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WELSH STATUTORY INSTRUMENTS

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**2010 No. 994**

**The Water Supply (Water Quality) Regulations 2010**

**PART IX**

Records and Information

**Maintenance of records**

**34.**—(1) Every water undertaker or combined licensee must, in respect of each of the water supply zones which it uses for the purposes of supplying water to consumers, prepare and maintain a record containing—

- (a) the name of the zone;
- (b) the name of every water treatment works, service reservoir and other supply point from which water is supplied to premises within the zone;
- (c) an estimate of the population of the zone;
- (d) particulars of any departure authorised under Part VII of these Regulations which applies to water supplied in the zone;
- (e) particulars of the action taken or required to be taken by the water undertaker or combined licensee to comply with—
  - (i) any enforcement order made under section 18 of the Act;
  - (ii) any departure authorised under Part VII; and
  - (iii) any notice under regulation 20(4);
- (f) particulars of the result of any analysis of samples taken in accordance with Part IV of these Regulations or any of regulations 12 to 14, 17 and 29; and
- (g) such other particulars as the water undertaker or combined licensee may determine.

(2) A retail licensee must, in respect of each of the water supply zones which it uses for the purposes of supplying water to consumers, prepare and maintain a record containing—

- (a) the name of the zone;
- (b) particulars of any departure authorised under Part VII of these Regulations which applies to water supplied in the zone;
- (c) particulars of the action taken or required to be taken by the retail licensee to comply with—
  - (i) any enforcement order made under section 18 of the Act;
  - (ii) any departure authorised under Part VII; and
  - (iii) any notice under regulation 20(4); and
- (d) such other particulars as the retail licensee may determine.

(3) A water undertaker or combined licensee must make—

- (a) initial entries in the record in respect of the matters mentioned in paragraph (1) (a) to (d) and (e)(ii) before 1st March 2004 or, in the case of a combined licensee, no later than 3 months after the day on which it first introduces water into a supply system for the purposes of supplying water to consumers;
  - (b) entries in respect of the matters mentioned in paragraph (1)(e)(i) and (iii) within 28 days of the date of the order and notice respectively; and
  - (c) entries relating to the results of the analysis of samples within 28 days of the day on which the result is first known to the water undertaker or combined licensee.
- (4) A retail licensee must make—
- (a) initial entries in the record in respect of the matters mentioned in paragraph (2)(a), (b) and (c)(ii) no later than 3 months after the day on which it first uses a supply system for the purposes of supplying water to consumers; and
  - (b) entries in respect of the matters mentioned in paragraph (2)(c)(i) and (iii) within 28 days of the date of the order and notice respectively.
- (5) Without prejudice to paragraph (3), the relevant supplier must at least once in each year review and bring up to date the record required to be kept by paragraph (1) or paragraph (2) (as the case may be).
- (6) Nothing in this regulation will require a relevant supplier to retain a record—
- (a) of information mentioned in any of sub-paragraphs (a), (b) and (f) of paragraph (1) or in sub-paragraph (a) of paragraph (2) at any time more than 30 years after the date on which the information was first entered in the record;
  - (b) of information mentioned in any other sub-paragraph of paragraph (1) or paragraph (2) at any time more than five years after the date on which the information was first entered in the record.

### **Provision of information**

**35.**—(1) Subject to paragraphs (2), (3) and (4), any person may request a relevant supplier to send to the person making the request a copy of any record maintained by the relevant supplier under regulation 34 and the relevant supplier must, within seven days of the receipt of the request, send a copy of the record requested to the person who requested it.

- (2) A relevant supplier must comply with a request under paragraph (1)—
- (a) in the case of a request relating to a water supply zone, free of charge if the person receives a supply of water in the zone; or
  - (b) in any other case, on payment of such reasonable charge as the relevant supplier may determine.

(3) Paragraph (1) does not oblige a relevant supplier to comply with a request which is vexatious.

(4) Where a relevant supplier has previously complied with a request which was made by any person, paragraph (1) does not oblige it to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the subsequent request.

(5) A water undertaker must include in, or append to, at least one of the accounts sent to each customer in any year a statement informing customers of their rights under paragraph (1).

(6) As soon as possible after an event which, by reason of its effect or likely effect on the water supplied by a relevant supplier, gives rise or is likely to give rise to a significant risk to human health the relevant supplier must notify—

- (a) in every case—

- (i) every appropriate local authority,
  - (ii) the Public Health Wales National Health Service Trust,
  - (iii) the Council, and
  - (iv) the Welsh Ministers, and
- (b) in any case where the event gives rise or is likely to give rise to a significant risk to human health in England—
- (i) the Health Protection Agency, and
  - (ii) the Secretary of State.
- (7) Where a person has received a notification under paragraph (6), that person may require the relevant supplier to provide such further information relating to the event and its consequences as that person may reasonably require.