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WELSH STATUTORY INSTRUMENTS

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**2004 No. 701**

**The Water Industry (Prescribed Conditions) (Undertakers Wholly or Mainly in Wales) Regulations 2004**

**Areas of water scarcity**

3.—(1) The National Assembly may, on the application of a water undertaker, determine a part or the whole of that undertaker's area to be an area of water scarcity for the purposes of these Regulations if it considers it appropriate to do so having regard to—

- (a) the likely demand for water in that area over the period of 10 years following the application;
- (b) the water resources which are, or could be made, available for meeting that demand; and
- (c) the measures that the undertaker could take for meeting or managing that demand.

(2) A determination under this regulation is to have effect for such period as is specified by the National Assembly and may be revoked by it.

(3) Before making or revoking a determination under this regulation, the National Assembly must consult —

- (a) the Director<sup>(1)</sup>;
- (b) the Environment Agency;
- (c) where the proposed action is likely to affect any part of Wales, the Countryside Council for Wales;
- (d) where the proposed action is likely to affect any part of England, English Nature; and
- (e) bodies appearing to it to be representative of the customers of the water and sewerage undertakers in the relevant area.

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(1) See section 1(1) of the Water Industry Act 1991, which defines the "Director" as the Director General of Water Services.