

**2010 No. 147 (W. 22)**

**WATER, WALES**

**The Private Water Supplies (Wales)  
(Amendment) Regulations 2010**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (O.J. No L330, 5.12.1998, p.32) in relation to private water supplies. A “private supply” is defined in section 93(1) of the Water Industry Act 1991 as a supply that is provided otherwise than by a water undertaker or a licensed water supplier.

These Regulations amend the Private Water Supplies (Wales) Regulations 2010 (S.I. 2010/66 (W.16)), by inserting in Schedule 4 the date by which the local authorities have to prepare initial records in accordance with regulation 13.

A full impact assessment has been prepared for the Private Water Supplies (Wales) Regulations 2010. A copy of which can be obtained from the Climate Change and Water Division of the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

**2010 No. 147 (W. 22)**

**WATER, WALES**

**The Private Water Supplies (Wales)  
(Amendment) Regulations 2010**

*Made* 26 January 2010

*Laid before the National Assembly for Wales*  
28 January 2010

*Coming into force* 19 February 2010

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the quality of water intended for domestic purposes or for use in food production undertaking.

The Welsh Ministers have carried out the consultation required by Article 9 of Regulation (EC) No.178/2002 of the European Parliament and of the Council laying down the general principles of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>(3)</sup>.

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(1) S.I. 2004/3328, as amended by S.I. 2005/850, S.I. 2007/1349 and S.I. 2008/301. The functions conferred on the National Assembly for Wales by means of that Order are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

(2) 1972 c.68.

(3) O.J. No. L31, 1.2.2002, p.1.

The Welsh Ministers make these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972 and sections 67, 77(3) and (4) and 213(2) of the Water Industry Act 1991(1).

### **Title, commencement and application**

1. The title of these Regulations is the Private Water Supplies (Wales) (Amendment) Regulations 2010; they apply in relation to Wales and come into force on 19 February 2010.

### **Amendment of the Private Water Supplies (Wales) Regulations 2010**

2.—(1) The Private Water Supplies (Wales) Regulations 2010(2) are amended as follows.

(2) In Schedule 4 paragraph 1(1) for “[ ]” substitute “31 July 2010”.

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(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 77 of that Act were transferred to the Assembly in relation to Wales 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 provision 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 213 of that Act was amended by sections 58 and 101(1) of, paragraph 39 of Schedule 7 to, and paragraphs 2, 19 and 49 of Schedule 8 to, the Water Act 2003. References in Schedule 1 to the Order to specific sections of the Water Industry Act 1991 are treated by section 100(6) of the Water Act 2003 as referring to those sections 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 Water Industry Act 1991 as amended by section 101(1) of 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 conferred on the Assembly are now exercisable by the Welsh Ministers.

(2) S.I. 2010/66 (W.16).

*Jane Davidson*

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Housing, one of the Welsh Ministers

26 January 2010