
WELSH STATUTORY INSTRUMENTS

2001 No. 3911

The Water Supply (Water Quality) Regulations 2001

PART XI

AMENDMENT AND REVOCATION OF REGULATIONS
AND SAVING AND TRANSITIONAL PROVISION

Amendment of the Water Supply (Water Quality) Regulations 1989

40. The 1989 Regulations shall be amended, with effect from 1st January 2002, in accordance with Schedule 5.

Transitional provision: programmes of work

41.—(1) Every water undertaker which intends to supply water, on and after 25th December 2003, for regulation 4(1) purposes shall, not later than 31st March 2002, submit to the National Assembly for Wales for its approval a programme of work designed to secure, so far as reasonably practicable—

- (a) that on the coming into force of Part III of these Regulations, the supply of water for those purposes fully satisfies the requirements of that Part; and
- (b) that on and after 25th December 2013, the supply of water for those purposes will fully satisfy the revised requirements of that Part in relation to the lead parameter (item 15 in Table B),

and that, accordingly, section 68 (duties of water undertakers with respect to water quality) of the Act is complied with.

(2) Programmes of work shall be drawn up in accordance with the provisions of Schedule 6.

(3) The National Assembly for Wales may approve a programme of work with or without modification.

(4) If a water undertaker—

- (a) fails to draw up a programme of work; or
- (b) draws up such a programme otherwise than in accordance with Schedule 6; or
- (c) draws up such a programme that is unsatisfactory in any other respect,

the National Assembly for Wales may draw up a programme of work and any such programme shall be treated for the purposes of paragraphs (5) and (6) as a programme of work drawn up by the water undertaker and approved by the National Assembly for Wales.

(5) Whenever it comes to the attention of a water undertaker that the steps to be taken in accordance with a programme of work submitted to, or approved by, the National Assembly for Wales, or treated as so approved, are insufficient to secure that the requirements of paragraph (1)(a) and (b) are met, it shall notify the National Assembly for Wales of the additional steps to be taken to secure that those requirements are met.

(6) The National Assembly for Wales may at any time, and whether or not on the application of a water undertaker, modify any programme of work where it is of the opinion that such modification is required to secure that the requirements of paragraph (1)(a) and (b) are met.

(7) It shall be the duty of each water undertaker—

- (a) to take the steps for the time being specified in the programme of work approved or treated as approved in relation to its area of supply;
- (b) to take those steps in accordance with the timetable so specified; and
- (c) to submit reports to the National Assembly for Wales at the times or within the periods specified.

(8) The duties imposed by paragraph (7) shall be enforceable under section 18 of the Act by the National Assembly for Wales.

Transitional provision: authorisations

42.—(1) A water undertaker which—

- (a) intends to supply water, on and after 25th December 2003, for regulation 4(1) purposes; and
- (b) has reason to believe that water so supplied will not satisfy the requirements of Part III of these Regulations,

may apply to the National Assembly for Wales for an authorisation under this regulation.

(2) An application under paragraph (1) shall be made not later than 25th September 2003.

(3) For the purpose of making and determining applications under paragraph (1) and publicising authorisations under this regulation, it shall be assumed—

- (a) that regulations 4 and 20 to 23 of these Regulations,

and so much of any other provision of these Regulations as relates to those regulations (in so far as not already in force), were in force at the material time; and

- (b) that references in any provision specified or referred to in sub-paragraph (a) to an authorisation under regulation 20 (in whatever terms) were references to an authorisation under this regulation.

(4) On and after 25th December 2003, an authorisation under this regulation shall have effect for the purposes of these Regulations as an authorisation under regulation 20.

Revocation of Regulations and savings

43.—(1) The Water Supply (Water Quality) (Amendment) Regulations 1999⁽¹⁾ and the following provisions of the 1989 Regulations shall be revoked—

Regulations 23A and 23B,

so much of regulation 28 as relates to regulations 23A and 23B, and

in regulation 29(1)(f), the words “or 23B”.

(2) On 25th December 2003—

- (a) Parts II and III of the 1989 Regulations,
- (b) so much of the Water Supply (Water Quality) (Amendment) Regulations 1989⁽²⁾ and the Water Supply (Water Quality) (Amendment) Regulations 1991⁽³⁾ as relates to those Parts, and

(1) S.I. 1999/1524.

(2) S.I. 1989/1384.

(c) regulation 22 of the Private Water Supplies Regulations 1991⁽⁴⁾, shall be revoked.

(3) On 1st January 2004—

- (a) the 1989 Regulations (in so far as not already revoked),
- (b) the Water Supply (Water Quality) (Amendment) Regulations 1991 (in so far as not already revoked),
- (c) regulation 8(1) of the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations 1996⁽⁵⁾, and
- (d) regulations 40 to 42 of, and Schedule 5 and 6 to, these Regulations,

shall be revoked.

(4) Nothing in paragraph (3) revokes any of the provisions referred to in that paragraph so far as they relate to local authorities in England.

(5) Nothing in paragraph (3) shall affect any obligation of a water undertaker under the 1989 Regulations to compile and retain records, make information available and produce reports in respect of years ending on or before 31st December 2003.

⁽³⁾ S.I. 1991/1837.

⁽⁴⁾ S.I. 1991/2790, to which there are amendments not relevant to these Regulations.

⁽⁵⁾ S.I. 1996/3001.