STATUTORY INSTRUMENTS

2016 No. 614

WATER, ENGLAND AND WALES

The Water Supply (Water Quality) Regulations 2016

Made - - - -	*26th May 2016*
Laid before Parliament	*1st June 2016*
Coming into force - -	*27th June 2016*

The Secretary of State makes these Regulations in exercise of the powers conferred by—

(a) sections 67, 69, 77(3) and (4) and 213(2) of the Water Industry Act 1991 [F1], and

(b) in relation to regulations 26, 31 and 33, section 2(2) of the European Communities Act 1972 [F2].

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 [F3].

F1 1991 c.56; the functions of the Secretary of State under section 67 were transferred to the National Assembly for Wales ("the Assembly") (a) for the making of regulations concerning water supplied using the supply system of a water undertaker, in relation to the supply system of any water undertaker whose area is wholly or mainly in Wales, and (b) for the making of regulations concerning water supplied other than using the supply system of a water undertaker, in relation to Wales, by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) ("the Order"); the functions of the Secretary of State under section 69 were, in relation to any water undertaker whose area is wholly or mainly in Wales and any licensed water supplier so far as relating to licensed activities using the supply system of any such water undertaker, transferred to the Assembly by the same provision of the Order; the functions of the Secretary of State under section 77 were transferred to the Assembly in relation to Wales by the same provision of the Order; the functions of the Secretary of State under section 213 were made exercisable by the Assembly to the same extent as the powers to which that section applies were made exercisable by the Assembly by virtue of the same provision of the Order; see the entry in Schedule 1 to the Order. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), the functions transferred to and made exercisable by the Assembly are now exercisable by the Welsh Ministers. Section 69 was amended by paragraph 19 of Schedule 8, and Part 3 of Schedule 9, to the Water Act 2003 (c.37). It is prospectively amended by paragraph 68 of Schedule 7 to the Water Act 2014 (c.21) from a date to be appointed. Section 213(2) was amended by paragraph 28 of Schedule 1 to the Competition and Service (Utilities) Act 1992 (c.43) and by section 36(2) of, and paragraph 49(3) of Schedule 8 to, the Water Act 2003. It is prospectively amended by paragraph 119(4) of Schedule 7 to the Water Act 2014 from a date to be appointed.

F2 1972 c.68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7).

F3 S.I. 2008/301.

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) Regulations 2016 and come into force on 27th June 2016 immediately after the commencement of the Private Water Supplies (England) Regulations 2016 [F4].

(2) Parts 1 to 9 and 11 of these Regulations apply in relation to the supply of water by every—

(a) water undertaker [F5] whose area is not wholly or mainly in Wales;

(b) **[**[F6]water supply licensee**]** so far as relating to licensed activities not using the supply system of a water undertaker whose area is wholly or mainly in Wales.

(3) Part 10 of these Regulations applies to local authorities in England, as regards the discharge of functions under that Part, in relation to every—

(a) water undertaker whose area is wholly in England;

(b) water undertaker whose area is partly in England and partly in Wales, but only in respect of the part in England;

(c) **[**[F7]water supply licensee**]** so far as relating to licensed activities not using the supply system situated in Wales of any water undertaker.

F4 S.I. 2016/573.
F5 See section 6 of the Act for the meaning of "water undertaker".
F6 Words in reg. 1(2)(b) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **32(2)**
F7 Words in reg. 1(3)(c) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **32(2)**

Interpretation

2.—(1) In these Regulations—

"the 2000 Regulations" means the Water Supply (Water Quality) Regulations 2000 [F8];

"the Act" means the Water Industry Act 1991;

"appropriate local authority" in relation to—

(a) a departure authorised under regulation 22,

(b) an application for any such authorisation, or

(c) an event specified in regulation 35(6),

means a local authority whose area contains any part of the water supply zone to which the authorisation relates or, in the case of an application, would relate if a departure were authorised in the terms sought, or whose area is affected or is likely to be affected by the event;

[F9]…

"blending point" means a point at which water originating from two or more sources and treated for the purposes of their supply for regulation 4(1) purposes is combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are met;

"Chapter 3" means Chapter 3 of Part 3 of the Act (quality and sufficiency of water supplies);

F9 …

F10 …

"consumer" means a person to whom water is supplied for regulation 4(1) purposes by a relevant supplier in the discharge of its duties under Chapter 3;

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

[F11"*E. coli*" means *Escherichia coli*;**]**

"groundwater" means water contained in underground strata, and section 221(3) of the Water Resources Act 1991 F12 has effect for the purposes of this definition as it has effect for the purpose of construing references in that Act to water contained in underground strata;

"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 Schedule 2;

"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;

[F11"monitoring of a Group A parameter" has the meaning given in regulation 5(1);**]**

[F11"monitoring of a Group B parameter" has the meaning given in regulation 5(3);**]**

[F11"monitoring programme" means a programme for the identification of, and collection of data on, any substance or organism identified during a risk assessment to confirm compliance with the prescribed concentrations set out in Schedule 1 which—

(a) consists of either or both of the following—

(i) collection and analysis of discrete water samples;

(ii) measurements recorded by a continuous monitoring process, and

(b) may in addition consist of either or both of the following—

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

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

"National Public Health Service for Wales" means an NHS trust within the meaning of the National Health Service (Wales) Act 2006 F13 if and insofar as it has the function of providing services in relation to public health in Wales;

"NTU" means Nephelometric Turbidity Unit;

"parameter" means a property, element, organism or substance listed in column 2 of Table A or of Table B in Schedule 1, or in Schedule 2, as read, where appropriate, with the notes to those Tables and to Schedule 2;

"pesticides and related products" means any of the following, and includes their relevant metabolites, degradation and reaction products—

(a) organic insecticide;

(b) organic herbicide;

(c) organic fungicide;

(d) organic nematocide;

(e) organic acaricide;

(f) organic algicide;

(g) organic rodenticide;

(h) organic slimicide;

(i) any product related to any of (a) to (h) (including any growth regulator);

"prescribed concentration or value", in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in 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 with the notes to those Tables;

"Public Health England" means the executive agency of that name of the Department of Health **[**F14and Social Care**]**;

"radioactive parameters" means the following indicator parameters listed in Schedule 2—

(a) indicative dose (item 8);

(b) radon (item 9);

(c) tritium (item 12);

"regulation 4(1) purposes", in relation to a supply of water, means a supply to premises—

(a) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing, or

(b) for food production purposes F15;

"relevant supplier" means a water undertaker or **[**F16water supply licensee**]**;

[F17"retail licensee" means a person who is the holder of a water supply licence with a retail authorisation within the meaning of Schedule 2A to the Act;**]**

"sampling point"—

(a) in relation to water supplied from a distribution network, means a point, being a consumer's tap, that is selected for the purposes of Part 4 of these Regulations;

(b) in relation to water supplied from a tanker, means the point at which the water emerges from the tanker;

"specification" in relation to an indicator parameter, means the concentration, value or state shown as applicable to that parameter in Schedule 2, as measured by reference to the unit of measurement so shown;

"state", in relation to an indicator parameter, means the state specified in relation to that parameter in Schedule 2, as measured by reference to the unit of measurement so specified;

[F11"suitably accredited body" means the Secretary of State or a person acting on behalf of the Secretary of State;**]**

"supply point" means a blending point, service reservoir, treatment works or other point, not being a sampling point, which the Secretary of State authorises under regulation 8, for the purposes of regulation 6;

"supply system" is to be construed in accordance with section 17B(4A) of the Act [F18];

"water of a relevant description" means water supplied by a relevant supplier which uses a supply system for the purposes of supplying water to consumers, being a supply system into which the water undertaker or **[**[F19]wholesale licensee**]** introduces water;

"water supply zone" in relation to a water undertaker and a **[**[F20]water supply licensee**]** and a year, means an area designated for that year by the water undertaker in accordance with regulation 3;

[[F21]"wholesale licensee" means a person who is the holder of a water supply licence with a wholesale authorisation within the meaning of Schedule 2A to the Act;**]**

"year" means a calendar year.

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

(3) Subject to paragraph (4), references in these Regulations to a service reservoir are references to any structure [F22]..., in which a reserve of water that has been treated with a view to complying with the requirements of regulation 4 is contained and stored for the **[**[F23]sole**]** purpose of meeting a variable demand for the supply of water.

(4) Where references in these Regulations to a service reservoir would, but for this paragraph, include references to a structure comprising more than one compartment—

(a) each compartment which has its own water inlet and water outlet and is not connected hydraulically to any other compartment is to be treated as a single service reservoir,

(b) the compartments that are connected hydraulically are to be treated as a single service reservoir, and

(c) unless all of the compartments are connected hydraulically, the structure as a whole is not to be treated as a service reservoir.

[[F24](5) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to one or more member States in a provision imposing an obligation on, or conferring a discretion on, a member State or member States were a reference to either the Secretary of State or local authority depending on which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or able to exercise that discretion, in respect of England or Wales.**]**

F8 S.I. 2000/3184, as amended by S.I. 2001/2885, 2002/2469, 2005/2035, 2007/2734, 2010/991, 2013/235, 1387.

F9 Words in reg. 2(1) omitted (11.7.2018) by virtue of The Water Supply (Water Quality) (Amendment) Regulations 2018 (S.I. 2018/706), regs. 1(1), **2(2)(a)(i)**

F10 Words in reg. 2 omitted (31.3.2017) by virtue of The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), **32(3)(a)**

F11 Words in reg. 2(1) inserted (11.7.2018) by The Water Supply (Water Quality) (Amendment) Regulations 2018 (S.I. 2018/706), regs. 1(1), **2(2)(a)(ii)**

F12 1991 c.57.

F13 2006 c.42.

F14 Words in reg. 2(1) inserted (11.4.2018) by The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions (Commonhold Land) Order 2018 (S.I. 2018/378), art. 1(2), **Sch. para. 20(gg)** (with art. 14)

F15 See section 93(1) of the Act for the meaning of "food production purposes".