



Water Act 1989

1989 CHAPTER 15

PART II

WATER SUPPLY AND SEWERAGE SERVICES

CHAPTER II

WATER SUPPLY

Supplemental provisions of Chapter II

64 Additional powers of entry for the purposes of Chapter II

- (1) Without prejudice to the powers conferred by Part IV of this Act, any person designated in writing for the purpose by a water undertaker may enter any premises for any of the purposes specified in subsection (2) below.
- (2) The purposes mentioned in subsection (1) above are—
 - (a) the carrying out of any survey or tests for the purpose of determining—
 - (i) whether it is appropriate and practicable for the undertaker to exercise any power under any provision of this Chapter to disconnect any pipe or cut off any supply of water to any premises or to carry out any works which it is authorised to carry out under section 50(4), 51(6) or 63 above; or
 - (ii) how any such power should be exercised;
 - (b) the exercise of any such power;
 - (c) the monitoring and recording of—
 - (i) whether water supplied to any premises for domestic purposes is wholesome at the time of supply; or
 - (ii) the quality of the water from any source, or combination of sources, which is or is to be used for supplying water to any premises for those purposes,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

and the carrying out of any tests for that purpose.

- (3) The power by virtue of subsection (1) above of a person designated by a water undertaker to enter any premises for the purpose of carrying out any survey or tests shall include power to take away such samples of water or effluent or of any land or articles as the undertaker—
- (a) considers necessary for the purpose of determining any of the matters mentioned in subsection (2)(a) or (c) above; and
 - (b) has authorised that person to carry out or take away.
- (4) Without prejudice to any power exercisable by virtue of a warrant under section 178 below, no person shall make an entry into any premises by virtue of this section except—
- (a) in an emergency; or
 - (b) at a reasonable time and after the appropriate notice of the intended entry has been given to the occupier of the premises.
- (5) In subsection (4) above “the appropriate notice”—
- (a) in relation to an entry for a purpose mentioned in subsection (2)(c) above, means twenty-four hours' notice; and
 - (b) in any other case, means seven days' notice;
- and subsections (2) and (3) of section 52 above shall apply for the purposes of any power conferred by virtue of subsection (2)(c)(i) above as they apply for the purposes of that section.

65 Standards of wholesomeness

- (1) The Secretary of State may by regulations make provision that water that is supplied to any premises is or is not to be regarded as wholesome for the purposes of this Chapter if it satisfies or, as the case may be, fails to satisfy such requirements as may be prescribed.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may, for the purpose of determining the wholesomeness of any water—
- (a) prescribe general requirements as to the purposes for which the water is to be suitable;
 - (b) prescribe specific requirements as to the substances that are to be present in or absent from the water and as to the concentrations of substances which are or are required to be present in the water;
 - (c) prescribe specific requirements as to other characteristics of the water;
 - (d) provide that the question whether prescribed requirements are satisfied may be determined by reference to such samples as may be prescribed;
 - (e) enable the Secretary of State to authorise such relaxations of and departures from the prescribed requirements (or from any of them) as may be prescribed, to make any such authorisation subject to such conditions as may be prescribed and to modify or revoke any such authorisation or condition; and
 - (f) enable the Secretary of State to authorise a local authority (either instead of the Secretary of State or concurrently with him) to exercise in relation to a private supply any power conferred on the Secretary of State by regulations made by virtue of paragraph (e) above.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

66 Interpretation etc. of Chapter II

(1) In this Chapter—

“consumer”, in relation to a supply of water provided by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall;

“necessary works” includes works carried out, in exercise of any power conferred by or under any enactment, by a person other than a water undertaker;

“private supply” means, subject to subsection (2) below, a supply of water provided otherwise than by a water undertaker (including a supply provided for the purposes of the bottling of water), and cognate expressions shall be construed accordingly;

“water fittings” includes pipes (other than water mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water closets, soil pans and other similar apparatus used in connection with the supply and use of water;

“wholesome” and cognate expressions shall be construed subject to the provisions of any regulations made under section 65 above.

- (2) For the purposes of any reference in this Chapter to a private supply, or to supplying water by means of a private supply, water shall be treated as supplied to any premises not only where it is supplied from outside those premises, but also where it is abstracted, for the purpose of being used or consumed on those premises, from a source which is situated on the premises themselves; and for the purposes of this subsection water shall be treated as used on any premises where it is bottled on those premises for use or consumption elsewhere.
- (3) For the purposes of this Chapter a service pipe shall be treated as connected with a water main other than a trunk main even if the connection is an indirect connection made by virtue of a connection with another service pipe.
- (4) The rights conferred by virtue of this Chapter as against the owner or occupier of any premises shall be without prejudice to any rights and obligations, as between themselves, of the owner and occupier of the premises in question.