

2005 No. 3077

WATER INDUSTRY, ENGLAND AND WALES

**The Water Supply Licence (Prescribed Water Fittings
Requirements) Regulations 2005**

<i>Made</i>	- - - -	<i>2nd November 2005</i>
<i>Laid before Parliament</i>		<i>7th November 2005</i>
<i>Coming into force</i>	- -	<i>1st December 2005</i>

The Secretary of State, in exercise of the powers conferred upon her by sections 66A(6) of the Water Industry Act 1991(a) in relation to England,

and

the National Assembly for Wales, in exercise of the powers conferred upon it by sections 66A(6) of the Water Industry Act 1991 in relation to Wales,

hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water Supply Licence (Prescribed Water Fittings Requirements) Regulations 2005 and shall come into force on 1st December 2005.

Prescribed requirements

2. The prescribed requirements for the purposes of section 66A of the Water Industry Act 1991 are the requirements in regulations 3, 4 and 5(1)(c) of the Water Supply (Water Fittings) Regulations 1999(b), in so far as they apply by virtue of regulation 2 of those Regulations.

(a) 1991 c. 56; see section 219(1) of that Act for the definition of “prescribed”; section 66A was inserted by section 56 of and Schedule 4, paragraphs 1 and 3, to the Water Act 2003 (c. 37). The functions of the Secretary of State under section 66A are, so far as exercisable in relation to Wales, treated by section 100(6) of the Water Act 2003 (c. 37) as transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 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 and by article 4 of and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044).

(b) S.I. 1999/1148, amended by S.I. 1999/1506 and S.I. 2005/2035.

2nd November 2005
Signed on behalf of the National Assembly for Wales

Elliot Morley
Minister of State,
Department for Environment, Food and Rural Affairs

1st November 2005

D. Elis-Thomas
Presiding Officer

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Water Industry Act 1991 (“the Act”), as amended by the Water Act 2003, requires water undertakers to grant licensed water suppliers access to their supply systems under certain conditions in order to supply water to eligible premises of customers. One such condition relates to water fittings. A water undertaker is not required to grant access if there is a contravention of prescribed statutory requirements (imposed by regulations made under section 74 of the Act) in relation to the water fittings used or to be used in connection with the supply of water to the premises to be supplied by the licensed water supplier or the use of water in those premises.

These Regulations prescribe those statutory requirements as being certain requirements in the Water Supply (Water Fittings) Regulations 1999 (S.I. 1999/1148) (“the 1999 Regulations”) (made under section 74 of the Act). Those requirements prevent contamination and waste of water supplied by water undertakers or licensed water suppliers. Regulations 3 and 4 of the 1999 Regulations impose general requirements in relation to water fittings. Water fittings must not be installed, connected, arranged or used in such a manner that they are likely to cause waste, misuse, undue consumption or contamination, or erroneous measurement, of the water supplied. They must be of an appropriate quality and standard, and be suitable for the circumstances in which they are used; and they must be installed, connected, altered, repaired or disconnected in a workmanlike manner. Regulation 5(1)(c) of the 1999 Regulations requires a person who installs certain water fittings to comply with certain conditions imposed by a water undertaker.

No regulatory impact assessment has been prepared in respect of these Regulations. A regulatory impact assessment in respect of the Water Act 2003 was prepared and placed in the library of each House of Parliament during the passage of the Water Bill. This included an assessment of the water supply licensing provisions. Copies can be obtained from Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs, 55 Whitehall, London, SW1A 2EY or from the Department’s website at www.defra.gov.uk/environment/water/legislation.

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