
WELSH STATUTORY INSTRUMENTS

2017 No. 1041

The Private Water Supplies (Wales) Regulations 2017

PART 4

Notice procedure

Notices

20.—(1) If any private water supply constitutes a potential danger to human health, a local authority must serve a notice under this regulation on the relevant person instead of a notice under section 80 of the Act.

(2) The notice must—

- (a) identify the private water supply to which it relates;
- (b) specify the grounds for serving the notice;
- (c) prohibit or restrict the use of that supply;
- (d) specify what other action is necessary to—
 - (i) protect human health;
 - (ii) restore the wholesomeness of the private water supply;
 - (iii) maintain the continued wholesomeness of the private water supply following its restoration; and
- (e) specify the date by which the action required must be taken.

(3) The local authority must promptly inform consumers of the private water supply to which the notice relates and provide any necessary advice.

(4) The notice may be subject to conditions and may be amended by further notice at any time.

(5) The local authority must revoke the notice as soon as it becomes aware that there is no longer a potential danger to human health.

(6) It is an offence for a relevant person on whom a notice is served under this regulation to fail to comply with it.

(7) Where a relevant person (“P”) fails to take the action required by the date specified in a notice served under paragraph (1), the local authority which served the notice may take such action themselves.

(8) Where any action is taken by a local authority under paragraph (7) in relation to any premises—

- (a) the local authority may recover from P any expenses reasonably incurred by it in taking that action; and
- (b) where a person, other than the local authority, is liable to make payments to P, sums paid by virtue of sub-paragraph (a) are to be deemed to be expenses incurred in the taking of action by P.

Appeals

21.—(1) Any person who is aggrieved by a notice served under regulation 20 may appeal to a magistrates' court within 28 days of service of the notice.

(2) The procedure on an appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980⁽¹⁾ applies to the proceedings.

(3) A notice remains in force unless suspended by the court.

(4) On an appeal, the court may either cancel the notice or confirm it, with or without modification.

Penalties

22.—(1) A person who commits an offence under regulation 20 is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding 3 months or both; or

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) In paragraph (2), "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

(1) 1980 c. 43.