



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLIES

Assessors for the enforcement of water quality

86 Assessors for the enforcement of water quality.

- (1) The Secretary of State may for the purposes of this section appoint persons to act on his behalf^{F1} . . . in relation to some or all of—
- (a) the powers and duties conferred or imposed on him by or under sections 67 to 70 and 77 to 82 above; and
 - (b) such other powers and duties in relation to the quality and sufficiency of water supplied [^{F2}using a water undertaker's supply system] as are conferred or imposed on him by or under any other enactments.
- [^{F3}(1A) Subject to subsection (1B) below, the Secretary of State shall designate one such person as the Chief Inspector of Drinking Water.
- (1B) If the function of the Secretary of State under subsection (1) above is transferred to any extent to the Assembly—
- (a) subject to paragraph (b) below, the Assembly may designate one such person appointed by it as the Chief Inspector of Drinking Water for Wales; but
 - (b) if the person designated by the Assembly is the same as the person designated by the Secretary of State as the Chief Inspector of Drinking Water, he shall be known as such in both capacities.]
- (2) [^{F4}An inspector] appointed under this section shall—

Changes to legislation: Water Industry Act 1991, Cross Heading: Assessors for the enforcement of water quality is up to date with all changes known to be in force on or before 07 July 2024. 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

- (a) carry out such investigations as the Secretary of State may require him to carry out for the purpose of—
 - (i) ascertaining whether any duty or other requirement imposed on that undertaker [^{F5}or a [^{F6}water supply licensee] by or under any of sections 68, 69 and 79 above or imposed on a relevant person (as defined in subsection (1A) of section 70 above) by or under that section] is being, has been or is likely to be contravened; or
 - (ii) advising the Secretary of State as to whether, and if so in what manner, any of the powers of the Secretary of State in relation to such a contravention, or any of the powers (including the powers to make regulations) which are conferred on him by or under any of sections 67 to 70 and 77 to 82 above should be exercised;
 and
 - (b) make such reports to the Secretary of State with respect to any such investigation as the Secretary of State may require.
- (3) Without prejudice to the powers conferred by subsection (4) below, it shall be the duty of a water undertaker [^{F7}, [^{F8}water supply licensee] or other relevant person (as defined in section 70(1A) above)]—
- (a) to give [^{F9}an inspector] appointed under this section all such assistance; and
 - (b) to provide [^{F9}an inspector] so appointed with all such information,
- as that person may reasonably require for the purpose of carrying out any such investigation as is mentioned in subsection (2) above.
- (4) Any [^{F10}inspector] appointed under this section who is designated in writing for the purpose by the Secretary of State may—
- (a) enter any premises for the purpose of carrying out any such investigation as is mentioned in subsection (2) above;
 - (b) carry out such inspections, measurements and tests on premises entered by that [^{F10}inspector] or of articles or records found on any such premises, and take away such samples of water or of any land or articles, as that [^{F10}inspector] considers appropriate for the purpose of enabling him to carry out any such investigation; or
- [^{F11}(c) at any reasonable time require—
- (i) any water undertaker or [^{F12}water supply licensee] to supply him with copies of, or extracts from, the contents of any records kept for the purpose of complying with any duty or other requirement imposed on that undertaker [^{F13}or licensee] by or under any of sections 68, 69 and 79 above; or
 - (ii) any relevant person (as defined in subsection (1A) of section 70 above) to supply him with copies of, or extracts from, the contents of any records kept for the purpose of complying with any duty or other requirement imposed on that person by or under that section.]
- (5) Part II of Schedule 6 to this Act shall apply to the rights and powers conferred by subsection (4) above.
- (6) Any water undertaker [^{F14}, [^{F15}water supply licensee] or other relevant person] which fails to comply with the duty imposed on [^{F16}that person] by virtue of subsection (3) above shall be guilty of an offence and liable [^{F17}on summary conviction, or on conviction on indictment, to a fine].

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- [^{F18}(7) Proceedings by the Secretary of State for an offence under this section or in relation to the quality and sufficiency of water supplied using a water undertaker's supply system may be instituted and carried on in the name of the Chief Inspector of Drinking Water.
- (8) Any such proceedings by the Assembly may be instituted and carried on in the name of the Chief Inspector of Drinking Water for Wales, if there is one (or, if subsection (1B) (b) above applies, in the name of the Chief Inspector of Drinking Water).
- (9) In this section “inspector” means the Chief Inspector of Drinking Water or any other person appointed under subsection (1) above.]

Textual Amendments

- F1** Words in s. 86(1) repealed (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 57(2), 101(2), 105(3), [Sch. 9 Pt. 3](#); S.I. 2004/641, [art. 3\(z\)\(i\)](#) (with [art. 6](#), [Sch. 3](#))
- F2** Words in s. 86(1)(b) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 26\(2\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F3** S. 86(1A)(1B) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 57(3), 105(3); S.I. 2004/641, [art. 3\(m\)](#) (with [art. 6](#), [Sch. 3](#))
- F4** Words in s. 86(2) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 57(4), 105(3); S.I. 2004/641, [art. 3\(m\)](#) (with [art. 6](#), [Sch. 3](#))
- F5** Words in s. 86(2)(a)(i) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 26\(3\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F6** Words in s. 86(2)(a)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(2\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F7** Words in s. 86(3) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 26\(4\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F8** Words in s. 86(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(2\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F9** Words in s. 86(3)(a)(b) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 57(5), 105(3); S.I. 2004/641, [art. 3\(m\)](#) (with [art. 6](#), [Sch. 3](#))
- F10** Word in s. 86(4) substituted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 57(6), 105(3); S.I. 2004/641, [art. 3\(m\)](#) (with [art. 6](#), [Sch. 3](#))
- F11** S. 86(4)(c) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 26\(5\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F12** Words in s. 86(4)(c)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(2\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F13** Words in s. 86(4)(c)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(3\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F14** Words in s. 86(6) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 26\(6\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F15** Words in s. 86(6) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(2\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F16** Words in s. 86(6) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 75\(4\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F17** Words in s. 86(6) 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\(4\)](#) (with reg. 5(1))

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F18 S. 86(7)-(9) added (1.4.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 57(8)**, 105(3); S.I. 2004/641, **art. 3(m)** (with **art. 6, Sch. 3**)

[^{F19}86ZA Charging of fees

- (1) The Secretary of State may by order made by statutory instrument confer power on the Chief Inspector of Drinking Water to charge fees for the exercise of a function by an inspector appointed by the Secretary of State under section 86 (and to determine their amount).
- (2) The Welsh Ministers may by order made by statutory instrument confer power on the designated person to charge fees for the exercise of a function by an inspector appointed by the Welsh Ministers under section 86 (and to determine their amount).
- (3) In subsection (2) “the designated person” means—
 - (a) the Chief Inspector of Drinking Water for Wales, or
 - (b) if the same person is designated under section 86(1A) and (1B), the Chief Inspector of Drinking Water in that person's capacity as a person designated by the Welsh Ministers under section 86(1B).
- (4) An order under this section may include consequential, supplementary, incidental or transitional provision, or savings.
- (5) A statutory instrument containing an order made by the Secretary of State under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) A statutory instrument containing an order made by the Welsh Ministers under this section is subject to annulment in pursuance of a resolution of the Assembly.
- (7) Subsection (8) applies in relation to a statutory instrument containing both—
 - (a) an order under this section made by the Secretary of State, and
 - (b) an order under this section made by the Welsh Ministers.
- (8) If in accordance with subsection (5) or (6)—
 - (a) either House of Parliament resolves that an address be presented to Her Majesty praying that an instrument containing an order made by the Secretary of State be annulled, or
 - (b) the Assembly resolves that an instrument containing an order made by the Welsh Ministers be annulled,
 nothing further is to be done under the instrument after the date of the resolution and Her Majesty may by Order in Council revoke the instrument.]

Textual Amendments

F19 S. 86ZA inserted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 40(1)**, 94(3); S.I. 2014/1823, **art. 2(a)**

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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. 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. 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. 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](#)