



STATUTORY INSTRUMENTS.

**S.I. No. 384 of 2012**



WATER SERVICES ACT 2007 (REGISTRATION AND INSPECTIONS)  
REGULATIONS 2012

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I, Phil Hogan, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by Sections 18 and Section 70E (inserted by Section 4 of the Water Services (Amendment) Act 2012 (No. 2 of 2012)) of the Water Services Act 2007 (No. 30 of 2007) hereby make the following Regulations:

*Citation*

1. (a) These Regulations may be cited as the Water Services Act 2007 (Registration and Inspections) Regulations 2012.

(b) These Regulations come into operation on the 3rd October 2012.

*Interpretation*

2. In these Regulations—

“Act” means the Water Services Act 2007 (No. 30 of 2007) as amended by the Water Services (Amendment) Act 2012 (No. 2 of 2012).

*Fee Payable*

3. The fee to be prescribed under section 70E(2) of the Act is €100.

*Application for appointment as an inspector*

4. Application shall be made electronically in the format and with the provision of such information as may be required by the Agency to process the application.

*Renewal of appointment*

5. (a) Each appointment as an inspector shall be valid for three years.

(b) A fee of €100 shall be payable to the Agency for each renewal of appointment.

*Criteria for the appointment of inspectors*

6. The Agency shall appoint a person to inspect domestic waste water treatment systems for the purposes of Part 4A of the Act only if:

(a) the applicant has attained a qualification at level 8 in the National Framework of Qualifications or equivalent, such qualification to be in construction, engineering or science disciplines, or, where such qualification is not attained, the Agency, having considered the qualifications and professional experience of the person by reference to the functions to be performed by an inspector for the purposes of the

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 5th October, 2012.*

Act is satisfied that the person is suitably competent for appointment as an inspector, and

- (b) it is satisfied that the applicant has successfully completed a training course provided by the Local Authority Services National Training Group in relation to the inspection of domestic waste water treatment systems, and
- (c) the applicant is indemnified by the relevant water services authority in accordance with Section 29 of the Act.

*Revocation of appointment*

7. (1) Where the Agency revokes the appointment of a person as an inspector, it shall note, in its panel of approved inspectors, the revocation of the appointment and the date on which it was revoked.

(2) The Agency may, having regard to all the circumstances of the case, revoke the appointment of an inspector following-

- (a) failure by an inspector to attend a course of periodic training if so required by the Agency or to satisfactorily complete such a training course, or
- (b) failure by an inspector to comply with a direction issued under Sections 70H or 70J of the Act, or
- (c) failure by an inspector to carry out an inspection in a fit and proper manner, or to maintain or provide satisfactory data, documentation or records of any such inspection, or
- (d) the committing, or aiding or abetting the committing, by an inspector, of an offence under the Act, or
- (e) the forming of an opinion by the Agency that an inspector has ceased to be capable of performing his or her functions under the Act properly and efficiently.

(3) In the event of a revocation of appointment, application fees paid to the Agency are non-refundable.

*Appeals*

8. (1) A person whose appointment as an inspector has been revoked under paragraph 7 may, within 14 days of the said revocation, appeal against the revocation to an appeals officer appointed under Section 70E(5) of the Act.

(2) The appeals officer may confirm or withdraw the revocation and the Agency shall annotate the register of inspectors maintained by it accordingly.

*National inspection plan*

9. The date prescribed for the making by the Agency of the national inspection plan in accordance with Section 70K of the Act is the 31st December 2012.

*Amendment of Regulation 2 of the Water Services Acts (2007 and 2012) Domestic Waste Water Treatment Systems (Registration) Regulations 2012 (S.I. No. 220 of 2012)*

10. Regulation No. 2 is amended by substituting “Water Services Act 2007 (No. 30 of 2007) as amended by the Water Services (Amendment) Act 2012 (No. 2 of 2012)” for “Water Services (Amendment) Act 2012 (No. 2 of 2012)”.



GIVEN under my Official Seal,  
2 October 2012.

PHIL HOGAN,  
Minister for the Environment, Community and Local  
Government.

## EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal interpretation).*

The purpose for which these Regulations are made is to specify the application procedures and the criteria which must be met before appointment as an inspector for the purposes of Part 4A of the Water Services Act 2007, as inserted by Section 4 of the Water Services (Amendment) Act 2012, and to address issues leading to the suspension or termination of appointments.

The Regulations also provide that the Environmental Protection Agency will make the national inspection plan for domestic waste water treatment systems by 31st December 2012.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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