Changes to legislation: *The Private Water Supplies (England) Regulations 2016 is up to date with all changes known to be in force on or before 25 November 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2016 No. 618

WATER, ENGLAND

The Private Water Supplies (England) Regulations 2016

Made - - - -	*26th May 2016*
Laid before Parliament	*3rd June 2016*
Coming into force - -	*27th June 2016*

(a)

(b)

[F1]The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the environment .

The Secretary of State has carried out the public consultation required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F2].

F1 S.I. 2008/301.

F2 OJ No L 31, 1.2.2002, p 1, as last amended by Regulation (EU) No 652/2014 (OJ No L 189, 27.6.14 p 1).

Modifications etc. (not altering text)

C1 Instrument applied (Isles of Scilly) (27.3.2020) by The Isles of Scilly (Application of Water Legislation) Order 2020 (S.I. 2020/214), **art. 5(w)**

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Private Water Supplies (England) Regulations 2016 and come into force on 27th June 2016.

(2) They apply in relation to England only.

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Interpretation

2.—(1) In these Regulations—

"the 2009 Regulations" means the Private Water Supplies Regulations 2009 [F3];

"the Act" means the Water Industry Act 1991;

[F4] . . . . . .

[F4] . . . . . .

"consumer" means a person to whom a private water supply is provided for human consumption purposes;

"disinfection" means a process of water treatment to remove, or render harmless to health, every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water;

[[F5]"*E. coli"* means *Escherichia coli;***]**

"indicative dose" (ID) means the committed effective dose for 1 year of ingestion resulting from all the radionuclides whose presence has been detected in a supply of water intended for human consumption, of natural and artificial origin, excluding tritium, potassium−40, radon and short-lived radon decay products;

"indicator parameter" means a parameter listed in Table C in Part 2 of Schedule 1;

"local authority" means any of the following—

(a) the Common Council of the City of London;

(b) a London borough council;

(c) a district council;

(d) the council of a county in which there are no district councils;

"NTU" means Nephelometric Turbidity Unit;

"parameter" means a property, element, organism or substance listed in the first column of the Tables in Schedule 1 as read, where appropriate, with the notes to that Schedule and those Tables;

"prescribed concentration or value", in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in **[**[F6]Table A or in Table B in Schedule, 1 as measured by reference to the unit of measurement so specified and as read, where appropriate in the case of Table B, with the notes to that Table;**]**

"private water supply" or "private supply of water" means a supply of water other than a supply provided directly by a water undertaker[F7] or **[**[F8]water supply licensee**]**, and which is comprised of all physical assets from the point of abstraction to the point of use, including associated pipes, fittings and tanks;

"radioactive parameters table" has the meaning given in regulation 11(1);

"relevant person" means—

(a) the owner and occupier (who may be the same or different persons) of premises which are supplied with water for domestic or food production purposes by means of a private supply;

(b) the owner and occupier (who may be the same or different persons) of land on which any part of the supply is situated;

(c) any other person who exercises powers of management or control in relation to that supply;

"risk assessment" means a risk assessment carried out under regulation 6.

(2) In these Regulations, a reference to an application or notice includes a reference to that application or notice in electronic form.

F3 S.I. 2009/3101, amended by S.I. 2010/991, 2013/235.
F4 Words in reg. 2(1) omitted (11.7.2018) by virtue of The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(2)(a)** (with reg. 3)
F5 Words in reg. 2(1) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(2)(b)** (with reg. 3)
F6 Words in reg. 2(1) substituted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(2)(c)** (with reg. 3)
F7 See section 6 of the Act for the meaning of "water undertaker".
F8 Words in reg. 2(1) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **33(2)**

Scope

3.—(1) These Regulations apply in relation to private supplies of water intended for human consumption and for these purposes "water intended for human consumption" means all water—

(a) either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from any distribution network, from a tanker, or in bottles or containers;

(b) used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless, in accordance with Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs [F9], the competent authority [F10], is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

(2) These Regulations do not apply in relation to—

(a) water controlled by the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 [F11];

(b) water that is a medicinal product within the meaning of the Medicines Act 1968 [F12] or a product in which any provision of that Act has effect as if it were such a medicinal product.

F9 OJ No L 139, 30.4.2004, p 1 as last amended by Regulation (EC) No 219/2009 (OJ No L 87, 31.3.2009, p 109).
F10 The competent authority for the purpose of this Regulation is the Food Standards Agency (see S.I. 2013/2996).
F11 S.I. 2007/2785, to which there are amendments not relevant to these Regulations.
F12 1968 c. 67.

PART 2

Water standards

Wholesomeness

4.—(1) A private supply of water is to be regarded as wholesome if the following conditions are met—

(a) it does not contain any micro-organism, parasite or substance, alone or in conjunction with any other substance, at a concentration or value that would constitute a potential danger to human health,

(b) it complies with the concentrations or values prescribed in Part 1 of Schedule 1 for each parameter, and

(c) the water satisfies the formula "[nitrate]/50 + [nitrite]/3 ≤ 1", where the square brackets signify the concentrations in mg/1 for nitrate (NO_3) and nitrite (NO_2).

Use of products or substances in private supplies and disinfection arrangements

5.—(1) Any product or substance used in the preparation or distribution of a private supply of water, or impurities associated with such products or substances, must not be present in water at the point of use at levels that would make it unwholesome or constitute a potential danger to human health.

(2) Where disinfection forms part of the preparation or distribution of water, the relevant person must—

(a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection,

(b) ensure that the effectiveness of the disinfection process is maintained, and

(c) verify the effectiveness of the disinfection process.

Requirement to carry out a risk assessment

6.—(1) Subject to paragraphs (2) and (3), a local authority must carry out a risk assessment for every private water supply in its area and review and update that risk assessment every 5 years (or earlier if it considers that the existing risk assessment is inadequate).

(2) In the case of a supply provided to a single dwelling, the duty in paragraph (1) applies only where that supply is provided as part of a commercial or public activity.

(3) In the case of any other supply provided to a single dwelling, a local authority must carry out a risk assessment if requested to do so by the owner or occupier of that dwelling.

(4) The risk assessment must establish whether there is a risk of supplying water that would constitute a potential danger to human health.

[[F13](5) A risk assessment described in paragraph (1) must—

(a) satisfy any requirements specified by the Secretary of State in respect of the conduct of such an assessment;

(b) satisfy the requirements of European standard EN 15975-2 entitled "*Security of Drinking Water Supply - Guidelines for Risk and Crisis Management – Risk Management*"; and

(c) take into account the results of monitoring conducted under the second paragraph of Article 7(1) and Article 8 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.

(6) A local authority must within 12 months beginning with the day after the day on which it carried out the risk assessment provide the Secretary of State with a summary of the results of that assessment.**]**

F13 Reg. 6(5)(6) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(3)** (with reg. 3)

PART 3

Monitoring

Monitoring

7.—**[**F14(1)**]** A local authority must monitor all private water supplies in accordance with this Part when carrying out its duties under section 77(1) of the Act (general functions of local authorities in relation to water quality).

[F15(2) A local authority must discharge the obligation described in paragraph (1) by establishing a monitoring programme which consists of either or both of the following—

(a) collection and analysis of discrete water samples;

(b) measurements recorded by a continuous monitoring process.

(3) Monitoring programmes may in addition consist of either or both of the following—

(a) inspections of records of the functionality, and maintenance status, of equipment;

(b) inspections of the catchment area, water abstraction, treatment, storage and distribution infrastructure.**]**

F14 Reg. 7(1): reg. 7 renumbered as reg. 7(1) (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(4)(a)** (with reg. 3)

F15 Reg. 7(2)(3) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(4)(b)** (with reg. 3)

Further distribution of supplies from water undertakers or [F16water supply licensees]

8. Where water is supplied by a water undertaker or **[**F17water supply licensee**]**, and is then further distributed by a person other than a water undertaker or **[**F17water supply licensee**]**, the local authority must carry out monitoring on the basis of the risk assessment.

F16 Words in reg. 8 heading substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **33(3)(a)**

F17 Words in reg. 8 substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **33(3)(b)**

Large supplies and supplies as part of a commercial or public activity

9.—(1) Paragraph (2) applies in the case of a private water supply (other than a supply specified in regulation 8) that—

(a) supplies an average daily volume of water of 10m^3 or more, or

(b) supplies water as part of a commercial or public activity.

(2) Where this paragraph applies, the local authority must monitor for any parameter in Parts 1 and 2 of Schedule 1 in accordance with Schedule 2 and carry out any additional monitoring that the risk assessment shows to be necessary.

Other private supplies

10.—(1) In the case of a private water supply not covered by regulation 8 or 9 or by paragraph (3), the local authority must monitor for—