This Welsh Statutory Instrument has been made in consequence of defects in WSI 2009/994 (W.99) and is being issued free of charge to all known recipients of that Statutory Instrument.

WELSH STATUTORY INSTRUMENTS

2011 No. 14 (W.7)

WATER, ENGLAND AND WALES

The Water Supply (Water Quality) (Amendment) Regulations 2011

Made	*7 January 2011*
Laid before Parliament	*10 January 2011*
Laid before the National Assembly for Wales	*10 January 2011*
Coming into force	*2 February 2011*

The Welsh Ministers make these Regulations in exercise of the powers conferred upon them by sections 67, 69, 74 and 213(2) of the Water Industry Act 1991(**1**):

Title, commencement and application

1.–(1) The title of these Regulations is the Water Supply (Water Quality) (Amendment) Regulations 2011 and they come into force on 2 February 2011.

(2) These Regulations apply in relation to the supply of water by every–

(a) water undertaker whose area is wholly or mainly in Wales; and

(b) licensed water supplier so far as relating to licensed activities using the supply system of any water undertaker whose area is wholly or mainly in Wales.

(**1**) 1991 c.56; the functions of the Secretary of State under section 67 were transferred to the National Assembly for Wales ("the Assembly") - (a) for the making of regulations concerning water supplied using the supply system of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales and (b) for the making of regulations concerning water supplied other than using the supply system of a water undertaker, in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) ("the Order"); the functions of the Secretary of State under section 69 of that Act were, in relation to any water undertaker whose area is wholly or mainly in Wales and any licensed water supplier so far as relating to licensed activities using the supply system of any such water undertaker, transferred to the Assembly by the same provisions of the Order; the functions of the Secretary of State under section 74 of that Act were in relation to any water or sewerage undertaker whose area is wholly or mainly in Wales, transferred to the Assembly by the same provisions of the Order; the functions of the Secretary of State under section 213 of that Act were made exercisable by the Assembly to the same extent as the powers to which that section applies were made exercisable by the Assembly by virtue of the same provisions of the Order: *see* the entry in Schedule 1 to the Order for the Water Industry Act 1991 as substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and amended by section 100(2) of the Water Act 2003 (c.37); there are other amending instruments but none are relevant. Section 69 of that Act was amended by section 101(1) of, and paragraphs 2 and 19 of Schedule 8 to, the Water Act 2003. Section 74 of that Act was amended by section 101(1) of, and paragraphs 2 and 23 of Schedule 8 to, the Water Act 2003. Section 213 of that Act was amended by sections 36(2) and 101(1) and paragraphs 2 and 49 of Schedule 8 to, the Water Act 2003 and by sections 52 and 56(6) and paragraph 28 to Schedule 1 to, the Competition of Services (Utilities) Act 1992 (c.43). There are other amendments but none are relevant.

References in Schedule 1 to the Order to specific sections and to the Water Industry Act 1991 generally are treated by section 100(6) of the Water Act 2003 as referring to that Act, as amended by the Water Act 2003. See section 219(4A) of the Water Industry Act 1991 as inserted by section 101(1) of, and paragraphs 2 and 50 of Schedule 8 to, the Water Act 2003 for the definition of "supply system". *See* section 219(1) of the Water Industry Act 1991 as amended by section 101(1) of, and paragraphs 2 and 50 of Schedule 8 to, the Water Act 2003 for the definition of "licensed water supplier". By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32), the functions transferred to and made exercisable by the Assembly are now exercisable by the Welsh Ministers.

Amendments

2.–(1) The Water Supply (Water Quality) Regulations 2010(**1**) are amended as follows.

(2) In regulation 6 (Monitoring: general provisions)–

(a) for paragraph (4), substitute–

"(4) Of the samples taken in accordance with paragraph (3) in relation to each distribution, the first must be analysed for compliance with the parameters *E.coli*, conductivity and hydrogen ion (item 2 in Table A in Schedule 1, and items 6 and 7 in Schedule 2, respectively), and the second and any subsequent samples must be analysed for compliance with those and every other parameter."; and

(b) in paragraph (5), for "9 and 10", substitute "10 and 11".

(3) In regulation 20 (Action by Welsh Ministers), omit paragraph (6).

(4) Before regulation 21, insert the heading–

"Failure attributable to domestic distribution system where water is supplied to the public".

(5) In regulation 33 (Offences), in paragraph (1), for "or (3)", substitute "or (4)".

Jane Davidson

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

7 January 2011

(**1**) S.I. 2010/994 (W.99).

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Supply (Water Quality) Regulations 2010 (S.I. 2010/994) (W.99) ("the Principal Regulations").

The Principal Regulations implement Council Directive 98/83/EC on the quality of drinking water intended for human consumption, the Drinking Water Directive (OJ No L330, 5.12.1998, p.32), in parts of Wales and England in relation to water supplies by water undertakers and licensed water suppliers. The Principal Regulations also make further provision about the supply of drinking water.

Regulation 2 amends the Principal Regulations as follows–

Paragraph (2)(a) amends the references to the sampling requirements where the distribution of water in any part of a water supply zone is by tanker and is or is likely to be an intermittent short-term supply.

Paragraph (2)(b) amends the references to the chemical parameters that need to be sampled in relation to groundwater and surface water.

Paragraph (3) removes regulation 20(6).

Paragraph (4) inserts the heading for regulation 21.

Paragraph (5) amends regulation 33 of the Principal Regulations by inserting the correct references for the offence provisions set out in regulation 27 of the Principal Regulations.

A regulatory impact assessment has not been prepared for the purpose of these Regulations but the regulatory impact assessment referred to in the Principal Regulations can be obtained from the Water and Climate Change Division of the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

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