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STATUTORY INSTRUMENTS

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**2005 No. 2035**

**The Water Act 2003 (Consequential and  
Supplementary Provisions) Regulations 2005**

**PART 3**

**WATER SUPPLY LICENSING**

**Amendments to the Water (Meters) Regulations 1988**

- 5.—(1) The Water (Meters) Regulations 1988 <sup>M1</sup> are amended as follows.
- (2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)—
- (a) for the definition of “the customer”, there is substituted—
- ““the customer” in relation to a supply of water provided by an undertaker to any premises, means the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall.”;
- (b) at the end of the definition of “undertakers”, “and” is omitted; and
- (c) the definition of “water charges” is omitted.
- (3) In regulation 8 (method of proof and effect of meter reading), in paragraph (1), after “fix charges” there is inserted “ payable by the customer ”.
- (4) In regulation 9 (adjustment of charges), in paragraph (1), after “payable by the undertakers” there is inserted “ to the customer ”.
- (5) In regulation 10 (information provided with bills), after “Where charges” there is inserted “ payable by the customer ”.
- (6) In regulation 11 (arbitration)—
- (a) for “any person” there is substituted “ the customer ”; and
- (b) for “that person” there is substituted “ the customer ”.

**Marginal Citations**

**M1** S.I. 1988/1048, amended by S.I. 1988/1288.

**Amendment to the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989**

6. In regulation 2 (interpretation) of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989 <sup>M2</sup>, in paragraph (1), in the definition of “customer”, at the end of that definition, justified in line with the beginning of that definition, there is inserted “and, in so far as these Regulations apply to water undertakers, “customer” does not include any licensed water supplier or any customer of a licensed water supplier;”.

### Marginal Citations

**M2** [S.I. 1989/1159](#), amended by [S.I. 2000/2301](#).

## Amendment to the Food Safety Act 1990

7. For section 55 of the Food Safety Act 1990 <sup>M3</sup>, there is substituted—

### “55 Water supply: England and Wales

**55.** Nothing in Part 2 of this Act or any regulations or order made under that Part shall apply in relation to the supply of water to any premises, whether—

- (a) by a water undertaker;
- (b) by a licensed water supplier (within the meaning of the Water Industry Act 1991);  
or
- (c) by means of a private supply (within the meaning of Part 3 of that Act).”.

### Marginal Citations

**M3** [1990 c. 16](#); [section 55\(2\) to \(6\)](#) of that Act was repealed by section 3 of and Schedule 3 to the [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60\)](#).

## Amendments to the Water Supply (Water Fittings) Regulations 1999

8.—(1) The Water Supply (Water Fittings) Regulations 1999 <sup>M4</sup> are amended as follows.

(2) In regulation 2 (application of regulations)—

- (a) in paragraph (1), after “water undertaker” there is inserted “ or licensed water supplier ”;
- (b) in paragraph (2)(b), after “water undertaker” there is inserted “ whose supply system is used for the purposes of that supply ”;
- (c) in paragraph (2)(c), after “water undertaker” there is inserted “ or licensed water supplier ”; and
- (d) in paragraph (3), after “water undertaker” there is inserted “ or licensed water supplier ”.

(3) In regulation 3 (restriction on installation etc of water fittings), after “water undertaker”, in each place where it appears, there is inserted “ or licensed water supplier ”.

(4) In paragraph 5 of the table in regulation 5 (notification) after “water undertaker” there is inserted “ or licensed water supplier ”.

(5) In regulation 12 (approval by the regulator or the water undertaker), after paragraph (1)(a), there is inserted—

“(aa) every licensed water supplier;”.

(6) In Schedule 1 (fluid categories), in the paragraph entitled “Fluid category 1”, after “water undertaker” there is inserted “ or licensed water supplier ”.

(7) In Schedule 2 (requirements for water fittings)—

- (a) in paragraph 6, after “water undertaker” there is inserted “ or licensed water supplier ”;
- (b) in paragraph 8, after “water undertaker” there is inserted “ or licensed water supplier ”;
- (c) in paragraph 11, for “Water supply systems”, there is substituted “ Water systems ”; and

- (d) in paragraph 14(1)(a), after “water undertaker” there is inserted “ or licensed water supplier ”.

**Marginal Citations**

**M4** S.I. 1999/1148, amended by S.I. 1999/1506.

**Amendments to the Drinking Water (Undertakings) (England and Wales) Regulations 2000**

**9.**—(1) The Drinking Water (Undertakings) (England and Wales) Regulations 2000 <sup>M5</sup> are amended as follows.

(2) In regulation 1 (citation, commencement, extent and interpretation), in paragraph (3)—

- (a) before the definition of “the relevant enforcement authority”, there is inserted—  
““licensed water supplier” shall be construed in accordance with section 17B(9) of the Water Industry Act 1991 <sup>M6</sup>”; and
- (b) in the definition of “the relevant enforcement authority”, in sub-paragraph (a), after “mainly in Wales” there is inserted “ or a company which is a licensed water supplier as regards licensed activities using the supply system of any such water undertaker ”.

**Marginal Citations**

**M5** S.I. 2000/1297.

**M6** 1991 c. 56.

**Amendments to the Water Supply (Water Quality) Regulations 2000**

<sup>F1</sup>**10.** . . . . .

**Textual Amendments**

**F1** Reg. 10 revoked (27.6.2016) by The Water Supply (Water Quality) Regulations 2016 (S.I. 2016/614), reg. 1(1), Sch. 7 (with reg. 1(2)(3))

**Amendments to the Water Supply (Water Quality) Regulations 2001**

**11.**—(1) The Water Supply (Water Quality) Regulations 2001 are amended as follows.

<sup>F2</sup>(2) . . . . .

(3) In regulation 2 (interpretation)—

- (a) after the definition of “the 1989 Regulations”, there is inserted—  
““access agreement” means an agreement made or determined under section 66D(2) of the Act <sup>M7</sup>”;
- (b) in their appropriate places, new definitions are inserted as follows—  
““combined licensee” means a company which is the holder of a combined licence within the meaning of Chapter 1A of Part 2 of the Act <sup>M8</sup>”  
““relevant supplier” means a water undertaker or licensed water supplier;”

““retail licensee” means a company which is the holder of a retail licence within the meaning of Chapter 1A of Part 2 of the Act<sup>M9</sup>,”

““supply system” shall be construed in accordance with section 17B(5) of the Act<sup>M10</sup>,” and

- (c) in the definition of “consumer”, for “water undertaker” there is substituted “ relevant supplier ”.

(4) In regulation 5 (interpretation and application of Part IV – monitoring of water supplies), for paragraph (3) there is substituted—

“(3) This Part applies to water supplied for regulation 4(1) purposes by a relevant supplier in the performance of its duties under Chapter III.

(4) Regulations 5 to 9 apply to a combined licensee in relation to samples taken from supply points as they apply to a water undertaker, but only in so far as the combined licensee is introducing water into a water supply zone in which the water undertaker takes samples under this Part (to the extent authorised by or under regulation 8) from supply points.”.

(5) In regulation 6 (monitoring: general provisions)—

- (a) in paragraph (1), for “its water supply zones” there is substituted “ the water supply zones which it supplies ”; and

(b) in paragraph (9), after “monitor” there is inserted “ or cause to be monitored ”.

(6) In regulation 8 (authorisation of supply points), in paragraph (2), after “water undertaker” there is inserted “ or on the joint written application of a water undertaker and combined licensee ”.

(7) In regulation 9 (numbers of samples), in paragraph (2)(a), “by it” is omitted and after “water supply zone” there is inserted “ which it supplies ”.

(8) In regulation 10 (sampling: further provisions)—

- (a) for “water undertaker” there is substituted “ relevant supplier ”; and

(b) for “its water supply zones” there is substituted “ the water supply zones which it supplies ”.

(9) In regulation 12 (sampling for particular substances and parameters), at the end there is inserted—

“(2) For the purposes of establishing the quality of water to be supplied in any supply system into which a combined licensee introduces water, a combined licensee shall take, or cause to be taken, and analyse, or cause to be analysed, not less than the number of samples specified in this Part.”,

and the text preceding this paragraph in regulation 12 is renumbered as paragraph (1) of that regulation.

(10) In regulation 13 (sampling at treatment works)—

- (a) in paragraph (1)—

(i) for “a water undertaker”, there is substituted “ every water undertaker or combined licensee ”; and

(ii) for “serves its”, there is substituted “ it uses to supply water to ”; and

(b) in paragraph (4), after “water undertaker” there is inserted “ or combined licensee ”.

(11) In regulation 14 (sampling at service reservoirs), for “A water undertaker” there is substituted “ Every water undertaker or combined licensee ”.

(12) In regulation 15 (sampling: new sources)—

- (a) in paragraph (1), after “water undertaker”, in each place where it appears, there is inserted “ or combined licensee ”;

- (b) in paragraph (2), for “A water undertaker” there is substituted “ Every water undertaker or combined licensee ”; and
  - (c) in paragraph (3), in sub-paragraphs (a)(ii) and (b)(iii), after “water undertaker” there is inserted “ or combined licensee proposing to use the source ”.
- (13) In regulation 16 (collection and analysis of samples)—
- (a) in paragraph (1), for “A water undertaker” there is substituted “ Every water undertaker or combined licensee ”;
  - (b) in paragraph (2)(e)(i), for “either the laboratory or the undertaker” there is substituted “ the laboratory, the water undertaker or the combined licensee ”;
  - (c) in paragraph (4), for “A water undertaker” there is substituted “ Every water undertaker or combined licensee ”; and
  - (d) in paragraph (11), after “water undertaker” there is inserted “ or combined licensee ”.
- (14) In regulation 17 (investigations: Schedule 1 parameters)—
- (a) in paragraph (1)—
    - (i) for “a water undertaker has reason to believe that water supplied by it for regulation 4(1) purposes” there is substituted “ a water undertaker or combined licensee has reason to believe that water of a relevant description ”; and
    - (ii) in the words after sub-paragraph (c), after “water undertaker”, there is inserted “ or combined licensee ”;
  - (b) after paragraph (1), there is inserted—

“(1A) In this regulation, “water of a relevant description” means water supplied by a relevant supplier which uses a supply system for the purposes of supplying water to consumers, being a supply system into which the water undertaker or combined licensee introduces water.”;
  - (c) in paragraph (3)(b), for “water undertaker which has reason to believe that water supplied by it for regulation 4(1) purposes” there is substituted “ every water undertaker or combined licensee which has reason to believe that water of a relevant description ”;
  - (d) for paragraph (5), there is substituted—

“(5) As soon as may be after the matters specified in paragraph (2) or (4), as the case may be, have been identified, the water undertaker or combined licensee shall—

    - (a) notify the National Assembly for Wales—
      - (i) of those matters;
      - (ii) whether it is its opinion that, in relation to each parameter identified in accordance with paragraph (2)(b) or (4)(b), a failure in respect of that parameter is likely to recur; and
      - (iii) of the action (if any) taken by it in relation to a failure which is attributable to the domestic distribution system or the maintenance of that system; and
    - (b) send a copy of that notice to any other relevant supplier which uses the supply system for the purposes of supplying water to consumers who are likely to be affected by the failure.”;
  - (e) for paragraph (6) there is substituted—

“(6) Where the water undertaker or combined licensee has identified a failure attributable to the domestic distribution system or to the maintenance of such a system, it shall, at the same time as notification is given under paragraph (5)—

    - (a) by notice in writing—

- (i) to those of its consumers who are likely to be affected by the failure, and
  - (ii) to any other relevant supplier which uses the supply system for the purposes of supplying water to consumers who are likely to be affected by the failure,
- inform them of the nature of the failure and provide details of the steps (if any) that, in its opinion, it is necessary or desirable for those consumers to take in the interests of their health; and
- (b) send a copy of that notice to the National Assembly for Wales and to each appropriate local authority.
- (6A) A relevant supplier which receives a notice under paragraph (6)(a)(ii) shall immediately send or cause to be sent a copy of that notice to those of its consumers who are likely to be affected by the failure.”;
- (f) in paragraphs (7) and (8), after “water undertaker”, in each place where it appears, there is inserted “ or combined licensee ”; and
  - (g) in paragraph (9), for “water undertaker”, there is substituted “ relevant supplier ”.
- (15) In regulation 18 (investigations: indicator parameters)—
- (a) in paragraph (1) for “water undertaker has reason to believe that water supplied by it for regulation 4(1) purposes” there is substituted “ water undertaker or combined licensee has reason to believe that water of a relevant description ”;
  - (b) after paragraph (1), there is inserted—
    - “(1A) In this regulation, “water of a relevant description” means water supplied by a relevant supplier which uses a supply system for the purposes of supplying water to consumers, being a supply system into which the water undertaker or combined licensee introduces water.”;
  - (c) for paragraph (2), there is substituted—
    - “(2) As soon as may be after the matters specified in paragraph (1) have been identified, the water undertaker or combined licensee shall—
      - (a) notify the National Assembly for Wales—
        - (i) of those matters;
        - (ii) whether it is its opinion that, in relation to each parameter identified in accordance with paragraph (1)(b), a recurrence of the inability to meet the specification in respect of that parameter is likely; and
      - (b) send a copy of that notice to any other relevant supplier which uses the supply system for the purposes of supplying water to consumers who are likely to be affected by the failure.”;
    - (d) for paragraph (3) there is substituted—
      - “(3) Where, in a case to which paragraph (1)(c) applies, the inability to meet the specification has been identified as attributable to the domestic distribution system or to the maintenance of that system, the water undertaker or combined licensee shall, at the same time as notification is given under paragraph (2)—
        - (a) by notice in writing—
          - (i) to those of its consumers who are likely to be affected by the failure, and
          - (ii) to any other relevant supplier which uses the supply system for the purposes of supplying water to consumers who are likely to be affected by the failure,

inform them of the nature of the failure and provide details of the steps (if any) that, in its opinion, it is necessary or desirable for those consumers to take in the interests of their health; and

(b) send a copy of that notice to the National Assembly for Wales and to each appropriate local authority.

(3A) A relevant supplier which receives a notice under paragraph (3)(a)(ii) shall immediately send or cause to be sent a copy of that notice to those of its consumers who are likely to be affected by the failure.”; and

(e) in paragraph (4), after “water undertaker”, there is inserted “ or combined licensee ”.

(16) In regulation 19 (action by the National Assembly for Wales)—

(a) in paragraphs (1) and (4), for “the water undertaker, require the water undertaker” there is substituted “ any relevant supplier which uses the supply system for the purposes of supplying water to consumers in respect of which the notification was given, require that relevant supplier ”; and

(b) in paragraph (5), for “water undertaker” there is substituted “ relevant supplier ”.

(17) In regulation 20 (authorisation of temporary supply of water that is not wholesome)—

(a) in paragraph (1)—

(i) for “water undertaker”, there is substituted “ relevant supplier ”; and

(ii) for sub-paragraph (b), there is substituted—

“(b) the supply of water by a relevant supplier in any of the water supply zones which it uses for the purposes of supplying water to consumers.”;

(b) in paragraph (3)—

(i) for “A water undertaker” there is substituted “ Every water undertaker or combined licensee ”; and

(ii) in sub-paragraph (c), after “to take” there is inserted “ , either alone or together with other relevant suppliers, ”; and

(c) in paragraph (4), after “water undertaker”, there is inserted “ or combined licensee ”.

(18) In regulation 23 (publicity for authorisations)—

<sup>F3</sup>(a) .....

<sup>F3</sup>(b) .....

(c) at the end there is inserted—

“(2) In this regulation “specified relevant suppliers” means relevant suppliers—

(a) who use the same water supply zone for the purposes of supplying water to consumers; and

(b) for the purposes of that supply, rely on an authorised departure relating to the same facts.”,

and the text preceding this paragraph in regulation 23 is renumbered as paragraph (1) of that regulation.

(19) In regulation 24 (revocation and modification of authorisations)—

(a) in paragraph (2)(a) and paragraph (3), for “water undertaker” there is substituted “ relevant supplier ”; and

(b) after paragraph (2)(a), there is inserted—

“(aa) any other relevant supplier which, for the purposes of supplying water to consumers, uses the water supply zone in respect of which the authorised departure has been given.”.

F<sup>4</sup>(20) .....

F<sup>4</sup>(21) .....

F<sup>4</sup>(22) .....

F<sup>4</sup>(23) .....

(24) In regulation 30 (contamination from pipes)—

(a) in paragraph (1)—

(i) in the words before sub-paragraph (a), for “water undertaker” there is substituted “relevant supplier” and for “water undertaker’s pipes” there is substituted “relevant supplier’s pipes”; and

(ii) in the words after sub-paragraph (b), for “the water undertaker” there is substituted “every water undertaker or combined licensee which introduces water into the supply system used by the relevant supplier”;

(b) in paragraph (3), after “water undertaker” there is inserted “or combined licensee”; and

(c) in paragraphs (4) and (5), in each place where it appears, for “water undertaker” there is substituted “relevant supplier”.

(25) In regulation 31 (application and introduction of substances and products) in paragraphs (2), (4)(c), (7) and (8) (in each place where it appears), after “water undertaker” there is inserted “or combined licensee”.

(26) In regulation 32 (use of processes), after “water undertaker”, in each place where it appears, there is inserted “or combined licensee”.

(27) In regulation 33 (offences) in paragraphs <sup>F<sup>5</sup></sup>... (3) and (4) (in each place where it appears), after “water undertaker” there is inserted “or combined licensee”.

(28) In regulation 34 (maintenance of records)—

(a) in paragraph (1)—

(i) for the words before sub-paragraph (a), there is substituted—

“Every water undertaker or combined licensee shall, in respect of each of the water supply zones which it uses for the purposes of supplying water to consumers, prepare and maintain a record containing—”; and

(ii) in sub-paragraphs (e) and (g), after “water undertaker”, in each place where it appears, there is inserted “or combined licensee”;

(b) after paragraph (1), there is inserted—

“(1A) A retail licensee shall, in respect of each of the water supply zones which it uses for the purposes of supplying water to consumers, prepare and maintain a record containing—

(a) the name of the zone;

(b) particulars of any departure authorised under Part VI of these Regulations which applies to water supplied in the zone;

(c) particulars of the action taken or required to be taken by the retail licensee to comply with—

(i) any enforcement order made under section 18 of the Act;



- (ii) any departure authorised under Part VI; and
  - (iii) any notice under regulation 19(4); and
  - (d) such other particulars as the retail licensee may determine.”;
- (c) in paragraph (2)–
- (i) in the words before sub-paragraph (a), after “water undertaker” there is inserted “ or combined licensee ”;
  - (ii) in sub-paragraph (a), after “2004”, there is inserted “ or, in the case of a combined licensee, no later than 3 months after the day on which it first introduces water into a supply system for the purposes of supplying water to consumers ”; and
  - (iii) in sub-paragraph (c), after “water undertaker” there is inserted “ or combined licensee ”;
- (d) after paragraph (2), there is inserted—
- “(2A) A retail licensee shall make—
- (a) initial entries in the record in respect of the matters mentioned in paragraph (1A) (a), (b) and (c)(ii) no later than 3 months after the day on which it first uses a supply system for the purposes of supplying water to consumers; and
  - (b) entries in respect of the matters mentioned in paragraph (1A)(c)(i) and (iii) within 28 days of the date of the order and notice respectively.”;
- (e) in paragraph (3)–
- (i) for “water undertaker” there is substituted “ relevant supplier ”; and
  - (ii) after “paragraph (1)” there is inserted “ or paragraph (1A) (as the case may be) ”; and
- (f) in paragraph (4)–
- (i) in the words before sub-paragraph (a), for “water undertaker” there is substituted “ relevant supplier ”;
  - (ii) in sub-paragraph (a), after “paragraph (1)” there is inserted “ or in sub-paragraph (a) of paragraph (1A) ”; and
  - (iii) in sub-paragraph (b), for “that paragraph” there is inserted “ paragraph (1) or paragraph (1A) ”.
- F<sup>6</sup>(29) .....
- F<sup>6</sup>(30) .....
- (31) In regulation 37 (application and interpretation), for paragraph (2), there is substituted—
- “(2) In this Part “specified relevant supplier”, in relation to a local authority, means—
- (a) a water undertaker any of whose water supply zones include an area which is situated within the area of that authority; or
  - (b) a licensed water supplier which uses any such water supply zones for the purposes of supplying water to consumers.”.
- (32) In regulation 38 (duties of local authorities: supplementary provision)—
- (a) in paragraph (1)(a), for “relevant water undertaker” there is substituted “ specified relevant supplier ”;
  - (b) in paragraph (2)(a), after “A water undertaker” there is inserted “ or combined licensee ”; and
  - (c) for paragraph (2)(b) there is substituted—

“(b) in paragraph (2)(e), for the words “the laboratory, the water undertaker or the combined licensee” there is substituted “the laboratory, the water undertaker, the combined licensee or the authority”.”.

(33) In regulation 39 (contraventions by water undertakers) for “water undertaker” there is substituted “relevant supplier”.

#### Textual Amendments

- F2** Reg. 11(2) omitted (22.12.2007) by virtue of [The Water Supply \(Water Quality\) Regulations 2001 \(Amendment\) Regulations 2007 \(S.I. 2007/3374\)](#), regs. 1(2), **6(3)(a)**
- F3** Reg. 11(18)(a)(b) omitted (22.12.2007) by virtue of [The Water Supply \(Water Quality\) Regulations 2001 \(Amendment\) Regulations 2007 \(S.I. 2007/3374\)](#), regs. 1(2), **6(3)(a)**
- F4** Reg. 11(20)-(23) omitted (22.12.2007) by virtue of [The Water Supply \(Water Quality\) Regulations 2001 \(Amendment\) Regulations 2007 \(S.I. 2007/3374\)](#), regs. 1(2), **6(3)(a)**
- F5** Word in reg. 11(27) omitted (22.12.2007) by virtue of [The Water Supply \(Water Quality\) Regulations 2001 \(Amendment\) Regulations 2007 \(S.I. 2007/3374\)](#), regs. 1(2), **6(3)(b)**
- F6** Reg. 11(29)(30) omitted (22.12.2007) by virtue of [The Water Supply \(Water Quality\) Regulations 2001 \(Amendment\) Regulations 2007 \(S.I. 2007/3374\)](#), regs. 1(2), **6(3)(a)**

#### Marginal Citations

- M7** Section 66D was inserted by section 56 of, and paragraph 3 of Schedule 4 to, the [Water Act 2003 \(c. 37\)](#).
- M8** The expression “combined licence” is defined in section 17A(6) of the Act. Chapter 1A and section 17A were inserted by section 56 of, and paragraph 2 of Schedule 4 to, the [Water Act 2003](#).
- M9** The expression “retail licence” is defined in section 17A(4) of the Act.
- M10** Section 17B was inserted by section 56 of, and paragraph 2 of Schedule 4 to, the [Water Act 2003](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Act 2003 (Consequential and Supplementary Provisions) Regulations 2005, PART 3.