
STATUTORY INSTRUMENTS

2016 No. 614

The Water Supply (Water Quality) Regulations 2016

PART 7

Investigations, authorisation of departures and remedial action

Authorisations: terms and conditions

23.—(1) A departure may be authorised under regulation 22 for such period as is in the Secretary of State's opinion reasonably required for securing a supply of water for regulation 4(1) purposes that fully satisfies the requirements of Part 3 ("the departure period").

(2) But no departure period may exceed 3 years.

(3) Subject to paragraph (5), an authorisation under regulation 22—

(a) must specify—

(i) the grounds on which it is granted;

(ii) every water supply zone in respect of which it is granted;

(iii) the extent to which a departure from the prescribed concentration or value of any parameter is authorised;

(iv) in respect of each parameter to which paragraph (iii) applies, the results of the analysis of the samples taken in each 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, the results of the analysis of the samples (if any) taken in each 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) the average daily quantity of water supplied from each of those zones or, if that quantity cannot readily be ascertained, the average daily quantity of water supplied from the treatment works that supplies water to that zone;

(vii) the estimated population of each of those zones;

(viii) whether or not any relevant food production undertaking would be affected;

(ix) the departure period;

(b) is to require the implementation of a scheme for monitoring the quality of water supplied in each of those zones during the departure period (which may be, but need not be, the scheme submitted in accordance with regulation 22(3)(b));

(c) is to require the carrying out of the steps which, in the relevant supplier's opinion, are reasonably required in order to secure that the supply fully satisfies the requirements of Part 3 (whether or not the steps are those proposed in the summary submitted in accordance with regulation 22(3)(c));

(d) is to specify in relation to those steps—

- (i) the 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 to the Secretary of State the result of the review;
- (e) is to require a relevant supplier to provide to the relevant population advice as to the measures (if any) that it would be advisable for them to take in the interests of their health for the whole or any part of the departure period.
- (4) In paragraph (3)(e), “relevant population” means the population within the water supply zones to which the authorisation applies and, in particular, those groups of that population for which the supply of water in accordance with the authorisation could present a special risk.
- (5) Where paragraph (6) applies, the particulars to be specified in the authorisation are those required by paragraph (3)(a)(iii) and (ix), and paragraph (3)(b) to (e) does not apply.
- (6) This paragraph applies where the Secretary of State is of the opinion that—
- (a) the extent of the contravention of the requirements of Part 3 as respects any parameter is trivial, and
 - (b) the prescribed concentration or value as respects that parameter is likely to be achieved within the period of 30 days beginning with the day on which the prescribed concentration or value in respect of that parameter was contravened.
- (7) Where it appears to the Secretary of State that a supply of water that fully satisfies the requirements of Part 3 cannot be restored by the end of the departure period, the Secretary of State may authorise a further departure.
- (8) Paragraphs (1) to (6) apply to a further departure authorised under paragraph (7) as they apply to a departure authorised under regulation 22.
- (9) Where it appears to the Secretary of State that a supply of water that fully satisfies the requirements of Part 3 cannot be restored by the end of the departure period relevant to an authorisation under paragraph (6), the Secretary of State may, in accordance with Article 9(2) of Council Directive 98/83/EEC on the quality of water intended for human consumption⁽¹⁾, authorise a third departure.
- (10) Paragraph (3) applies to a third departure authorised under paragraph (9) as it applies to a departure authorised under regulation 22, but is to be read as if for “Subject to paragraph (5)” there were substituted “Subject to any direction of the European Commission”.
- (11) An authorisation under regulation 22 or this regulation may be limited to water supplied—
- (a) from particular sources or classes of source;
 - (b) to particular water supply zones or to zones of particular descriptions.
- (12) On the coming into force of these Regulations, any further authorisations given under regulation 21(5) and (7) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations are taken to be further authorisations given under paragraph (7) and (9) of this regulation.

(1) OJ No L 330, 5.12.1998, p 32, as last amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015, p 6).