

WATER INDUSTRY ACT 1991

The Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998

Whereas it appears to the Secretary of State for the Environment, Transport and the Regions and the Secretary of State for Wales that it is requisite and expedient in the interests of national security or for the purpose of mitigating the effects of any civil emergency to give the following Direction;

And whereas the Secretary of State for Wales has consulted the water undertakers and the sewerage undertakers appointed by him ("the Welsh undertakers") and the Secretary of State for the Environment, Transport and the Regions has consulted the other water undertakers and sewerage undertakers ("the English undertakers");

Now therefore the Secretary of State for the Environment, Transport and the Regions, as respects the English undertakers, and the Secretary of State for Wales, as respects the Welsh undertakers, in exercise of the powers conferred on them by section 208 of the Water Industry Act 1991(a) ("the 1991 Act"), hereby direct the undertakers as follows:

Planning

1.-(1) The undertaker shall make, keep under review and revise such plans as it considers necessary to ensure the provision of essential water supply or, as the case may be, sewerage services, at all times, including a civil emergency or any event threatening national security, and in so doing shall have regard to-

- (a) Her Majesty's Government's general policy in respect of civil emergency and national security as from time to time notified to the undertaker; and
- (b) any guidance, procedures and requirements notified to the undertaker by the Secretary of State, so far as such matters relate to the functions of the undertaker.

(2) Plans for essential water supply shall be prepared upon the following assumptions:-

- (a) that water is to be provided in accordance with the water undertaker's duties under the Water Industry Act 1991;
- (b) that in the event of an unavoidable failure of piped supply such minimum supply will be provided by alternative means as may be notified to the undertaker by the Secretary of State;
- (c) that priority will be given to the domestic needs of the sick, the elderly, the disabled, hospitals, schools and other vulnerable sectors of the population;
- (d) that regard is had for the needs of non-domestic users as well as domestic users.

(a) 1991 c.57.

- (3) Plans for sewerage services shall be prepared upon the following assumptions:-
- (a) that sewerage services are to be provided in accordance with the undertaker's duties under Part IV of the Water Industry Act 1991, as supplemented by regulation 4 of the Urban Waste Water Treatment (England and Wales) Regulations 1994(a);
 - (b) that provision is needed to guard against and deal with discharges from sewers into waters from which water may be abstracted or where aquatic life may be adversely affected, or onto land where such discharge may cause pollution or affect the amenities of the area.
- (4) Plans for essential water supply and sewerage services shall-
- (a) make provision for-
 - (i) trained and experienced personnel;
 - (ii) strategically stored stockpiles of sufficient types and quantities of equipment and materials, including pumps, tanks, hoses and chemicals;
 - (iii) dedicated emergency communication facilities, including telephone and electronic hardware and software;
 - (iv) analytical services, dissemination of information and other back up services;
 - (v) carrying out security work on vital installations and protection and surveillance on other installations or facilities;
 - (vi) suitably equipped permanent or mobile accommodation to act as command and control centres;
 - (vii) training of all staff who may be called upon, including courses, seminars and exercises; and
 - (b) require the undertaker-
 - (i) to notify the Secretary of State as soon as possible of any actual or likely emergency involving water supply or sewerage services; and
 - (ii) to notify as soon as possible all such bodies and persons as may be affected by any actual or likely emergency involving water supply or sewerage services.

(5) The undertaker shall send to the Secretary of State a copy of the plans made in accordance with this paragraph or, in the case of a revision of those plans, details of the revision.

(6) The undertaker shall at least once in each calendar year review the plans made in accordance with this paragraph.

(7) The undertaker shall review or revise the plans made in accordance with this paragraph if so directed by the Secretary of State.

Provision of facilities

2. The undertaker shall ensure that all facilities required for the purpose of implementing the plans referred to in paragraph 1 are provided.

Implementation

3. The undertaker shall, as the need arises or as may from time to time be required by the Secretary of State, take action to implement or activate as the case may be, to such extent and within such period as may be required, the plans referred to in paragraph 1 and any operations, facilities and services to which those plans relate.

Cooperation

4.-(1) The undertaker shall, in complying with the requirements imposed on it by or under paragraphs 1 to 3, consult to such extent as may be necessary:-

- (a) other water undertakers and sewerage undertakers;
- (b) the Environment Agency;
- (c) local authorities;
- (d) health authorities;
- (e) the police; and
- (f) any other bodies likely to be involved in handling an emergency,

for the purpose of ensuring that the undertakers' plans, operations, facilities and services are complementary and coordinated.

(2) The undertaker shall make available such of its employees as may be required by the Secretary of State to act in such capacity as the Secretary of State may require.

Reports and statements

5.-(1) The undertaker shall, on or before 1st April in each year beginning with 1999, furnish the Secretary of State with a statement confirming-

- (a) that the plans referred to in paragraph 1 have been made in accordance with that paragraph; and
- (b) that all facilities required by paragraph 2 have been provided.

(2) The statement required by sub-paragraph (1) shall be in such form as the Secretary of State may prescribe, and shall be certified by-

- (a) the person retained by the undertaker to review and comment upon the undertaker's reports to the Director General of Water Services; or
- (b) such other person as may be approved by the Secretary of State.

(3) The undertaker shall, at such times and in such form as the Secretary of State may specify, report to him on the action taken by it pursuant to this Direction.

(4) The undertaker shall notify the Secretary of State, at such intervals and in such form as he may prescribe, of the losses which it has sustained by reason of compliance with this Direction.

Citation

6. This Direction, which replaces the Security Measures (Water and Sewerage Undertakers) Direction 1989, may be cited as the Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998.

Audair

Signed by authority of
the Secretary of State

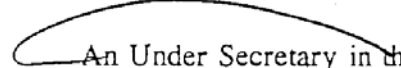
4 June 1998

An Under Secretary in the
Department of the Environment,
Transport and the Regions



Signed by authority of
the Secretary of State

4 June 1998



An Under Secretary in the
Welsh Office