

Irish Water: What To Do, Step By Step

1

DON'T PANIC. If you have not received your meter yet: sign, photocopy and send off the *non-consent notice* (either as a group or use the single version). Send it by registered post to the address included and staple the receipt to your photocopy of the letter. Keep this in a safe place for future reference. You are absolutely within your rights. You could also phone your local county council, ask for the address for their legal department (or look it up online), and send another copy to them. This is optional.

Although you may receive a response, you can ignore it – experience shows that Irish Water have no real response to give. They'll claim they can install the meter whether you want it or not. This is pure spin – don't fall for it. Neither should you engage in any dialogue – just take the firm stance of 'NO' means 'NO'. Your notice establishes your stance on the record; stick to it.

Under the *Housing (Miscellaneous Provisions) Act, 2002, Section 19C*, Bringing any object, or attaching anything to land (property) without prior consent is an offence (trespass). You own the pipes attached to your home and the stopcock as well. Installing a meter without your consent is a wilful trespass on your property (dwelling). You are also protected by the Constitution: *Article 40.5: The dwelling is inviolable and shall not be forcibly entered except in accordance with law.*

Accompanying that installation with threats of having your water cut off, higher bills, and other punitive measures constitutes blackmail under the *Criminal Justice (Public Order) Act, 1994, Section 17*. You also have the fundamental right to simply say 'NO' to any offer of services or products. This is contract law 101 – very straightforward.

2

Place a 'No Implied Right Of Access' sign in clear view of the installers. But what if Irish Water ignore you and go ahead with the installation? Relax. There's really no need to jump into holes, block diggers or come to blows with the installers. These people are simply sub-contracted by Irish Water to do a particular job. Remember, the installers aren't trying to engage you in a contract, so there's no point in arguing with them. If they're going ahead then Irish Water have ignored your refusal of contract and in doing so have accepted your terms as outlined in the notice, which itself specifies a particular action (installing a meter) and clearly outlines the consequences of such an action. Wilfully carrying out that same action binds them to your terms. Again, contract law 101.

You can if you wish call the police, quote them the law, and insist that they remove those attempting trespass as it is a criminal matter. The articles to quote are outlined in step one:

- a) Trespass: *Housing (Miscellaneous Provisions) Act, 2002, Section 19C*, and *Article 40.5 of the Constitution*
- b) Blackmail/Menaces/Extortion: *Criminal Justice (Public Order) Act, 1994, Section 17*. (Remember you are being forced to accept a product with the intention of having you pay for it.)

Failing a Garda response, keep your cool and ignore the installation. Your next step is to send by registered post the *demand notice* for removal of the water meter. The law supports you again on this front. The Sale of Goods and Supply of Services Act, 1980, Section 47, (Unsolicited Goods) makes it clear, that where you have not requested goods or services, you can request in writing that those goods/services be removed. If Irish Water do not come and remove the meter within thirty days of your request, the goods are yours in the form of an 'unconditional gift'. Do with the meter as you wish, though the best option is to post it back to them once you've lawfully removed it from your property.