

2017 No. 841

WATER INDUSTRY, ENGLAND

The Water Infrastructure Adoption (Prescribed Water Fittings Requirements) (England) Regulations 2017

<i>Made</i>	- - - -	<i>15th August 2017</i>
<i>Laid before Parliament</i>		<i>18th August 2017</i>
<i>Coming into force</i>	- -	<i>1st October 2017</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by section 51B(6) of the Water Industry Act 1991(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Water Infrastructure Adoption (Prescribed Water Fittings Requirements) (England) Regulations 2017 and come into force on 1st October 2017.

(2) These Regulations apply in relation to a water undertaker whose area is wholly or mainly in England.

Prescribed requirements

2. The prescribed requirements for the purposes of section 51B(6) of the Water Industry Act 1991 are regulations 3 and 4 of the Water Supply (Water Fittings) Regulations 1999(b), insofar as they apply by virtue of regulation 2 of those Regulations.

Review

3.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st October 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(a) 1991 c. 56; section 51B was inserted by the Water Act 2003 (c. 37), section 92(1) and substituted by the Water Act 2014 (c. 21), section 10(3). Section 51B(6) is in force so far as it confers power on the Secretary of State to make regulations or make provision in relation to the exercise of that power. Section 219(1) defines “prescribed” as prescribed by regulations made by the Secretary of State.

(b) S.I. 1999/1148; relevant amending instruments are S.I. 2005/2035, 2013/1387, 2017/506.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015^(a) requires that a report published under this regulation must, in particular—

- (a) set out the objectives to be achieved by the regulatory provision referred to in paragraph (1)(a),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Thérèse Coffey

Parliamentary Under Secretary of State

Department for Environment, Food and Rural Affairs

15th August 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 51A of the Water Industry Act 1991 (c. 56) (“the 1991 Act”) provides that a water undertaker may agree with a person constructing or proposing to construct a water main or service pipe (“the developer”) that it will adopt the main or pipe under certain conditions. If such agreement cannot be reached, under section 51B either the undertaker or the developer may request that the Water Services Regulation Authority (“Ofwat”) require the undertaker to adopt the main or pipe. However, Ofwat may not require this if there is a contravention of prescribed statutory requirements imposed under section 74 of the 1991 Act.

These Regulations prescribe those statutory requirements as being regulations 3 and 4 of the Water Supply (Water Fittings) Regulations 1999 (S.I. 1999/1148) (made under section 74 of the 1991 Act). The requirements include general quality and standards of the mains or pipes and standards of workmanship, as well as the prevention of waste, misuse, undue consumption or contamination of the water supplied.

No impact assessment has been prepared in respect of these Regulations. An impact assessment for the Water Act 2014 (c. 21) (“the 2014 Act”) was prepared and placed in the library of each House of Parliament during the parliamentary passage of the 2014 Act. This included an assessment of the provisions concerning the provision of new water infrastructure. Copies can be obtained from Water Services, the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR or alongside the 2014 Act on www.legislation.gov.uk.

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^(a) 2015 c. 26.

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