



Department for
**Regional
Development**

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Your reference:

Our reference:

10 September 2015

Ciara McKay
Committee Clerk
Committee for the Environment
Room 247
Parliament Buildings
BELFAST
BT4 3XX

Dear Ciara

ENVIRONMENTAL BETTER REGULATION BILL

Thank you for your letter dated 21 August.

The Department welcomes the opportunity to comment on the Environmental Better Regulation Bill. As you will be aware, Danny Kennedy MLA resigned as Minister for Regional Development with effect from 3 September, however he was supportive of the Bill when it was cleared through the Executive. In the absence of a Minister, the attached response provides factual information based on the existing policies of the Department. This Bill had been agreed by the outgoing Minister as part of the Executive approval process.

I am copying this to the Clerk of the Committee for Regional Development.

This letter and enclosure are fully disclosable under FOI.

Yours sincerely

[Signed]

ALAN DOHERTY

Departmental Assembly Liaison Officer

Name: Linda MacHugh, Director of Water Policy & Shareholder Division

Organisation: Department for Regional Development

Date: 10 September 2015

Bill: Environmental Better Regulation Bill

**Part 5 – Amendments to the Water and Sewerage Services (Northern Ireland)
Order 2006**

1. The Department for Regional Development is pleased to respond to the Committee's call for evidence on the Environmental Better Regulation Bill.
2. The Water and Sewerage Services (NI) Order 2006 ("the 2006 Order") sets out arrangements whereby DOE is responsible for the regulation of private water supplies and DRD is responsible for regulation of public water supplies. In practice, DoE's Drinking Water Inspectorate (DWI) undertakes both these roles, reporting to DoE and DRD in relation to private and public water supplies respectively.
3. DRD has had the opportunity to work with DOE on the policy, to improve current arrangements by developing provisions in Part 5 of the draft Environmental Better Regulation Bill. These will amend the 2006 Order, to remove responsibility from DRD and transfer it to DOE in respect of public water supplies.
4. In addition to reducing bureaucracy by streamlining reporting arrangements, the proposal also demonstrates independence in that DRD continues to be responsible for NI Water, but the quality of the public water supply is independently regulated and overseen by another Department.
5. The Department supports the proposals put forward by the Department of the Environment.
6. Below we provide comment on each clause in Part 5 of the Bill which relate to DRD.

Clause 18: Enforcement Authorities

7. Clause 18 amends the Water and Sewerage Services (Northern Ireland) Order 2006 (“the 2006 Order”) to transfer responsibility for water quality enforcement action functions and duties in respect of the public supply from DRD to DOE. It also allows DOE rights of entry and access for the purposes of water contamination investigation of private and public water supplies.
8. DRD supports Clause 18 as introduced.

Clause 19: Regulations relating to wholesomeness of water

9. Clause 19 amends the 2006 Order to transfer power from DRD to DOE for making regulations to set out the standards which must be met for water to be considered wholesome. It also sets out responsibilities of a water undertaker with regard to fulfilling its duties to provide wholesome water.
10. DRD supports Clause 19 as introduced.

Clause 20: Appointment and powers of inspectors

11. Clause 20 transfers sole power to DOE to appoint officers to act on its behalf for the purposes of enforcing the relevant legislation relating to water quality of both private and public water supplies.
12. DRD supports Clause 20 as introduced.

Clause 21: Publication of certain information and risks

13. Clause 21 amends the 2006 Order to provide DOE with the powers to publish information in respect of its functions relating to both public and private water supplies.
14. DRD supports Clause 21 as introduced.

Clause 22: Transitional provisions

15. Clause 22 sets out transitional arrangements and DRD supports this clause.