
STATUTORY INSTRUMENTS

2016 No. 614

The Water Supply (Water Quality) Regulations 2016

PART 7

Investigations, authorisation of departures and remedial action

Action by the Secretary of State

20.—(1) Where—

- (a) a notification given in accordance with paragraph (5) of regulation 18 in the circumstances mentioned in paragraph (1) of that regulation (including that paragraph as read with paragraph (3)(a) of that regulation) discloses—
 - (i) a failure in respect of a parameter specified in Table B in Schedule 1, and
 - (ii) that the failure is not attributable to the domestic distribution system or the maintenance of that system, and
- (b) it appears to the Secretary of State that the failure is not trivial and is likely to recur,

the Secretary of State may, by notice in writing to any relevant supplier which uses the supply system for the purposes of supplying water to consumers in respect of which the notification was given, require that relevant supplier to seek a departure from the provisions of Part 3 in accordance with regulation 22.

(2) The exercise by the Secretary of State of the power conferred by paragraph (1) does not preclude the exercise by the Secretary of State of the power conferred by section 18 of the Act⁽¹⁾.

(3) Where—

- (a) a notification given in accordance with regulation 18(5) in the circumstances mentioned in regulation 18(3)(b) discloses—
 - (i) a failure in relation to any parameter specified in Table B in Schedule 1, and
 - (ii) that the failure is not attributable to the domestic distribution systems or the maintenance of that system, and
- (b) it appears to the Secretary of State that the failure in respect of that parameter is not trivial and likely to recur,

the Secretary of State must consider whether to vary the terms of the authorisation under regulation 22.

(4) Where—

- (a) a notification given in accordance with regulation 19(2) discloses an inability to meet the specification applicable to an indicator parameter, and
- (b) the Secretary of State considers that the inability poses a potential danger to human health,

(1) Section 18 was amended by sections 36(2) and 49(2) of, and paragraph 4 of Schedule 8 to, the Water Act 2003 (c.37). It is prospectively amended by paragraph 26 of Schedule 7 to the Water Act 2014 (c.21) from a date to be appointed.

the Secretary of State must, by notice in writing to any relevant supplier which uses the supply system for the purposes of supplying water to consumers in respect of which the notification was given, require that relevant supplier to take such steps as may be determined by the Secretary of State and specified in the notice.

(5) A relevant supplier to whom a notice under paragraph (4) has been given must take the steps specified in the notice.

(6) On the coming into force of these Regulations—

- (a) a notice given under regulation 19(1) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations is taken to be a notice given under paragraph (1) of this regulation;
- (b) a notice given under regulation 19(4) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations is taken to be a notice given under paragraph (4) of this regulation.