

**EXPLANATORY MEMORANDUM TO
THE WATER SUPPLY LICENCE (PRESCRIBED WATER FITTINGS
REQUIREMENTS) REGULATIONS 2005**

2005 No. 3077

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs (Defra) and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The Water Act 2003 (WA03) amends the Water Industry Act 1991 (WIA91) to permit a company that holds a water supply licence to have access to a water undertaker's supply system to supply water to customers at eligible premises. Eligible premises are non-household premises at which water consumption is estimated to be not less than the amount determined as the threshold requirement, currently set at 50 million litres per year.
 - 2.2 The WIA91 requires water undertakers to grant licensed water suppliers access to their supply systems under certain conditions in order to supply water to eligible premises of customers. One such condition relates to prescribed water fittings requirements under the Water Supply (Water Fittings) Regulations 1999.
 - 2.3 These Regulations identify the prescribed requirements of the Water Supply (Water Fittings) Regulations 1999. The prescribed requirements prevent actual or likely damage, contamination and waste of water supplied by water undertakers or licensed water suppliers.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 The WIA91 places a duty on water undertakers to grant licensed water suppliers access to their supply systems in order to supply water to eligible premises of customers other than in certain circumstances. One of the circumstances is that there is a contravention in relation to the water fittings used or to be used in connection with the supply of water to the premises or the use of water in those premises.
 - 4.2 Section 74 of the WIA91 provides for the making of regulations for preventing contamination, waste and misuse of water. The Water Supply (Water Fittings) Regulations 1999 were made to protect water supply systems from contamination from water fittings within premises.
 - 4.3 The WIA91 provides for the prescribed requirements of the Water Supply (Water Fittings) Regulations 1999 to apply as a condition of access, to provide appropriate protection of water supply systems. The prescribed requirements relate to the installation, connection, arrangement and use of water fittings to

prevent waste, misuse, undue consumption or contamination, or erroneous measurement of water supplied, and to their quality, standard and suitability.

4.4 These Regulations are one of a number of Statutory Instruments required to implement the new provisions of the WIA91 related to the new water supply licensing regime. However, legally, these Regulations stand alone.

5. Extent

5.1 This instrument has been made together with the National Assembly for Wales and it applies and extends to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The new water supply licensing provisions were developed in the light of the responses received by Defra and the Welsh Assembly Government (the Assembly) to their joint public consultation on “Extending Opportunities for Competition in the Water Industry in England and Wales” (July 2002).

7.2 This consultation paper sought views on proposals for a framework for competition in the supply of water services by licensed water suppliers. It confirmed the role of the Water Supply (Water Fittings) Regulations 1991 in protecting both public health and the environment by preventing the waste, misuse, undue consumption and contamination of public water supplies. It also confirmed that water undertakers should remain responsible for enforcement of the Regulations.

7.3 There were no responses specific to the approach under the Water Supply (Water Fittings) Regulations 1991 but several responses supported the general principle of the continued use of the Regulations to protect the public supply system and their continued enforcement by water undertakers.

7.4 These Regulations are of interest to water undertakers, potential licensees and customers eligible for competition in water supply. There is no public or media interest in these Regulations.

8. Impact

8.1 No regulatory impact assessment has been prepared in respect of these Regulations. A regulatory impact assessment in respect of the WA03 was prepared and placed in the library of each House of Parliament during the passage of the Water Bill. This included an assessment of the water supply licensing regime. Copies can be obtained from Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs (Defra), 55 Whitehall, London SW1A 2EY or from Defra’s website at www.defra.gov.uk/environment/water/legislation.

8.2 The Regulations have no impact on the public sector.

9. Contact

Peter Jiggins at the Department for Environment, Food and Rural Affairs (Tel: 020 7082 8336 or e-mail: Peter.Jiggins@defra.gsi.gov.uk) can answer any queries regarding the instrument.