



guardians of drinking water quality

DRINKING WATER INSPECTORATE

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1 April 2004

DWI Information Letter 5/2004

To: Board Level Contacts of Water and Sewerage Companies in England and Wales

Dear Sir or Madam

COMMENCEMENT OF PART 3 PROVISIONS OF WATER ACT 2003

Purpose

1. The purpose of this letter is to remind water companies that a number of Part 3 provisions of Water Act 2003 comes into force on 1 April 2004. Included in these are **s.57 The Chief Inspector of Drinking Water and the Drinking Water Inspectorate** and **s.61 Supplying water unfit for human consumption**.

Background

2. The Water Act 2003 (the Act) received Royal Assent on 20 November 2003. The provisions of the Act will be commenced in stages, with some of the key areas relating to the work of the Drinking Water Inspectorate being commenced today.

s.57 – The Chief Inspector of Drinking Water and the Drinking Water Inspectorate

3. Section 57 of the Act amends s.86 of the Water Industry Act 1991 (WIA91), which enables the Secretary of State to appoint persons to act on her behalf as technical assessors in relation to some or all of the powers and duties conferred or imposed on her by or under sections 67 to 70 and 77 to 82 of WIA91, and such other powers and duties in relation to the quality and sufficiency of water supplied by a water undertaker as are conferred or imposed on her by way of other enactments.
4. The amendments reflect the fact that technical assessors are synonymous with the Drinking Water Inspectorate, with persons appointed as technical assessors now being referred to as inspectors and one person being

designated by the Secretary of State as the Chief Inspector of Drinking Water.

5. The amendments also reflect the fact that the Inspectorate acts for and on behalf of the National Assembly for Wales in respect of those water companies whose area of supply is wholly or mainly in Wales. To this end the Assembly will be able to designate a Chief Inspector of Drinking Water in Wales, if the relevant functions are transferred to the Assembly. Where the same person is designated to act in both capacities, that person will be known as the Chief Inspector of Drinking Water.
6. The maximum penalty available in Magistrates' Court for the offence of failing to provide inspectors with assistance or information (s.86(6) WIA91) has been increased from £5,000 to £20,000. The amendment also enables cases to be brought on indictment before the Crown Court, where the offence is punishable by a fine.
7. Finally a new subsection has been introduced which enables the Chief Inspector of Drinking Water to institute prosecutions on behalf of the Secretary of State or the National Assembly for Wales, in relation to drinking water quality, in his or her own name.

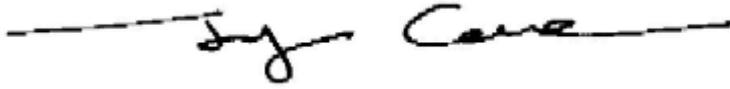
s.61 Supplying water unfit for human consumption

8. This section increases from £5,000 to £20,000 the maximum penalty available to a Magistrates' Court for the offence under s.70 WIA91 of supplying water unfit for human consumption. Proceedings can also be brought in the Crown Court, where the penalty on conviction would be an unlimited fine.
9. S.70 WIA91 has also been amended under paragraph 20 of Schedule 8 to the Act to ensure that anyone concerned in the supply of water unfit for human consumption will be liable to prosecution. However this part of the Act is unlikely to be commenced before the autumn.

Enquiries

10. Any enquiries about the letter should be addressed to Claire Jackson (020 7082 8010). I am copying this letter for information to Pamela Taylor, Chief Executive, Water UK; Richard Wood, Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs; Philip Bishop, Environment Division, National Assembly for Wales; Tim Hooton, Drinking Water Quality Regulator for Scotland; Randal Scott, Drinking Water Inspectorate for Northern Ireland; and Rowena Tye, Office of Water Services.
11. This letter is being sent electronically. Please acknowledge receipt by e-mail to dwf.informationletters@defra.gsi.gov.uk. Hard copies are not being sent but the letter may be copied freely.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Colbourne', with a horizontal line extending from the start and end of the signature.

Professor J Colbourne
Chief Inspector of Drinking Water