
STATUTORY INSTRUMENTS

2016 No. 614

The Water Supply (Water Quality) Regulations 2016

PART 7

Investigations, authorisation of departures and remedial action

Authorisation of temporary supply of water that is not wholesome

22.—(1) The Secretary of State may, upon the written application of a relevant supplier, authorise in accordance with regulation 23 a departure from the provisions of Part 3 insofar as they relate to—

- (a) a parameter specified in Table B in Schedule 1, and
- (b) the supply of water by a relevant supplier in any of the water supply zones which it uses for the purposes of supplying water to consumers.

(2) But the Secretary of State must not authorise a departure under paragraph (1) unless the Secretary of State is satisfied that—

- (a) the authorisation is necessary to maintain in that zone a supply of water for regulation 4(1) purposes,
- (b) a supply of water for those purposes cannot be maintained in that zone by any other reasonable means, and
- (c) the supply of water in accordance with the authorisation does not constitute a potential danger to human health.

(3) Every water undertaker or combined licensee must provide with its application—

- (a) a statement—
 - (i) of the grounds on which the authorisation is sought;
 - (ii) of the water supply zone in respect of which the authorisation is sought;
 - (iii) of the parameters in respect of which the prescribed concentration or value cannot be met;
 - (iv) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;
 - (v) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples (if any) taken in the water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;
 - (vi) of the average daily quantity of water supplied to that zone or, if that quantity cannot readily be ascertained, of the average daily quantity of water supplied from the treatment works that supplies water to that zone;
 - (vii) of the estimated population of that zone;

- (viii) as to whether, if a departure were authorised in the terms sought, any relevant food production undertaking would be affected;
 - (ix) of the period for which the authorisation is sought;
 - (x) of the reasons why the supply cannot be maintained by other reasonable means;
 - (b) a scheme for monitoring the quality of water supplied in the zone during the period for which the authorisation is sought;
 - (c) a summary of the steps that it proposes to take, either alone or together with other relevant suppliers, in order to secure that the supply fully satisfies the requirements of Part 3, including—
 - (i) a timetable for the work;
 - (ii) an estimate of the cost of the work;
 - (iii) provisions for reviewing the progress of the work and for reporting the results of the review to the Secretary of State.
- (4) At the same time as it makes an application for an authorisation under paragraph (1), the water undertaker or combined licensee must serve a copy of the application and of the statement, scheme and summary referred to in paragraph (3) on—
- (a) every appropriate local authority;
 - (b) Public Health England;
 - (c) where the water supply zone is wholly or partly in Wales, the National Public Health Service for Wales;
 - (d) the Council⁽¹⁾.
- (5) A body on whom documents have been served in accordance with paragraph (4) may make representations to the Secretary of State in connection with the application.
- (6) Representations under paragraph (5) must be made within 30 days beginning with the date on which the application for the authorisation is made.
- (7) On the coming into force of these Regulations, an authorisation given under regulation 20(1) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations is taken to be an authorisation given under paragraph (1) of this regulation.

(1) Section 219(1) of the Act defines “the Council” as the Consumer Council for Water.