
WELSH STATUTORY INSTRUMENTS

2010 No. 66

The Private Water Supplies (Wales) Regulations 2010

PART 4

Notice procedure

Notices

18.—(1) If any private supply of water intended for human consumption constitutes a potential danger to human health, a local authority acting under these Regulations must serve a notice under this regulation on the relevant person (as defined in section 80 of the Water Industry Act 1991(1)) instead of a notice under that section.

(2) The notice must —

- (a) identify the private supply to which it relates;
- (b) state the grounds for serving the notice;
- (c) prohibit or restrict the use of that supply;
- (d) specify what other action is necessary to protect human health.

(3) The local authority must promptly inform consumers of the notice 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 there is no longer a potential danger to human health.

(6) It is an offence to breach a notice served under this regulation or fail to comply with it.

Appeals

19.—(1) Any person who is aggrieved by a notice served under regulation 18 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(2) 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

20.—(1) A person failing to comply with a notice served under regulation 18 is liable—

(1) 1991 c. 56.

(2) 1980 c. 43; sections 51 and 52 have been substituted by the Courts Act 2003 (c. 39), section 47.

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to a term of imprisonment not exceeding three months or both, or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two 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) For the purposes of paragraph (2) above, “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.