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STATUTORY INSTRUMENTS

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**2016 No. 618**

**The Private Water Supplies (England) Regulations 2016**

**PART 5**

Notice procedure

**Notices**

**18.**—(1) If any private supply of water intended for human consumption constitutes a potential danger to human health, a local authority must serve a notice under this regulation on any relevant person.

(2) The notice must—

- (a) identify the private water supply to which it relates,
- (b) state the grounds for serving the notice,
- (c) prohibit or restrict the use of that supply, and
- (d) specify what other action is necessary to protect human health and to restore the quality of the water supply.

(3) The local authority must promptly inform consumers of the private water supply to which the notice relates and provide any necessary advice.

(4) The notice may be subject to conditions and may be amended by further notice at any time.

(5) The local authority must revoke the notice as soon as it becomes aware that there is no longer a potential danger to human health.

(6) It is an offence for a person on whom a notice under this regulation is served to fail to comply with a notice served under this regulation.

**Appeals**

**19.**—(1) Any person who is aggrieved by a notice served under regulation 18 may appeal to the magistrates' court within 28 days of service of the notice.

(2) The procedure on appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980(1) applies to the proceedings.

(3) A notice remains in force unless suspended by the court.

(4) On an appeal, the court may either cancel the notice or confirm it, with or without modification.

**Penalties**

**20.**—(1) A person who fails to comply with a notice served under regulation 18 is liable—

- (a) on summary conviction to a fine or to a term of imprisonment not exceeding 3 months, or both;
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years, or both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) In paragraph (2), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.