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Finance and Regulation Directorate
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Tel: 08457 440088

Briega Tyrrie
Utility Regulator
Queens House
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9 October 2015

Dear Briega

Consultation on Enforcement Procedure and Financial Penalties Policy

Thank you for the opportunity to comment on the Utility Regulator's new enforcement procedure and updated financial penalties policy.

We note that the objective of the enforcement procedure is to create an informative procedural document which is transparent and identifies a clear process so that stakeholders know what to expect of the process if they are being investigated or having enforcement action taken in respect of them.

NI Water is supportive of this objective and considers that the document is well laid out, easy to follow and clearly sets out the steps the Utility Regulator will take in relation to potential enforcement action. It is reassuring that the Utility Regulator will seek to work collaboratively with any undertaker that it is considering enforcement action against.

The only query we have relates to para 3.17 of Annex 1 where it suggests that a custodial sentence is a possible outcome for anyone 'intentionally altering, suppressing or destroying any document' following the issue of an information notice. Please clarify what legislation would be used to impose such a sanction as neither Article 51 of the Energy Order 2003 nor Article 261 of the Water and Sewerage Services Order 2006 carry such a penalty.

I trust our response is helpful. If you have any queries in relation to our response, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ronan Larkin".

Ronan Larkin
Director of Finance and Regulation

cc: MarkEllesmere
Caroline McGale

John Burke
Garth Stewart