

KIWA LTD.

KIWA Watertec WATER REGULATIONS APPROVAL SCHEME.

GUIDANCE DOCUMENT KW001 Issue 2.

1. Scope.

1.0. This Document specifies the constitution of the Kiwa UK Water Supply (Water Fittings) Regulations 1999 Product Approval Scheme. This note is designed so as to inform the water industry, general public, and manufacturers of the aims of this scheme and so as to promote an active understanding of the route to product approval and of the terms and conditions under which such an approval is granted.

2. Purpose.

2.0. From the 1st July 1999 the duty of ensuring the correct installation, commissioning, maintenance and use of water fittings for the supply of wholesome water within the boundaries of properties and their curtilages in England and Wales has been regulated by means of the Water Supply (Water Fittings) Regulations 1999 which were incorporated in law by means of the SI 1999 No 1148 and amendment SI 1999 No 1506.

2.1. These “Water Regulations” replaced the now revoked Water Supply Byelaws made in 1987 in England and Wales by the numerous water undertakings. Similarly in Scotland, The Water Supply (Water Fittings) (Scotland) Byelaws 2014 revoked the previous Scottish Water Byelaws 2004. and the current The Water Supply (Water Fittings) Regulations (Northern Ireland) 2009 revoked the previous Water Regulations (Northern Ireland) 1991. (Collectively referred to in this document as “Water Regulations”)

2.2. The purpose of the Water Regulations remains, as with the previous Water Supply Byelaws, the prevention Contamination, Waste, Misuse or Undue Consumption, of water supplied by the water undertaker. The Regulations also included the prevention of erroneous measurement of water supplied by the water undertaker.

2.3. It is the statutory duty of persons installing or using a water supply which is conveyed by a water undertaker to comply with the requirements of these Water Regulations.

2.4. It is a requirement of the Water Regulations that every water fitting shall be of an “appropriate quality and standard; and be suitable for the circumstances for which it is used”. The requirements as to this regulation are considered to have

been met where, amongst other methods, the water fitting complies to an “appropriate British Standard” or it “conforms to a specification approved by the Regulator”. The Specification “approved by the Regulator” is a freely available public document of testing requirements for the majority of water fittings, which is available on-line for public inspection. The “Regulator” was originally the Secretary of State for the Environment, Transport and the Regions and the National Assembly of Wales. In England it has now since been transferred to the Department of the Environment, Food and Rural Affairs (DEFRA) along with the relevant powers of the Secretary of State in England.

3. Reasons.

3.0. It is not a requirement in law that a manufacturer is necessitated to seek confirmation of a water fitting’s ability to meet the Water Supply, (Water Fittings) Regulations Criteria prior to his offering of a device for sale. It is however, a requirement that the installer or user, having purchased such a device, satisfies themselves as to the compliance of a fitting with the appropriate Regulation(s).

3.1. The enforcement of the Water Regulations is a statutory responsibility of the Water Undertakers and they employ water regulations inspectors to attend at site and examine water systems installed in properties so as to ensure compliance. They are empowered to visit all premises to which any undertaker has made a supply under the meaning of the legislation.

3.2. In particular it is a requirement upon installers or users that notification is given, in writing, prior to the installation of particular fittings; and that fittings and water systems subject to notification are not installed without consent.

3.3. A method of ensuring compliance with the Regulations, so as to ensure users or installers have confidence in a Products compliance, is for manufacturers or users of Water Fittings (connected to the water undertakings supplies) is to apply to an appropriate acceptance or certification body and to undertake testing to appropriate test and acceptance criteria.

3.4. Such a Scheme is that operated under the auspices of the KIWA UK Water Regulations (Water Fittings) Regulations 1999 Product Approval Scheme, hereinafter called KIWA Watertec Water Regulations Scheme.

4. KIWA UK Water Regulations Approval Scheme, Duties and Responsibilities.

4.0. As stated above, the Water Regulations require that every water fitting is of an appropriate quality and standard. A method by which this quality and standard may be assessed is the KIWA Watertec Product Approval Scheme

(hereinafter called the Scheme), which intends to assess against those standards deemed acceptable by the UK water undertakings and against a specification approved by the Regulator.

4.1. The Scheme evaluates products presented for approval by assessing the test results of laboratories found acceptable to it. The Scheme will consider test results submitted by the following.

- (a) A laboratory which has in place a quality assurance scheme accredited by the United Kingdom Accreditation Service (UKAS) or an overseas laboratory operating to a multilateral agreement accepted by the European co-operation for accreditation (EA), the International Accreditation Forum (IAF) or the International Laboratory Accreditation Co-operation (ILAC).
- (b) A Test Certificate produced by a recognised European or other national Accreditation Body, which is testing to an appropriate British or European Standard accepted by the UK water undertakers as meeting the requirements of the Water Regulations, and in addition is accepted by the Scheme.
- (c) Where manufacturers undertake testing by means of an appropriate test facility acceptable to the Scheme.

4.2. The operation of the Scheme and the acceptance of products for test will be conducted in accordance with the Scheme's current flow chart.

4.3. The Scheme will only accept applications made in accordance with the KIWA Watertec's current Application Form, and its supporting literature. The Application Form(s) may be submitted by Manufacturers, their Agents or Factors. The Scheme will allow manufacturers to submit Schedules of Materials generated by their internal work systems which satisfy the requirements of the KIWA Application form.

4.4. All materials of construction shall comply with the Regulator's Specification.

4.5. The results of the material and mechanical testing will be considered by appropriate person(s) of KIWA Watertec who will be responsible for the issue of certificates of approval stating that the product(s) meet(s) the requirements of the Regulator's Criteria or an appropriate British or European Standard.

4.6. The certificates of approval will be valid for a period of five years from the issue date of the certificate. Failure to re-apply will result in the automatic respite of the application.

4.7. The operation of the Scheme and the issuing of the certificates of approval will be overseen by means of an independent Advisory and Auditing Committee (AAC).

4.8. Committee Structure; this body will consist of recognised experts, including those expert in the testing of water products to the Regulator's Criteria, experts who are familiar with the Water Supply (Water Fittings) Regulations and the Water Supply (Water Quality) Regulations, or representatives of appropriate trade bodies concerned in the manufacture and installation of water fittings and materials. The Committee Members are required to comply with the requirements of current Competition Law.

4.9. Any appropriate trade body can apply for membership of the Scheme; the Scheme also welcomes participation by officers of the Water Undertakings and by National Consumer organisations, appropriate government organisations etc. The AAC will hold responsibility for acceptance of new members, but shall not un-necessarily withhold such membership.

4.10. Manufacturers or their agents, factors or representatives may only attend formal meetings at the invitation of the AAC and only for that part of the meeting which is to discuss their product.

4.11. All members of the AAC, excluding KIWA Watertec Employees and the Secretary shall have voting powers.

4.12. The Chairman shall be elected from the membership and will generally have the casting vote in the event of a tie. He will temporarily stand down and a Vice-Chairman be elected where the meeting considers matters where a declaration of interest arises.

4.13. The Scheme's overseeing committee will employ a Secretary whose duties will be:

- To advise the Committee on technical issues relating to the testing of products.
- To advise the AAC as to the proposed agenda and to take notes of and to produce the minutes of meetings.

4.14. The AAC will be required to meet at least annually, its duties will be:

- To review annually the appointment of the Chairman, Vice Chairman and Secretary of the AAC.

- To oversee the Secretary in the conduct of their duties.
- To oversee the certification of products and the audit procedures and to confirm the certification officially.
- To audit a necessarily any product files required
- To consider complaints with regard to certification procedures or product's failure of compliance.
- In the event of an appeal to consider the requirement of the appeals procedure.
- To approve the presence at meetings of manufacturer's representatives.
- To approve additional parties co-option as members of the AAC.
- To advise KIWA Watertec on any issues arising from their technical competencies.
- To consider any requirements as to the removal of any water fitting from the list of approved products.
- To review all documents which fall within the purview of the Scheme (two year intervals).