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STATUTORY INSTRUMENTS

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**2010 No. 996**

**WATER, ENGLAND AND WALES**

**The Water Supply (Miscellaneous Amendments)  
(England and Wales) Regulations 2010**

<i>Made</i>	- - - -	<i>25th March 2010</i>
<i>Laid before Parliament</i>		<i>30th March 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>30th March 2010</i>
<i>Coming into force</i>	- -	<i>20th April 2010</i>

The Secretary of State and the Welsh Ministers have carried out the consultation required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(1)</sup>.

The Secretary of State, in relation to England, and the Welsh Ministers, in relation to Wales, make these Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup>, having been designated for the purposes of that Act. The Secretary of State is designated in relation to the environment<sup>(3)</sup>. The Welsh Ministers are designated in relation to the quality of water intended for domestic purposes or for use in a food production undertaking<sup>(4)</sup>.

**Citation, extent and commencement**

1. These Regulations may be cited as the Water Supply (Miscellaneous Amendments) (England and Wales) Regulations 2010; they extend to England and Wales and come into force on 20th April 2010.

**Amendment of the Water Industry Act 1991**

2.—(1) Section 19 of the Water Industry Act 1991<sup>(5)</sup> is amended as follows.

(2) In subsection (3), for paragraph (b) (and the “and” immediately following it) substitute—

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(1) OJ No L 31, 1.2.2002, p 1.

(2) 1972 c. 68.

(3) S.I. 2008/301.

(4) S.I. 2004/3328, as amended by S.I. 2005/850; the powers conferred on the National Assembly for Wales by those instruments are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(5) 1991 c. 56.

“(b) publish in such manner as the Secretary of State or the Authority considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by them—

(i) a copy of the notice, and

(ii) where the Secretary of State or the Authority is satisfied as mentioned in paragraph (b) of subsection (1), a summary of the undertaking describing the steps to be taken under it; and”.

(3) After subsection (3), insert—

“(3A) In a case where notice under subsection (3)(a) falls to be served by the Welsh Ministers, references to the Secretary of State in subsection (3)(b) are to be read as references to the Welsh Ministers.”.

### **Amendment of the Drinking Water (Undertakings) (England and Wales) Regulations 2000**

**3.** In regulation 2 of the Drinking Water (Undertakings) (England and Wales) Regulations 2000<sup>(6)</sup> for “Directive [80/778/EEC](#) (the Drinking Water Directive)” substitute “Council Directive [98/83/EC](#) (on the quality of water intended for human consumption)”<sup>(7)</sup>.

25th March 2010

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs  
*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing  
one of the Welsh Ministers

25th March 2010

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<sup>(6)</sup> [S.I. 2000/1297](#), as amended by [S.I. 2005/2035](#).

<sup>(7)</sup> OJ No L 330, 5.12.1998, p 32, as last amended by Regulation [\(EC\) No. 596/2009](#) OJ No L 188, 18.7.2009, p 14.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to England and Wales, amend section 19(3) of the Water Industry Act 1991. Where the Secretary of State, the Welsh Ministers or the Water Services Regulation Authority accept an undertaking as an alternative to making an enforcement order, they must publish a summary of the undertaking. This is in order to implement fully Article 8(7) of Council Directive [98/83/EC](#) (on the quality of water intended for human consumption, OJ No L 330, 5.12.1998, p 32), which requires consumers to be notified where remedial action is taken.

They also amend the Drinking Water (Undertakings) (England and Wales) Regulations 2000 ([S.I. 2000/1297](#)) to refer to Council Directive [98/83/EC](#) which repealed and replaced Council Directive [80/778/EEC](#) (relating to the quality of water intended for human consumption, OJ No L 229, 30.08.1980, p 11).

A full impact assessment has not been prepared for these Regulations as no impact on the private or voluntary sectors is foreseen.