
STATUTORY INSTRUMENTS

1991 No. 2790

The Private Water Supplies Regulations 1991

PART III

RELAXATION OF REQUIREMENTS OF PART II

Authorisations

4.—(1) Subject to the following provisions of this Part, the Secretary of State or a local authority may, upon the written application of a relevant person, authorise a relaxation of the provisions of Part II as respects a private supply if he or, as the case may be, the authority is satisfied—

- (a) that the authorisation is necessary, as an emergency measure, to maintain a supply for human consumption;
- (b) that the authorisation is called for by reason of exceptional meteorological conditions;
- (c) that the authorisation is called for by reason of the nature and structure of the ground in the area from which the supply emanates; or
- (d) that the supply is, or is to be used, solely for food production purposes.

(2) The Secretary of State or a local authority may, in the circumstances mentioned in paragraph (1)(c), authorise a relaxation of the provisions of Part II as respects a private supply notwithstanding that no application for such authorisation has been made.

(3) A relevant person shall, if there are any other relevant persons in relation to the private supply in question, at the same time as he makes an application for an authorisation—

- (a) serve a notice of the application on all those persons; or
- (b) publish a notice of the application at least once in each of two successive weeks in one or more newspapers circulating in the locality of the supply.

(4) A local authority shall consult the Secretary of State before exercising any power conferred by paragraph (1) or (2) in relation to a class A, B, 1 or 2 supply.

(5) A local authority which is required by paragraph (4) to consult the Secretary of State shall comply with such directions as he may give in relation to the supply in question as to—

- (a) the transmission to him for determination of any application made to the authority;
- (b) the imposition of conditions on the grant of an authorisation;
- (c) the refusal of an application; or
- (d) the revocation or modification of an authorisation.

(6) A local authority which grants an authorisation—

- (a) under paragraph (1)(a);
- (b) under paragraph (1)(b) or (c) in relation to a class A or 1 supply; or
- (c) under paragraph (1)(d),

shall forthwith send a copy of that authorisation to the Secretary of State.

(7) A local authority shall exercise the powers conferred by paragraph (1) or (2) only if some or all of the premises served by the private supply are within their area; and, where only some of those premises are within their area, only if the powers are exercised jointly with, or with the consent of, any other local authority in whose area the rest of those premises are situated.

Authorisations-restrictions

5.—(1) An authorisation—

- (a) granted under regulation 4(1)(a), shall not so relax the provisions of Part II as to give rise to a risk to public health which the Secretary of State or, as the case may be, the local authority considers unacceptable;
- (b) granted under regulation 4(1)(b) or (c), shall not relax the provisions of that Part so far as they relate to parameters mentioned in Table B or C or item 7 of Table D, or so as to give rise to a public health hazard;
- (c) granted under regulation 4(1)(d), shall not relax the provisions of that Part so as to affect the fitness for human consumption of food or drink in its finished form.

(2) An authorisation shall specify the extent to which the prescribed concentration or value for any parameter is authorised to be contravened.

(3) An authorisation granted under regulation 4(1)(a) or (b) shall specify the date on which it ceases to have effect and an authorisation granted under regulation 4(1)(c) or (d) may specify such a date.

Authorisations – conditions

6. An authorisation may include conditions relating to—

- (a) the quality of water to which the authorisation applies;
- (b) the steps to be taken to improve the quality of the water;
- (c) the monitoring of the quality of the water; and
- (d) the giving of notice of such matters concerning the water as are mentioned in the authorisation to—
 - (i) the Secretary of State;
 - (ii) the local authority; or
 - (iii) any other person named in the authorisation.

Revocation and modification of authorisations

7.—(1) Subject to paragraphs (2) to (5), the Secretary of State or a local authority may at any time modify or revoke an authorisation (whether or not the authorisation is expressed to be granted for a specified period); and regulations 4 to 6 shall apply with suitable adaptations in relation to the modification of an authorisation.

(2) The Secretary of State or a local authority shall not revoke or modify an authorisation without giving at least six months' notice of his or, as the case may be, of the authority's intention to do so by—

- (a) serving notice of the revocation or modification on any relevant person on whose application the authorisation was granted;
- (b) publishing a notice of the revocation or modification in such manner as the Secretary of State or, as the case may be, the authority, considers appropriate for bringing it to the attention of relevant persons; and

(c) in the case of a modification or revocation by the Secretary of State, by serving a copy of the notice on the appropriate local authority,

but the Secretary of State or the local authority may revoke or modify an authorisation without notice if it appears to him or, as the case may be, that authority, that the immediate revocation or modification of the authorisation is required in the interests of public health.

(3) In paragraph (2) “appropriate local authority” means any local authority whose area includes any premises in relation to which the authorisation applies.

(4) A person on whose application an authorisation has been granted shall notify the Secretary of State or, as the case may be, the local authority as soon as he is aware that the circumstances which gave rise to the application for the authorisation cease to exist; and, notwithstanding paragraph (2), the Secretary of State or local authority shall thereupon revoke the authorisation.

(5) Nothing in this regulation shall permit a local authority to modify or revoke an authorisation granted by the Secretary of State.