
WELSH STATUTORY INSTRUMENTS

2010 No. 994

The Water Supply (Water Quality) Regulations 2010

PART VII

Investigations, Authorisation of Departures and Remedial Action

Failure attributable to domestic distribution system where water is supplied to the public

21.—(1) Paragraph (3) applies where the Welsh Ministers consider that the failure (or, in the case of regulation 18, apprehended failure) disclosed by a notification under regulation 18(6) or regulation 19(3)—

- (a) is attributable to the domestic distribution system, or the maintenance of that system, in premises where water supplied for regulation 4(1) purposes is made available for use by the members of the public, including schools within the meaning of the Education Act 1996(1), hospitals and restaurants;
- (b) is not trivial and is likely to recur; and
- (c) in the case of a notification given under regulation 19(3), poses a potential danger to human health.

(2) References in this regulation to “failure” are references to a failure or apprehended failure of the type referred to in paragraph (1).

(3) Subject to paragraph (7), the Welsh Ministers must as soon as possible, serve a notice in writing on—

- (a) the water undertaker that supplies water to the premises; or
- (b) the water undertaker whose supply system is used for the purpose of a licensed water supplier making a supply of water to the premises,
- (c) requiring it to exercise the power conferred by section 75(2) of the Act in respect of the failure.

(4) The provisions of section 75(2) to (12) of the Act apply in relation to the exercise of the power in section 75(2) in pursuance of a notice served under paragraph (3), subject to the modifications in paragraph (5).

(5) Those modifications are—

- (a) subsections 2(b) and (4) are to be read as if any reference to “damage, contamination, waste, misuse or undue consumption” were a reference to the failure.
- (b) subsection (9) is to be read as if for the words from “the water undertaker” to the end of paragraph (b) there were substituted—

“the water undertaker—

- (a) must take those steps itself; and

- (b) subject to subsection (10) may recover any expenses reasonably incurred by the undertaker in taking those steps from the person on whom the notice was served.”.

(6) Where the water undertaker exercises the power in section 75(2) of the Act pursuant to a notice served by the Welsh Ministers under paragraph (3) it must inform by notice in writing any of its other consumers who are likely to be affected, of the steps it has taken, and that notice must include a copy of any notice that it has served.

(7) Where the Welsh Ministers consider that the failure (or any aspect of it) is attributable to factors arising from the further distribution by a person other than a water undertaker or licensed water supplier of water supplied by a water undertaker or licensed water supplier, the Welsh Ministers—

- (a) must not serve a notice under paragraph (3) in respect of that failure or aspect of it; and
- (b) if the Welsh Ministers consider that the local authority needs information or assistance from the water undertaker or licensed water supplier in order to be able to carry out its duties under regulation 15 or 16 of the Private Water Supplies (Wales) Regulations 2010⁽²⁾, the Welsh Ministers must serve a notice on the water undertaker or licensed water supplier requiring it to provide such information or assistance to the local authority as is specified in the notice.

(8) It is the duty of the water undertaker or licensed water supplier on which a notice under this regulation has been served to take the steps specified in the notice as soon as possible.

(9) The duty of a water undertaker or licensed water supplier under this regulation is enforceable under section 18 of the Act.

(2) [S.I.2010/66 \(W.16\)](#) as amended by [S.I. 2010/147 \(W.22\)](#).