

APPROVALS GUIDANCE DOCUMENT KIWA UK 001 (ver.1)

1. Scope.

1.0. This document specifies the aims of the Kiwa UK Water Supply (Water Fittings) Regulations 1999 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 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 was to be 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 These “Water Regulations” replaced the withdrawn Water Supply Byelaws 1988 in England and Wales, (and were replaced in Scotland by the Water Byelaws 2000 Scotland; the technical requirements of which were similar to the aforementioned regulations. These initial Byelaws have themselves since been replaced by the Scottish Water Byelaws (2004) Regulations.) Similar provisions to the water regulations also exist in Northern Ireland.

2.2. The purpose of the Water Regulations remains, as with the previous Water Supply Byelaws, the prevention of waste, undue consumption, misuse and contamination of water supplied by the water undertaker. The Regulations introduced the prevention of erroneous measurement of water supplied by the water undertakers by means of any party’s interference with metered water supplies.

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 appropriateness or otherwise of a British or European Standard is a matter to be decided and amended by the UK water undertakings. 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 DEFRA along with the relevant powers of the Secretary of State.

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).

APPROVALS GUIDANCE DOCUMENT KIWA UK 001 (ver.1)

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 permission.

3.3. A method of ensuring compliance with the regulations, so as to ensure users or installers have confidence in a devices 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 Approval Scheme, hereinafter called KIWA UK 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. Of the ways in which this quality and standard may be assessed the KIWA UK Scheme (hereinafter called the Scheme), intends to assess against those standards deemed acceptable by the UK water undertakings and against the specification approved by the regulator.

4.1. The Scheme does not itself undertake testing of products submitted for approval, but assesses the test results of laboratories found acceptable to it. The Scheme will accept 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 Report or Product 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 their own testing of WC's by means of a 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 flow chart (Figure 1).

APPROVALS GUIDANCE DOCUMENT KIWA UK 001 (ver.1)

4.3. The Scheme will only accept applications made in accordance with the KIWA UK Application Form, (Figure 2) and its supporting literature. Application Forms 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 are generally in accordance with the requirements of the KIWA Application form.

4.4. All materials of construction must be independently tested by an appropriate Materials testing laboratory details of which are available on request.

4.5. The results of the material and mechanical testing will be assessed by officers of the KIWA UK appointed by KIWA Quality Services Ltd. who will be responsible for the issue of certificates of approval stating that the device(s) meets 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 and a new application must be submitted six months before the termination of the previous valid certification. 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 by the officers of KIWA UK will be overseen by means of an independent Advisory and Auditing Committee (AAC) appointed by KIWA UK for this task.

4.8. This body will consist of a Chairman, Vice Chairman, Secretary, and Members who are 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.

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. Not more than one approved representative of each trade body or other affiliated body shall have voting powers.

4.12. The Secretary shall be annually nominated by KIWA Quality Services Ltd, and shall not have voting rights but only advisory powers under the Scheme.

4.13. The Chairman and Vice Chairman shall be elected annually from the membership. The Chairman or his deputy shall have the casting vote in the event of a tie. The Chairman shall temporarily stand down and the Vice-Chairman be selected when the meeting considers matters where a declaration of interest arises.

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

APPROVALS GUIDANCE DOCUMENT KIWA UK 001 (ver.1)

- To examine the Certificates issued by the officers of KIWA UK.
- To ensure that a random selection of certificates is audited by him on a regular basis; at least 15% per quarter shall be subjected to such an inspection. The files for audit shall be approved by the AAC.
- To ensure the audit consists of an inspection of the technical files so as to ascertain that the correct test methods and criteria have been followed.
- To ensure the notice of approved fittings is submitted by E-mail to the AAC on a quarterly basis, any discrepancies discovered in the audited files will be submitted to the committee by the Secretary at the same time. All committee business will be, as far as is possible, conducted by mail or e-mail.
- 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.

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

- To appoint a Chairman to the AAC.
- To oversee the Secretary in the conduct of his duties and audit his working practises.
- To oversee the certification of products and the audit procedures and to confirm the certification officially.
- To audit a limited selection of product files independently of the Secretary at the time of each meeting.
- To consider complaints with regard to certification procedures or product's failure of compliance.
- To approve the presence at meetings of manufacturers representatives.
- To advise KIWA UK 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.

5 Enquiries

5.1 All enquiries must be addressed through the Kiwa offices in the UK.

Kiwa Quality Services Ltd
The Innovation Centre, Festival Drive
Ebbw Vale, Gwent NP23 8XA
Tel 0044 (0) 1495 356795; Fax 0044 (0) 1495 350020; email info@kiwa.co.uk