



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLIES

General obligations of undertakers ^[F1] and ^[F2] water supply licensees]]

Textual Amendments

- F1** Words in s. 68 cross-heading inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(8\)](#); [S.I. 2005/2714, art. 3\(e\)](#) (with [Sch. para. 8](#))
- F2** Words in s. 68 cross-heading substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 66](#); [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

68 Duties of water undertakers ^[F3] and ^[F4] water supply licensees]] with respect to water quality.

- (1) It shall be the duty of a water undertaker ^[F5] where its supply system is used for the purpose of supplying water to any premises for domestic or food production purposes]—
- (a) ^[F6]to ensure that any water so supplied] is wholesome at the time of supply; and
 - (b) so far as reasonably practicable, to ensure, in relation to each source or combination of sources from which ^[F7]water is so supplied], that there is, in general, no deterioration in the quality of the water which is supplied from time to time from that source or combination of sources.

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[^{F8}and this section and section 69 below apply, in relation to the duty of an undertaker, whether or not the water supplied using the undertaker’s supply system is supplied by the undertaker.]

[^{F9}(1A) It shall be the duty of a [^{F10}water supply licensee]—

- (a) when supplying water to any premises for domestic or food production purposes, in accordance with [^{F11}the licensee's retail authorisation or restricted retail authorisation], to ensure that the water is wholesome at the time of supply; and
- (b) so far as reasonably practicable, to ensure, in relation to each source or combination of sources from which [^{F12}that licensee] supplies water to premises for domestic or food production purposes, in accordance with [^{F13}the licensee's retail authorisation or restricted retail authorisation], that there is, in general, no deterioration in the quality of the water which is supplied from time to time from that source or combination of sources,

[^{F14}...]

(2) For the purposes of this section and section 69 below and subject to subsection (3) below, [^{F15}where a water undertaker’s supply system is used for the purpose of supplying water to any premises, any water so supplied] to any premises shall not be regarded as unwholesome at the time of supply where it has ceased to be wholesome only after leaving the undertaker’s pipes.

(3) For the purposes of [^{F16}subsection (1) above where a water undertaker’s supply system is used for the purpose of supplying water to any premises, and the water so supplied] would not otherwise be regarded as unwholesome at the time of supply, that water shall be regarded as unwholesome at that time if—

- (a) it has ceased to be wholesome after leaving the undertaker’s pipes but while in a pipe which is subject to water pressure from a water main or which would be so subject but for the closing of some valve; and
- (b) it has so ceased in consequence of the failure of the undertaker, before [^{F17}the water is supplied, to ensure that such steps are taken] as may be prescribed for the purpose of securing the elimination, or reduction to a minimum, of any prescribed risk that the water would cease to be wholesome after leaving the undertaker’s pipes.

[^{F18}(3A) For the purposes of subsection (1A) above where water supplied by a [^{F19}water supply licensee] to any premises would not otherwise be regarded as unwholesome at the time of supply, that water shall be regarded as unwholesome at that time if—

- (a) it has ceased to be wholesome after leaving the relevant pipes but while in a pipe which is subject to water pressure from a water main or which would be so subject but for the closing of some valve; and
- (b) it has so ceased in consequence of the failure of [^{F20}the licensee], before supplying the water, to ensure that such steps are taken as may be prescribed for the purpose of securing the elimination, or reduction to a minimum, of any prescribed risk that the water would cease to be wholesome after leaving the relevant pipes.

(3B) In subsection (3A) above “relevant pipes” means the pipes of the water undertaker whose supply system is used for the purpose of the supply made by the [^{F21}water supply licensee].]

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- (4) The provisions of this section shall apply in relation to water which is supplied by a water undertaker whether or not the water is water which the undertaker is required to supply by virtue of any provision of this Act.
- (5) The duties of a water undertaker [^{F22}and [^{F23}water supply licensee]] under this section shall be enforceable under section 18 above by the Secretary of State.
- [^{F24}(6) References in this section to a retail authorisation or a restricted retail authorisation are to be construed in accordance with Schedule 2A.
- (7) In this section “prescribed” means—
- (a) in relation to a water undertaker whose area is wholly or mainly in Wales, and
 - (b) in relation to a water supply licensee so far as relating to licensed activities using the supply system of such a water undertaker,
- prescribed by regulations made by the Welsh Ministers by statutory instrument, which is subject to annulment in pursuance of a resolution of the Assembly.]

Textual Amendments

- F3** S. 68: words in sidenote inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(8\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F4** Words in s. 68 title substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(2\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F5** Words in s. 68(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(2\)\(a\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F6** Words in s. 68(1)(a) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(2\)\(b\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F7** Words in s. 68(1)(b) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(2\)\(c\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F8** Words in s. 68(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(2\)\(d\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F9** S. 68(1A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(3\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F10** Words in s. 68(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(3\)\(a\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F11** Words in s. 68(1A)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(3\)\(b\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F12** Words in s. 68(1A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(3\)\(c\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F13** Words in s. 68(1A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(3\)\(d\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F14** Words in s. 68(1A) repealed (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 67\(3\)\(e\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F15** Words in s. 68(2) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(4\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))
- F16** Words in s. 68(3) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 18\(5\)\(a\)](#); S.I. 2005/2714, [art. 3\(e\)](#) (with [Sch. para. 8](#))

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- F17** Words in s. 68(3)(b) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 18(5)(b)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F18** S. 68(3A)(3B) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 18(6)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F19** Words in s. 68(3A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 67(4)(a)**; S.I. 2016/465, **art. 2(m)**, Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F20** Words in s. 68(3A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 67(4)(b)**; S.I. 2016/465, **art. 2(m)**, Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F21** Words in s. 68(3B) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 67(5)**; S.I. 2016/465, **art. 2(m)**, Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F22** Words in s. 68(5) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 18(7)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F23** Words in s. 68(5) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 67(6)**; S.I. 2016/465, **art. 2(m)**, Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F24** S. 68(6)(7) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 67(7)**; S.I. 2016/465, **art. 2(m)**, Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)

69 Regulations for preserving water quality.

- (1) The Secretary of State may by regulations require a water undertaker ^{F25} or a ^{F26} water supply licensee] to ensure that such steps are taken] as may be prescribed for the purpose of securing compliance with section 68 above.
- (2) Without prejudice to the generality of the power conferred by subsection (1) above, regulations under that subsection may impose an obligation on a water undertaker ^{F27} or ^{F28} water supply licensee]]—
 - (a) to ^{F29} ensure that all such steps are taken] as may be prescribed for monitoring and recording whether the water ^{F30} used for relevant supplies] to premises for domestic or food production purposes is wholesome at the time of supply;
 - (b) to ^{F31} ensure that all such steps are taken] as may be prescribed for monitoring and recording the quality of the water from any source, or combination of sources, which ^{F32} is used or is proposed to be used for making relevant supplies] to any premises for domestic or food production purposes;
 - (c) to ensure that a source which ^{F33} is used or proposed to be used for making relevant supplies] for domestic or food production purposes is not so used until prescribed requirements for establishing the quality of water which may be supplied from that source have been complied with;
 - (d) to ^{F34} ensure that records are kept] of the localities within which all the premises ^{F35} receiving relevant supplies] for domestic or food production purposes ^{F36} . . . are normally supplied from the same source or combination of sources;
 - (e) to ^{F37} ensure that prescribed requirements are complied with] with respect to the analysis of water samples or with respect to internal reporting or organisational arrangements.
- (3) Without prejudice to subsections (1) and (2) above, the Secretary of State may by regulations make provision ^{F38} imposing obligations on water undertakers or ^{F39} water supply licensees] with respect to the use for the purposes of or in connection with making relevant supplies]—
 - (a) of such processes and substances; and

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- (b) of products that contain or are made with such substances or materials, as he considers might affect the quality of any water.
- (4) Without prejudice to the generality of the power conferred by subsection (3) above, regulations under that subsection may—
- (a) [^{F40}require water undertakers or [^{F41}water supply licensees] to ensure that] processes, substances and products which have not been approved under the regulations or which contravene the regulations [^{F42}are not used for the purposes of or in connection with relevant supplies];
 - (b) for the purposes of provision made by virtue of paragraph (a) above, require [^{F43}water undertakers and [^{F44}water supply licensees] to ensure that] processes, substances and products used [^{F45}for the purposes of or in connection with relevant supplies] conform to such standards as may be prescribed by or approved under the regulations;
 - (c) impose such other requirements as may be prescribed with respect to the use [^{F46}for the purposes of or in connection with relevant supplies] of prescribed processes, substances and products;
 - (d) provide for the giving, refusal and revocation, by prescribed persons, of approvals required for the purposes of the regulations, for such approvals to be capable of being made subject to such conditions as may be prescribed and for the modification and revocation of any such condition;
 - (e) impose obligations to furnish prescribed persons with information reasonably required by those persons for the purpose of carrying out functions under the regulations;
 - (f) provide for a contravention of the regulations to constitute—
 - (i) a summary offence punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale or such smaller sum as may be prescribed; or
 - (ii) an offence triable either way and punishable, on summary conviction, by a fine not exceeding the statutory maximum and, on conviction on indictment, by a fine;
- and
- (g) require prescribed charges to be paid to persons carrying out functions under the regulations.
- (5) The Secretary of State may by regulations ^{F47}. . . —
- (a) [^{F48}require a water undertaker]to publish information about the quality of water supplied for domestic or food production purposes to any premises [^{F49}using that undertaker’s supply system]; ^{F50}. . .
 - [^{F51}(aa) require a [^{F52}water supply licensee] to publish information about the quality of water supplied for domestic or food production purposes to any premises by [^{F53}that licensee].]
 - (b) [^{F54}require any such undertaker [^{F55}or licensee]] to provide information to prescribed persons about the quality of water [^{F56}supplied as referred to in paragraph (a) or (aa) above (as the case may be)].
- (6) Regulations under subsection (5) above—
- (a) shall prescribe both the information which is to be published or provided in pursuance of the regulations and the manner and circumstances in which it is to be published or provided;

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- (b) may require the provision of information by a water undertaker [^{F57}or [^{F58}water supply licensee]] to any person to be free of charge or may authorise it to be subject to the payment by that person to the undertaker [^{F59}or licensee] of a prescribed charge; and
- (c) may impose such other conditions on the provision of information by a water undertaker [^{F60}or [^{F61}water supply licensee]] to any person as may be prescribed.

[^{F62}(7) In this section, “relevant supplies” means—

- (a) in the case of an obligation imposed on a water undertaker, supplies of water—
 - (i) made by the undertaker in carrying out its functions; or
 - (ii) made by a [^{F63}water supply licensee] using the undertaker’s supply system; and
- (b) in the case of an obligation imposed on a [^{F64}water supply licensee], supplies of water made by that supplier using a water undertaker’s supply system.]

Textual Amendments

- F25** Words in s. 69(1) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(2\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F26** Words in s. 69(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 68\(2\)](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F27** Words in s. 69(2) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(a\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F28** Words in s. 69(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 68\(2\)](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F29** Words in s. 69(2)(a) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(b\)\(i\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F30** Words in s. 69(2)(a) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(b\)\(ii\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F31** Words in s. 69(2)(b) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(c\)\(i\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F32** Words in s. 69(2)(b) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(c\)\(ii\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F33** Words in s. 69(2)(c) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(d\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F34** Words in s. 69(2)(d) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(e\)\(i\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F35** Words in s. 69(2)(d) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(e\)\(ii\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F36** Words in s. 69(2)(d) omitted (1.4.2004) by virtue of and repealed (prosp.) by [Water Act 2003 \(c. 37\)](#), ss. 101(1)(2), 105(3), [Sch. 8 para. 19\(3\)\(e\)\(iii\)](#), [Sch. 9 Pt. 3](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F37** Words in s. 69(2)(e) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(3\)\(f\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F38** Words in s. 69(3) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(4\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F39** Words in s. 69(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 68\(3\)](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F40** Words in s. 69(4)(a) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 19\(5\)\(a\)\(i\)](#); [S.I. 2004/641](#), [art. 3\(y\)](#), Sch. 2
- F41** Words in s. 69(4)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 68\(3\)](#); [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(m\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

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- F42** Words in s. 69(4)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(5)(a)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F43** Words in s. 69(4)(b) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(5)(b)(i)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F44** Words in s. 69(4)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(3)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F45** Words in s. 69(4)(b) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(5)(b)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F46** Words in s. 69(4)(c) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(5)(c)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F47** Words in s. 69(5) omitted (1.4.2004) by virtue of and repealed (prosp.) by Water Act 2003 (c. 37), ss. 101(1)(2), 105(3), **Sch. 8 para. 19(6)(a)**, **Sch. 9 Pt. 3**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F48** Words in s. 69(5)(a) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), {Sch. 8 para. 19(6)(b)(i)}; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F49** Words in s. 69(5)(a) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(6)(b)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F50** Words in s. 69(5)(a) omitted (1.4.2004) by virtue of and repealed (prosp.) by Water Act 2003 (c. 37), ss. 101(1)(2), 105(3), **Sch. 8 para. 19(6)(c)**, **Sch. 9 Pt. 3**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F51** S. 69(5)(aa) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(6)(d)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F52** Words in s. 69(5)(aa) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F53** Words in s. 69(5)(aa) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(4)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F54** Words in s. 69(5)(b) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(6)(e)(i)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F55** Words in s. 69(5)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(5)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F56** Words in s. 69(5)(b) substituted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(6)(e)(ii)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F57** Words in s. 69(6)(b) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(7)(a)(i)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F58** Words in s. 69(6)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F59** Words in s. 69(6)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(5)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F60** Words in s. 69(6)(c) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(7)(b)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F61** Words in s. 69(6)(c) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F62** S. 69(7) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 19(8)**; S.I. 2004/641, **art. 3(y)**, Sch. 2
- F63** Words in s. 69(7)(a)(ii) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F64** Words in s. 69(7)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 68(2)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)

Changes to legislation: Water Industry Act 1991, Cross Heading: General obligations of undertakers and water supply licensees is up to date with all changes known to be in force on or before 28 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

70 Offence of supplying water unfit for human consumption.

- (1) Subject to subsection (3) below, where a [^{F65}water undertaker’s supply system is used for the purposes of supplying water] to any premises and that water is unfit for human consumption, [^{F66}the relevant persons] shall be guilty of an offence and liable [^{F67}on summary conviction, or on conviction on indictment, to a fine].

[^{F68}(1A) For the purposes of subsection (1) above, the relevant persons are—

- (a) the water undertaker whose supply system is used for the purposes of supplying the water (in this section referred to as the “primary water undertaker”); and
- (b) any employer of persons, or any self-employed person, who is concerned in the supply of the water.]

- (2) For the purposes of section 210 below and any other enactment under which an individual is guilty of an offence by virtue of subsection (1) above the penalty on conviction on indictment of an offence under this section shall be deemed to include imprisonment (in addition to or instead of a fine) for a term not exceeding two years.

- (3) In any proceedings against any [^{F69}relevant person] for an offence under this section it shall be a defence for [^{F70}that person] to show that it—

- (a) had no reasonable grounds for suspecting that the water would be used for human consumption; or
- (b) took all reasonable steps and exercised all due diligence for securing that the water was fit for human consumption on leaving [^{F71}the primary water undertaker's] pipes or was not used for human consumption.

[^{F72}(3A) For the purposes of paragraph (b) of subsection (3) above—

- (a) in the case of proceedings against a primary water undertaker, showing that the undertaker took all reasonable steps and exercised all due diligence as mentioned in that paragraph includes (among other things) showing that the relevant arrangements were reasonable in all the circumstances; and
- (b) in the case of proceedings against any other relevant person, showing that the person took all reasonable steps and exercised all due diligence as mentioned in that paragraph includes (among other things) showing that it took all reasonable steps and exercised all due diligence for securing that all aspects of the relevant arrangements for which it was responsible were properly carried out.

- (3B) In subsection (3A) above, “relevant arrangements” means arrangements made by the primary water undertaker to ensure that all other relevant persons were required to take all reasonable steps and exercise all due diligence for securing that the water was fit for human consumption on leaving the undertaker’s pipes or was not used for human consumption.]

- (4) Proceedings for an offence under this section shall not be instituted except by the Secretary of State or the Director of Public Prosecutions.

Textual Amendments

F65 Words in s. 70(1) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 20\(2\)\(a\)](#); S.I. 2004/2528, [art. 2\(t\)\(iv\)](#) (with [art. 4](#), [Sch.](#))

F66 Words in s. 70(1) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 20\(2\)\(b\)](#); S.I. 2004/2528, [art. 2\(t\)\(iv\)](#) (with [art. 4](#), [Sch.](#))

Changes to legislation: Water Industry Act 1991, Cross Heading: General obligations of undertakers and water supply licensees is up to date with all changes known to be in force on or before 28 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- F67** Words in s. 70(1) substituted (12.3.2015) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Fines on Summary Conviction\) Regulations 2015 \(S.I. 2015/664\)](#), reg. 1(1), **Sch. 4 para. 23(3)** (with reg. 5(1))
- F68** S. 70(1A) inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 20(3)**; S.I. 2004/2528, **art. 2(t)(iv)** (with art. 4, Sch.)
- F69** Words in s. 70(3) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 20(4)(a)**; S.I. 2004/2528, **art. 2(t)(iv)** (with art. 4, Sch.)
- F70** Words in s. 70(3) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 20(4)(b)**; S.I. 2004/2528, **art. 2(t)(iv)** (with art. 4, Sch.)
- F71** Word in s. 70(3)(b) substituted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 20(4)(c)**; S.I. 2004/2528, **art. 2(t)(iv)** (with art. 4)
- F72** S. 70(3A)(3B) inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 20(5)**; S.I. 2004/2528, **art. 2(t)(iv)** (with art. 4, Sch.)

Changes to legislation:

Water Industry Act 1991, Cross Heading: General obligations of undertakers and water supply licensees is up to date with all changes known to be in force on or before 28 March 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 27ZA inserted by [2021 c. 30 s. 85](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 118(1A) inserted by [2016 anaw 3 s. 66\(2\)\(b\)](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DB inserted by [2021 c. 30 s. 82\(1\)](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)

- s. 177K(7)(aa) inserted by 2014 c. 21 Sch. 5 para. 42(4)
- s. 207D and cross-heading inserted by 2014 c. 21 s. 39
- s. 207D(5) word repealed by 2014 c. 21 Sch. 5 para. 52(a)
- s. 207D(5) words inserted by 2014 c. 21 Sch. 5 para. 52(b)
- s. 213(1ZA) inserted by 2014 c. 21 Sch. 7 para. 119(3)
- s. 213(1ZA) repealed by 2014 c. 21 Sch. 5 para. 53
- s. 216(4A)-(4C) inserted by 2021 c. 30 s. 87