



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER III

QUALITY AND SUFFICIENCY OF SUPPLIES

Waste, contamination, misuse etc.

74 Regulations for preventing contamination, waste etc. and with respect to water fittings.

- (1) The Secretary of State may by regulations make such provision as he considers appropriate for any of the following purposes, that is to say—
- (a) for securing—
 - (i) that water in a water main or other pipe of a water undertaker is not contaminated; and
 - (ii) that its quality and suitability for particular purposes is not prejudiced, by the return of any substance from any premises to that main or pipe;
 - (b) for securing that water which is in any pipe connected with any such main or other pipe or which has been supplied to any premises by a water undertaker [^{F1}or licensed water supplier] is not contaminated, and that its quality and suitability for particular purposes is not prejudiced, before it is used;
 - (c) for preventing the waste, undue consumption and misuse of any water at any time after it has left the pipes of a water undertaker for the purpose of being supplied by that undertaker [^{F2}or a licensed water supplier] to any premises; and
 - (d) for securing that water fittings installed and used by persons to whom water is or is to be supplied by a water undertaker [^{F3}or licensed water supplier] are

Status: Point in time view as at 01/04/2006. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 74 is up to date with all changes known to be in force on or before 31 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)

safe and do not cause or contribute to the erroneous measurement of any water or the reverberation of any pipes.

- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may, for any of the purposes specified in that subsection, make provision in relation to such water fittings as may be prescribed—
- (a) for forbidding the installation, connection or use of the fittings if they have not been approved under the regulations or if they contravene the regulations;
 - (b) for requiring the fittings, for the purposes of provision made by virtue of paragraph (a) above, to be of such a size, nature, strength or workmanship, to be made of such materials or in such a manner or to conform to such standards as may be prescribed by or approved under the regulations;
 - (c) for imposing such other requirements as may be prescribed with respect to the installation, arrangement, connection, testing, disconnection, alteration and repair of the fittings and with respect to the materials used in their manufacture;
 - (d) for the giving, refusal and revocation, by prescribed persons, of approvals required for the purposes of the regulations; and
 - (e) 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.
- (3) Without prejudice as aforesaid, regulations under this section may—
- (a) impose separate or concurrent duties with respect to the enforcement of the regulations on water undertakers, local authorities and such other persons as may be prescribed;
 - (b) confer powers on a water undertaker or local authority to carry out works and take other steps, in prescribed circumstances, for remedying any contravention of the regulations;
 - (c) provide for the recovery by a water undertaker or local authority of expenses reasonably incurred by the undertaker or authority in the exercise of any power conferred by virtue of paragraph (b) above;
 - (d) repeal or modify the provisions of section 73 above or section 75 below;
 - (e) provide for a contravention of the regulations to constitute 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;
 - (f) require prescribed charges to be paid to persons carrying out functions under the regulations;
 - (g) enable the Secretary of State to authorise such relaxations of and departures from such of the requirements of the regulations as may be prescribed, to make any such authorisation subject to such conditions as may be prescribed and to modify or revoke any such authorisation or condition;
 - (h) enable the Secretary of State to authorise a water undertaker or local authority (either instead of the Secretary of State or concurrently with him) to exercise any power conferred on the Secretary of State by regulations made by virtue of paragraph (g) above; and
 - (i) require disputes arising under the regulations to be referred to arbitration and for determinations under the regulations to be subject to such rights of appeal as may be prescribed.

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- (4) Without prejudice to sections 84 and 170 below, any person designated in writing for the purposes of this subsection in such manner as may be prescribed may—
- (a) enter any premises for the purpose of—
 - (i) ascertaining whether any provision contained in or made or having effect under this Act with respect to any water fittings or with respect to the waste or misuse of water is being or has been contravened;
 - (ii) determining whether, and if so in what manner, any power or duty conferred or imposed on any person by regulations under this section should be exercised or performed; or
 - (iii) exercising any such power or performing any such duty;
 - or
 - (b) carry out such inspections, measurements and tests on premises entered by that person or on water fittings or other articles found on any such premises, and take away such samples of water or of any land and such water fittings and other articles, as that person has been authorised to carry out or take away in accordance with regulations under this section.
- (5) Part II of Schedule 6 to this Act shall apply to the rights and powers conferred by subsection (4) above.
- (6) The power of the Secretary of State under this section to make regulations with respect to the matters specified in the preceding provisions of this section shall include power, by regulations under this section—
- (a) to modify the operation of Schedule 2 to the ^{M1}Water Consolidation (Consequential Provisions) Act 1991 in relation to any byelaws made under section 17 of the ^{M2}Water Act 1945 which have effect by virtue of paragraph 19 of Schedule 26 to the ^{M3}Water Act 1989 and that Schedule 2; and
 - (b) to revoke or amend any such byelaws;
- but, so long as any such byelaws so have effect, the references in sections 47(2)(g), 53(2)(c) and 55(4) above to such regulations under this section as are prescribed shall have effect as including references to those byelaws.
- (7) Any sums received by the Secretary of State in consequence of the provisions of any regulations under this section shall be paid into the Consolidated Fund.
- (8) In this section “safe” has the same meaning as in Part II of the ^{M4}Consumer Protection Act 1987.

Textual Amendments

- F1** Words in s. 74(1)(b) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 23(a)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F2** Words in s. 74(1)(c) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 23(b)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)
- F3** Words in s. 74(1)(d) inserted (1.4.2004) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 23(c)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3)

Marginal Citations

- M1** 1991 c. 60.
M2 1945 c. 42.
M3 1989 c. 15.

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M4 1987 c. 43.

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