
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Chapter III of the Water Industry Act 1991 (c.56) (water supply). They also transpose requirements of Council Directive 98/83/EC on the quality of water intended for human consumption (OJ No L 330, 5.12.1998, p 32) and Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.2013, p 12). They are primarily concerned with the quality of water supplied in England by water undertakers and licensed water suppliers for domestic or food production purposes and with arrangements for the publication of information about water quality. They revoke and replace the Water Supply (Water Quality) Regulations 2000 (S.I. 2000/3184).

Part 1 of the Regulations sets out preliminary provisions.

Part 2 requires water undertakers to identify annually the areas (“water supply zones”) that are to be relevant for a particular year for the purposes of the application of the provisions of the Regulations.

Part 3 prescribes standards of wholesomeness in respect of water supplied by water undertakers to premises for domestic or food production purposes (referred to in the Regulations as “regulation 4(1) purposes”).

Part 4 provides for the monitoring of water supplies. Regulation 5 defines two monitoring regimes: “audit monitoring” and “check monitoring”. Regulation 6 sets out general monitoring provisions relating to the parameters set out in Schedules 1 (prescribed concentrations and values) and 2 (indicator parameters). Paragraphs (7) to (15) of regulation 6 impose requirements for the monitoring of indicative dose, radon and tritium (“radioactive parameters”). In general, these are subject to audit monitoring. For indicative dose, the provisions in Schedule 4 also apply. Regulation 6 also makes provision for monitoring supplies of water from tankers. Regulation 7 requires water undertakers to select at random the points at which samples are to be taken for the purposes of monitoring (referred to as “sampling points”). Regulation 8 provides that the Secretary of State may authorise the taking of samples from points other than sampling points. Regulation 9 deals with the number of samples to be taken. Regulation 10 requires samples to be taken where water undertakers have reason to believe that the quality of the water within their water supply zone has been adversely affected by the presence of certain elements, organisms or substances.

Part 5 contains additional provisions relating to monitoring. Regulations 13 and 14 require samples to be taken in respect of particular organisms and substances, at treatment works and at reservoirs which store treated water. Regulation 15 requires samples to be taken before water is supplied from new sources and from sources which have not recently been used. Regulation 16 prescribes requirements relating to the taking, handling, storage, transport and analysis of samples.

Part 6 requires water undertakers and combined licensees to identify every point from which it abstracts water for supply for regulation 4(1) purposes and to take samples from those points to comply with regulations 26 to 28. This implements Article 8(1) and (2) of Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ No L 327, 22.12.2000, p 1).

Part 7 requires water undertakers and combined licensees to investigate the cause of any failure, or apprehended failure, of any parameters set out in Schedule 1 or any indicator parameters set out in Schedule 2 and to notify the Secretary of State. Where the failure is attributable to a domestic distribution system or the maintenance of that system, notification must be provided to the consumers

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of the affected water supply and to any other relevant supplier. Regulations 20 and 21 provide for actions that may be taken by the Secretary of State upon receipt of a notification under regulation 18 or 19. Where a failure relates to a parameter in Table B in Schedule 1, and certain other conditions are met, the Secretary of State may require the supplier to apply for an authorisation for a departure from the requirements of Part 3 of the Regulations. The circumstances in which authorisations may be granted and the conditions to which they are subject are set out in regulations 22 and 23. Provision is made in regulation 24 for publicising authorisations. Regulation 25 provides for the revocation and variation of authorisations.

Part 8 deals with the treatment of water and regulates the substances, processes and products that may be used by water undertakers in connection with the supply of water. Regulation 26 imposes requirements relating to the disinfection and treatment of water. Regulation 27 provides for the carrying out of risk assessments and subsequent reviews. Regulation 28 requires water undertakers and combined licensees to submit reports of risk assessments and reviews to the Secretary of State. Paragraph (4) of regulation 28 sets out the steps that the Secretary of State may take on receipt of a report which states there is or has been a significant risk of supplying water that could constitute a potential danger to human health or could be unwholesome. Regulation 29 requires water undertakers and combined licensees to treat water to minimise the risk of copper and lead contamination from pipes. Regulation 30 sets out provisions relating to the replacement or modification of lead pipes. Regulation 31 specifies the circumstances in which water undertakers and combined licensees may apply or introduce substances or products into water supplied for regulation 4(1) purposes. Regulation 32 enables the Secretary of State to require approval of the use of any process in connection with the supply of water for regulation 4(1) purposes. Under regulation 33, contravention of specified requirements of regulations 26, 28, 31 and 32 are criminal offences, as is the making of false statements.

Part 9 deals with the maintenance of records and provision of information by water undertakers, combined licensees and retail licensees.

Part 10 imposes requirements on local authorities in the performance of their duties in relation to the quality of water supplied by water undertakers or licensed water suppliers in areas which are situated in the area of the local authority.

Part 11 provides that contraventions by any relevant supplier of duties or requirements imposed by Parts 4 to 9 of the Regulations are enforceable under section 18 of the Water Industry Act 1991 by the Secretary of State or the Water Services Regulation Authority (known as Ofwat). This provision is in addition to the criminal sanctions provided by regulation 33.

Part 12 provides for review of the Regulations by the Secretary of State.

Part 13 provides for amendments and revocations as set out in Schedules 6 and 7.

Schedules 1 and 2 set out the parameters applicable to the Regulations. Schedule 3 sets out provisions applicable to monitoring for those parameters, as provided for in regulation 6. Schedule 4 sets out provisions for monitoring for indicative dose and analytical performance characteristics as provided for in regulation 6. Schedule 5 sets out the analytical methodology as provided for in regulation 16.

A validation impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Water Services Team, the Department for Environment, Food and Rural Affairs, Area 3D, Nobel House, 17 Smith Square, London SW1P 3JR. A transposition note is submitted with the Explanatory Memorandum which is available alongside the instrument on www.legislation.gov.uk.