



STATUTORY INSTRUMENTS.

S.I. No. 56 of 2016



**DOMESTIC LEAD REMEDIATION (FINANCIAL ASSISTANCE)
REGULATIONS 2016**

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on the Minister for the Environment, Community and Local Government by Section 5 of the Housing (Miscellaneous Provisions) Act 1979 (adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011) and with the consent of the Minister for Public Expenditure and Reform hereby make the following Regulations:

1. Citation

These Regulations may be cited as the Domestic Lead Remediation (Financial Assistance) Regulations 2016.

2. Interpretation

In these Regulations—

“approved cost” in relation to the replacement of lead pipes and related fittings, means the cost estimated by the water services authority to be the reasonable cost of carrying out the replacement works or the actual cost of carrying out the works, whichever is the lesser.

“household income” means the combined annual taxable income in the previous tax year of the owner(s) of any property the subject of an application pursuant to these Regulations, together with that of his or her spouse or partner, as appropriate.

“internal distribution system” has the meaning assigned to it by Section 2 of the Water Services Act 2007 (No. 30 of 2007).

“qualifying residence”, in relation to an individual who makes an application under these Regulations, means a residential premises situated in the State registered in the name of that individual and which is occupied by the individual as his or her principal place of residence.

“spouse or partner” means—

- (a) each person of a married couple who are living together, or
- (b) a civil partner or cohabitant as defined in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010).

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th February, 2016.*

“The Minister” means the Minister for the Environment, Community and Local Government.

“water services” has the meaning assigned to it by Section 2 of the Water Services Act 2007 (No. 30 of 2007).

3. Financial assistance towards the costs of reducing exposure to lead in drinking water

(1) A water services authority may pay a grant to an individual for carrying out replacement of lead pipes and related fittings located within the internal distribution system of a qualifying residence.

(2) A grant under this Regulation shall not exceed, where the household income falls within the bands specified in Column 1 of the Table, the percentage cost of remediation, repair, upgrade or replacement approved in Column 2 of the Table, up to a maximum contribution as specified in Column 3.

Table

Column 1 Household Income	Column 2 Percentage of approved cost of works available	Column 3 Maximum Grant
Up to €50,000	80%	€4,000
€50,001 to €75,000	50%	€2,500

(3) A grant under this Regulation shall not be paid where the total approved cost is less than €200

(4) Where a grant is paid under this Regulation, the Minister shall make to the water services authority a contribution of 100% of the grant paid.

(5) The Minister may from time to time issue guidelines to water services authorities in relation to the operation of the grant scheme.

4. Further Conditions

A grant under Regulation 3 shall not be paid unless an application to a water services authority for payment is accompanied by—

- (a) evidence of a requirement to replace lead piping in the qualifying residence in the form of:
 - (i) a notification from a supplier of water services that there is likely to be lead plumbing (pipes and fittings) within the curtilage of the qualifying residence, or
 - (ii) a certificate dated within the six months immediately prior to the date of application by a laboratory accredited by the Irish National Accreditation Board confirming a parametric value for

lead in the drinking water supply to the premises which exceeds the statutory limit of 10µg/l.

- (b) evidence of household income, such evidence to consist of:
- in the case of an individual making an application for a grant under these Regulations and who is an employee subject to the Pay As You Earn (PAYE) system, a Balancing Statement or equivalent document issued by the Revenue Commissioners;
 - in the case of an individual making an application for a grant under these Regulations and who is self-employed, a Notice of Income Tax Assessment or equivalent document issued by the Revenue Commissioners;
 - in the case of an individual making an application for a grant under these Regulations whose income derives solely from social welfare benefits a statement of the individual's income from the Department of Social Protection.
- (c) an original receipt for the total amount paid which shall include an itemised list of the works carried out and the costs associated with each item.
- (d) in respect of the contractor carrying out the works or, where there is more than one such contractor, in respect of each contractor, a copy of a current tax clearance certificate issued to the contractor by the Revenue Commissioners.
- (e) in respect of the contractor carrying out the works or, where there is more than one such contractor, in respect of each element of the contracted works, certification that all materials and fittings, including pipes or other accessories, installed in the course of the replacement works are of an appropriate quality and standard and suitable for the circumstances in which they are used, and that a proper standard of workmanship has been applied in the course of the works.
- (f) For the purposes of this Regulation, a material or fitting should be fit for the use for which it is intended and for the conditions in which it is to be used and this includes a material or fitting which:
- (i) bears an appropriate CE marking in accordance with Regulation (EU) No. 305/2011 of the European Parliament and the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC;
 - (ii) conforms to an appropriate harmonised standard or European technical approval;

- (iii) conforms with an appropriate Irish Standard (I.S.), Irish Agreement Board Certificate, a British Standard (B.S.) or equivalent standard of a Member State of the European Economic Area (EEA), which provides an equivalent level of protection and performance.

5. Powers of water services authorities

A water services authority may, for any purpose connected with these Regulations—

- (a) require the production of, or inspect, relevant records or documents, and
- (b) examine any works carried out.



GIVEN under my Official Seal,
5 February 2016.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
5 February 2016.

ALAN KELLY,
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 provide for a scheme of financial assistance to owners of premises in which the replacement of lead pipes and fittings is necessary to protect human health through reducing exposure to lead in drinking water.

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(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

ISBN 978-1-4064-5086-6



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