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**Changes to legislation:** *Water Act 2003, Paragraph 20 is up to date with all changes known to be in force on or before 01 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## SCHEDULES

### SCHEDULE 8

#### MINOR AND CONSEQUENTIAL AMENDMENTS: LICENSING OF WATER SUPPLIERS ETC

##### *Water Industry Act 1991 (c. 56)*

- 20 (1) Section 70 (offence of supplying water unfit for human consumption) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from “water undertaker” to “pipes” there is substituted “water undertaker’s supply system is used for the purposes of supplying water”, and
  - (b) for “the undertaker” there is substituted “the relevant persons”.
- (3) After that subsection there is inserted—
- “(1A) For the purposes of subsection (1) above, the relevant persons are—
- (a) the water undertaker whose supply system is used for the purposes of supplying the water (in this section referred to as the “primary water undertaker”); and
  - (b) any employer of persons, or any self-employed person, who is concerned in the supply of the water.”
- (4) In subsection (3)—
- (a) for “water undertaker” there is substituted “relevant person”,
  - (b) for “that undertaker” there is substituted “that person”, and
  - (c) in paragraph (b), for “its” there is substituted “the primary water undertaker’s”.
- (5) After that subsection there is inserted—
- “(3A) For the purposes of paragraph (b) of subsection (3) above—
- (a) in the case of proceedings against a primary water undertaker, showing that the undertaker took all reasonable steps and exercised all due diligence as mentioned in that paragraph includes (among other things) showing that the relevant arrangements were reasonable in all the circumstances; and
  - (b) in the case of proceedings against any other relevant person, showing that the person took all reasonable steps and exercised all due diligence as mentioned in that paragraph includes (among other things) showing that it took all reasonable steps and exercised all due diligence for securing that all aspects of the relevant arrangements for which it was responsible were properly carried out.
- (3B) In subsection (3A) above, “relevant arrangements” means arrangements made by the primary water undertaker to ensure that all other relevant persons were required to take all reasonable steps and exercise all due

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diligence for securing that the water was fit for human consumption on leaving the undertaker's pipes or was not used for human consumption.”

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**Commencement Information**

**I1** Sch. 8 para. 20 in force at 1.10.2004 by S.I. 2004/2528, art. 2(t)(iv) (with Sch. para. 8)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)