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STATUTORY INSTRUMENTS

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**2011 No. 3014**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Water Supply (Amendment to the  
Threshold Requirement) Regulations 2011**

*Made - - - - 14th December 2011*

*Coming into force in accordance with Regulation 1(1)*

The Secretary of State makes these Regulations under powers conferred by section 17D(8) and (9) of the Water Industry Act 1991<sup>(1)</sup>, having consulted the Water Services Regulation Authority and such other persons as the Secretary of State thought appropriate in accordance with section 17D(11) of that Act.

In accordance with section 17D(10) of that Act, a draft of these Regulations has been approved by resolution of each House of Parliament.

**Title, commencement and transitional provision**

1.—(1) These Regulations may be cited as the Water Supply (Amendment to the Threshold Requirement) Regulations 2011 and come into force on the day after the day on which they are made.

(2) The amendment made by these Regulations does not apply in relation to any undertaking which is proposed, but not entered into, before the date on which these Regulations come into force.

**Amendment to the threshold requirement in the Water Industry Act 1991**

2. Section 17D(2) of the Water Industry Act 1991 (which establishes the threshold requirement in relation to the supply of water to any premises) is amended by replacing the words “is not less than 50 megalitres” with—

“is not less than—

- (a) 5 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in England, and
- (b) 50 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in Wales”.

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(1) 1991 c. 56. Section 17D was inserted by the Water Act 2003(c. 37), Schedule 4, paragraphs 1 and 2.

14th December 2011

*Richard Benyon*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

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

These Regulations amend section 17D(2) of the Water Industry Act 1991 so as to reduce the threshold level for water supply to specified premises from 50 megalitres to 5 megalitres. The threshold is the minimum quantity of water estimated to be supplied annually to any premises by a licensed water supplier. A licensed water supplier may not enter into an undertaking with a new customer to supply water to their premises unless the threshold requirement is satisfied.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Competition & Consumer Protection Team, Area 2C, Department for Environment, Food and Rural Affairs, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR. It is published on [www.legislation.gov.uk](http://www.legislation.gov.uk) alongside the Explanatory Memorandum and this instrument.