



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 by a water undertaker as are conferred or imposed on him by or under any other enactments.
- [^{F2}(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) [^{F3}An inspector] appointed under this section shall—

Status: Point in time view as at 18/02/2005. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 86 is up to date with all changes known to be in force on or before 20 August 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)

- (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 by or under any of sections 68 to 70 or section 79 above 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—
- (a) to give [^{F4}an inspector] appointed under this section all such assistance; and
 - (b) to provide [^{F4}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 [^{F5}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 [^{F5}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 [^{F5}inspector] considers appropriate for the purpose of enabling him to carry out any such investigation; or
 - (c) at any reasonable time require any water undertaker to supply him with copies of, or of extracts from, the contents of any records kept for the purpose of complying with any duty or other requirement imposed on that undertaker by or under any of sections 68 to 70 or section 79 above.
- (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 which fails to comply with the duty imposed on it by virtue of subsection (3) above shall be guilty of an offence and liable,
- [^{F6}(a) on summary conviction, to a fine not exceeding £20,000;
 - (b) on conviction on indictment, to a fine.]
- [^{F7}(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.]

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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** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** S. 86(6): paras. (a)(b) substituted (1.4.2004) for words by [Water Act 2003 \(c. 37\)](#), ss. 57(7)(10), 105(3); S.I. 2004/641, **art. 3(m)** (with art. 6, Sch. 3)
- F7** 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)

Status:

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