Draft Regulations laid before Parliament under section 104(2) of the Water Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

WATER INDUSTRY

The Water Act 2003 (Consequential and Supplementary Provisions) Regulations 2005

Made - - - -	*[ ] 2005*
Coming into force	
For the purposes of Part 1 in accordance with Regulation 1(2) For the purposes of Part 2	*1st October 2005*
For the purposes of Part 3	*1st December 2005*
For the purposes of Part 4	*1st April 2006*

The Secretary of State, in exercise of the powers conferred upon her by sections 103(1) of the Water Act 2003(**1**), hereby makes the following Regulations, a draft of which has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 104(2) of the Water Act 2003:

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Water Act 2003 (Consequential and Supplementary Provisions) Regulations 2005 and come into force in accordance with paragraphs (2) to (5).

(2) Part 1 of these Regulations comes into force on the day after the day on which they are made.

(3) Part 2 of these Regulations comes into force on 1st October 2005.

(4) Part 3 of these Regulations comes into force on 1st December 2005.

(**1**) ()2003 c. 37.

(5) Part 4 of these Regulations comes into force on 1st April 2006.

(6) Any amendment or repeal made by these Regulations has the same extent as the enactment being amended or repealed.

(7) Any supplementary provision made by these Regulations in relation to any enactment or instrument has the same extent as the enactment or instrument in relation to which the supplementary provision is made.

PART 2

CONSUMER COUNCIL FOR WATER

Effect of certain references in the instruments of appointment of water and sewerage undertakers made under the WIA

2. In each instrument made under sections 6 and 7 of the WIA(**2**) appointing a company to be a water or sewerage undertaker, each reference to—

(a) a customer service committee maintained under section 28 of that Act, or

(b) the customer service committee to which a water or sewerage undertaker is allocated under that section,

is to have effect as a reference to the Consumer Council for Water.

Amendments to the Water Supply (Water Quality) Regulations 2000

3.—(1) The Water Supply (Water Quality) Regulations 2000(**3**) are amended as follows.

(2) In regulation 2 (interpretation), the definition of "relevant customer services committee" is omitted.

(3) In regulation 20 (authorisation of temporary supply of water that is not wholesome), in paragraph (4)(c), for "relevant customer services committee" there is substituted "Council".

(4) In regulation 24 (revocation and modification of authorisations), in paragraph (2)(d), for "relevant customer services committee" there is substituted "Council".

(5) In regulation 35 (provision of information), in paragraph (8), for "relevant customer services committee" there is substituted "Council".

Amendments to the Water Supply (Water Quality) Regulations 2001

4.—(1) The Water Supply (Water Quality) Regulations 2001(**4**) are amended as follows.

(2) In regulation 2 (interpretation), the definition of "relevant customer services committee" is omitted.

(3) In regulation 20 (authorisation of temporary supply of water that is not wholesome), in paragraph (4)(c), for "relevant customer services committee" there is substituted "Council".

(4) In regulation 24 (revocation and modification of authorisations), in paragraph (2)(d), for "relevant customer services committee" there is substituted "Council".

(5) In regulation 35 (provision of information), in paragraph (8), for "relevant customer services committee" there is substituted "Council".

(**2**) Water Industry Act 1991 (c. 56); see section 105(2) of the Water Act 2003.
(**3**) S.I. 2000/3184, amended by S.I. 2001/2885 and S.I. 2002/2469.
(**4**) S.I. 2001/3911 (W. 323).

PART 3

WATER SUPPLY LICENSING

Amendments to the Water (Meters) Regulations 1988

5.—(1) The Water (Meters) Regulations 1988(**5**) are amended as follows.

(2) In regulation 1 (citation, commencement and interpretation), in paragraph (3)—

(a) for the definition of "the customer", there is substituted—

(b) ""the customer" in relation to a supply of water provided by an undertaker to any premises, means the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall;";

(c) at the end of the definition of "undertakers", "and" is omitted; and

(d) the definition of "water charges" is omitted.

(3) In regulation 8 (method of proof and effect of meter reading), in paragraph (1), after "fix charges" there is inserted "payable by the customer".

(4) In regulation 9 (adjustment of charges), in paragraph (1), after "payable by the undertakers" there is inserted "to the customer".

(5) In regulation 10 (information provided with bills), after "Where charges" there is inserted "payable by the customer".

(6) In regulation 11 (arbitration)—

(a) for "any person" there is substituted "the customer"; and

(b) for "that person" there is substituted "the customer".

Amendment to the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989

6. In regulation 2 (interpretation) of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989(**6**), in paragraph (1), in the definition of "customer", at the end of that definition, justified in line with the beginning of that definition, there is inserted "and, in so far as these Regulations apply to water undertakers, "customer" does not include any licensed water supplier or any customer of a licensed water supplier;".

Amendment to the Food Safety Act 1990

7. For section 55 of the Food Safety Act 1990(**7**), there is substituted—

"**Water supply: England and Wales**

55. Nothing in Part 2 of this Act or any regulations or order made under that Part shall apply in relation to the supply of water to any premises, whether—

(a) by a water undertaker;

(b) by a licensed water supplier (within the meaning of the Water Industry Act 1991); or

(**5**) S.I. 1988/1048, amended by S.I. 1988/1288.
(**6**) S.I. 1989/1159, amended by S.I. 2000/2301.
(**7**) 1990 c. 16; section 55(2) to (6) of that Act was repealed by section 3 of and Schedule 3 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60).

(c) by means of a private supply (within the meaning of Part 3 of that Act).".

Amendments to the Water Supply (Water Fittings) Regulations 1999

8.—(1) The Water Supply (Water Fittings) Regulations 1999(**8**) are amended as follows.

(2) In regulation 2 (application of regulations)—

(a) in paragraph (1), after "water undertaker" there is inserted "or licensed water supplier";

(b) in paragraph (2)(b), after "water undertaker" there is inserted "whose supply system is used for the purposes of that supply";

(c) in paragraph (2)(c), after "water undertaker" there is inserted "or licensed water supplier"; and

(d) in paragraph (3), after "water undertaker" there is inserted "or licensed water supplier".

(3) In regulation 3 (restriction on installation etc of water fittings), after "water undertaker", in each place where it appears, there is inserted "or licensed water supplier".

(4) In paragraph 5 of the table in regulation 5 (notification) after "water undertaker" there is inserted "or licensed water supplier".

(5) In regulation 12 (approval by the regulator or the water undertaker), after paragraph (1)(a), there is inserted—

"(aa) every licensed water supplier;".

(6) In Schedule 1 (fluid categories), in the paragraph entitled "Fluid category 1", after "water undertaker" there is inserted "or licensed water supplier".

(7) In Schedule 2 (requirements for water fittings)—

(a) in paragraph 6, after "water undertaker" there is inserted "or licensed water supplier";

(b) in paragraph 8, after "water undertaker" there is inserted "or licensed water supplier";

(c) in paragraph 11, for "Water supply systems", there is substituted "Water systems"; and

(d) in paragraph 14(1)(a), after "water undertaker" there is inserted "or licensed water supplier".

Amendments to the Drinking Water (Undertakings) (England and Wales) Regulations 2000

9.—(1) The Drinking Water (Undertakings) (England and Wales) Regulations 2000(**9**) are amended as follows.

(2) In regulation 1 (citation, commencement, extent and interpretation), in paragraph (3)—

(a) before the definition of "the relevant enforcement authority", there is inserted—

""licensed water supplier" shall be construed in accordance with section 17B(9) of the Water Industry Act 1991(**10**);"; and

(b) in the definition of "the relevant enforcement authority", in sub-paragraph (a), after "mainly in Wales" there is inserted "or a company which is a licensed water supplier as regards licensed activities using the supply system of any such water undertaker".

Amendments to the Water Supply (Water Quality) Regulations 2000

10.—(1) The Water Supply (Water Quality) Regulations 2000 are amended as follows.

(**8**) S.I. 1999/1148, amended by S.I. 1999/1506.
(**9**) S.I. 2000/1297.
(**10**) 1991 c. 56.

(2) In regulation 1 (citation, commencement and application), for paragraphs (6) and (7), there is substituted—

"(6) Parts I to VIII, X and XI of these Regulations apply in relation to the supply of water using the supply system of any water undertaker whose area is not wholly or mainly in Wales.

(7) Part IX of these Regulations applies to local authorities in England, as regards the discharge of functions under that Part, in relation to the supply of water using the supply system of any water undertaker—

(a) whose area is situated wholly in England; or

(b) whose area is situated partly in England and partly in Wales, as regards the part of the supply system situated in England."

(3) In regulation 2 (interpretation)—

(a) after the definition of "the 1989 Regulations", there is inserted—

""access agreement" means an agreement made or determined under section 66D(2) of the Act(**11**);";

(b) in their appropriate places, new definitions are inserted as follows—

""combined licensee" means a company which is the holder of a combined licence within the meaning of Chapter 1A of Part 2 of the Act(**12**);"

""relevant supplier" means a water undertaker or licensed water supplier;"

""retail licensee" means a company which is the holder of a retail licence within the meaning of Chapter 1A of Part 2 of the Act(**13**);"

""supply system" shall be construed in accordance with section 17B(5) of the Act(**14**);" and

(c) in the definition of "consumer", for "water undertaker" there is substituted "relevant supplier".

(4) In regulation 5 (interpretation and application of Part IV – monitoring of water supplies), for paragraph (3) there is substituted—

"(3) This Part applies to water supplied for regulation 4(1) purposes by a relevant supplier in the performance of its duties under Chapter III.

(4) Regulations 5 to 9 apply to a combined licensee in relation to samples taken from supply points as they apply to a water undertaker, but only in so far as the combined licensee is introducing water into a water supply zone in which the water undertaker takes samples under this Part (to the extent authorised by or under regulation 8) from supply points.".

(5) In regulation 6 (monitoring: general provisions)—

(a) in paragraph (1), for "its water supply zones" there is substituted "the water supply zones which it supplies"; and

(b) in paragraph (9), after "monitor" there is inserted "or cause to be monitored".

(6) In regulation 8 (authorisation of supply points), in paragraph (2), after "water undertaker" there is inserted "or on the joint written application of a water undertaker and combined licensee".

(7) In regulation 9 (numbers of samples), in paragraph (2)(a), "by it" is omitted and after "water supply zone" there is inserted "which it supplies".

(**11**) Section 66D was inserted by section 56 of, and paragraph 3 of Schedule 4 to, the Water Act 2003 (c. 37).
(**12**) The expression "combined licence" is defined in section 17A(6) of the Act. Chapter 1A and section 17A were inserted by section 56 of, and paragraph 2 of Schedule 4 to, the Water Act 2003.
(**13**) The expression "retail licence" is defined in section 17A(4) of the Act.
(**14**) Section 17B was inserted by section 56 of, and paragraph 2 of Schedule 4 to, the Water Act 2003.