regulations Advisory Scheme (WRAS) have produced a '**Water Regulations Guide**'. Written in straight forward technical terms with illustrations, the WRAS Guide **provides practical guidance as to how compliance with the Regulations** and the requirements under Regulations 4(3) can be achieved. The practical guidance given in the WRAS Guide will also cover the Water Byelaws 2014.

The WRAS Guide includes:

- a) the Regulations
- b) the DEFRA Formal guidance
- c) further commentary and guidance to the Regulations/Byelaws.

The use of the approved document is not mandatory and failure to comply with its recommendations cannot in itself lead to any liability under Byelaws. However, where an installer can show that his installation is in compliance with the recommendations of the approved document, his installation can be deemed to satisfy the requirements of the Byelaws.

It should be remembered also that in law **the burden of proof is with the installer**. This means it is up to you, the installer, to show proof that your installation complies with the requirements of the Byelaws.

In turn, this means you are expected to be competent in what you do. You need to have the qualifications, knowledge, and practical experience to carry out your work in a professional manner in line with Byelaw 4(5).

It is the aim of this package to help you to gain a good knowledge of Water Byelaws and thus improve your competence in the installation work that you do.

**Water (Scotland)
Act 1980:**

**The Water Supply (Water
Fittings) (Scotland) Byelaws 2014**

An Open Learning Course

Module 12

**Sanitary Appliances and
Water for Outside Use**

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Introduction

This module looks at Paragraphs 26 to 31 of Schedule 2 to the Byelaws which deal with the prevention of contamination and waste of water in a variety of topics relating to the supply of water to sanitary appliances and water for outside use.

Topics included are;

- the supply of drinking water for domestic purposes
- waste outlet and plugs for baths, sinks showers and taps, and
- quantities of water used in washing machines/driers and dishwashers
- water to animal drinking vessels
- ponds, fountains and pools

The requirements are generally quite clear and straightforward. There is nothing new in paragraphs 26 to 31 as much of what is contained in them has been required by Water Byelaws for many years.