STATUTORY RULES OF NORTHERN IRELAND

2017 No. 211

WATER AND SEWERAGE

The Private Water Supplies Regulations (Northern Ireland) 2017

Made - - - -	*6th October 2017*
Coming into operation	*27th October 2017*

The Department of Agriculture, Environment and Rural Affairs [F1], in exercise of the powers conferred by Articles 107(1) and (3), 118(3) and (4) and 300(2)(f) of the Water and Sewerage Services (Northern Ireland) Order 2006 [F2] and now vested in it and being a Department designated [F3] for the purposes of section 2(2) of the European Communities Act 1972 [F4] in relation to the environment in exercise of the powers conferred upon it by that section, hereby makes the following Regulations:

F1 Formerly the Department of the Environment; see section 1(2) and (11) and Schedule 1 to, the Departments Act (Northern Ireland) 2010 (2016 c.5 (N.I.)). Pursuant to section 1(9) of that Act, the Department of the Environment is dissolved
F2 S.I. 2006/3336 (N.I. 21) as amended by 2016 c.13 (N.I.)
F3 S.I. 2008/301
F4 1972 c.68

PART 1

GENERAL

Citation and commencement

1. These Regulations may be cited as the Private Water Supplies Regulations (Northern Ireland) 2017 and shall come into operation on 27th October 2017.

Interpretation

2.—(1) In these Regulations—

"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 to render harmless to human health, every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and "disinfected" shall be construed accordingly;

"District Council" means a District Council as established under Part I of the Local Government Act (Northern Ireland) 1972 [F5];

"indicative dose" or "ID" means the committed effective dose for one 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, but excluding tritium, potassium-40, radon and short-lived radon decay products;

"limit of detection" means the output signal or concentration value above which it can be affirmed, with a stated level of confidence that a sample is different from a blank sample containing no determinand of interest;

"limit of quantification" means a stated multiple of the limit of detection at a concentration of the determinand that can reasonably be determined with an acceptable level of accuracy and precision;

"radioactive substance" means any substance that contains one or more radionuclides the activity or concentration of which cannot be disregarded as far as radiation protection is concerned;

"relevant person" means—

(a) the owner or 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 or 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" is an assessment carried out under regulation 7.

"the 2009 Regulations" means the Private Water Supplies Regulations (Northern Ireland)2009 [F6];

"the 2006 Order" means the Water and Sewerage Services (Northern Ireland) Order 2006;

"the Appeals Commission" means the Water Appeals Commission for Northern Ireland within the meaning of Article 292 of the 2006 Order;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"the Directive" means Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption [F7] as amended by Commission Directive (EU) 2015/1787 of 6 October 2015 [F8];

"the Public Health Agency" means the Regional Agency for Public Health and Social Well-being as established under Section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009 [F9];

"uncertainty of measurement" is defined as a non-negative parameter characterising the dispersion of the quantity values being attributed to a measureand, based on the information used;

"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 a distribution network, 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 [F10], the competent authority [F11] is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

(2) The Interpretation Act (Northern Ireland) 1954 [F12] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

[[F13](3) In these Regulations, a reference to a Directive or an 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 or conferring a discretion on a Member State or Member States were a reference to the Department.**]**

F5 1972 c.9 (NI)
F6 S.R. 2009 No. 413 as amended by S.R. 2010 No.131and S.R.2015 No.366
F7 OJ No. L 330, 5.12.1998, p.32
F8 OJ No. L 260, 7.10.2015, p.6
F9 2009 c.1 (NI)
F10 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).
F11 The competent authority for the purpose of this Regulation is the Food Standards Agency (see S.R. 2006 No.3).
F12 1954 c.33 (NI)
F13 Reg. 2(3) inserted (31.12.2020) by The Water (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/112), regs. 1(1), **13(2)**; 2020 c. 1, Sch. 5 para. 1(1)

Water Supplies to which these Regulations apply

3.—(1) These Regulations apply to all water supplies that supply water intended for human consumption not provided by a water undertaker appointed under Article 13 of the 2006 Order.

(2) The supplies in paragraph (1) are referred to in these Regulations as private supplies.

Exemptions

4. These Regulations do not apply in relation to—

(a) water controlled by the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations (Northern Ireland) 2015 [F14]; or

(b) water that is a medicinal product within the meaning of the Human Medicines Regulations 2012 [F15].

F14 S.R. 2015 No. 365 to which there are amendments not relevant to these Regulations
F15 S.I. 2012 No. 1916 to which there are amendments not relevant to these Regulations

PART 2

Water Standards, Risk Assessments and Surveys

Wholesomeness

5. Water is wholesome if all the following conditions are met—

(a) it is free from any micro-organisms and parasites and from any substances which, in numbers or concentrations, constitute a potential risk to human health;

(b) it meets the concentrations and values specified in Part 1 of Schedule 1; and

(c) in the water:

Use of products or substances in private supplies

6.—(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 at which a sample is taken in accordance with regulation 12 that would make it unwholesome or constitute a potential risk to human health.

(2) Where disinfection forms part of the preparation or distribution of a private supply, 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

7.—(1) The Department must carry out an assessment ("a risk assessment") of the potential risks associated with each private supply to which these Regulations apply other than a supply to a single private dwelling.

(2) The Department must carry out a risk assessment within six months of a private supply being identified as a private water supply under regulation 3.

(3) The Department may enter into an arrangement for any competent person to carry out a risk assessment on its behalf for the purposes of this regulation.

(4) The Department may provide for any such competent person to be reimbursed.

(5) A risk assessment must be based on the general principles of a risk assessment set out in international standards such as EN 15975-2 concerning "security of drinking water supply, guidelines for risk and crisis management"[F16];

(6) A risk assessment must take into account the results from the monitoring programmes—

(a) established under these regulations; and

(b) under regulation 11 (monitoring) of the Water Environment (Water Framework Directive) Regulations (Northern Ireland) 2017 [F17] in respect of bodies of water identified under regulation 8 of those Regulations (bodies of water used for the abstraction of drinking water).

(7) The Department must review and, where necessary, update the risk assessment—

(a) as soon as possible in the event that it becomes aware of the likelihood of a—

(i) deterioration of the quality of the water supply; or

(ii) modification to, or extension of, the supply system from which the water is supplied,

which is relevant for the protection of human health and was not previously taken into account; or

(b) when monitoring programmes are reviewed under regulation 9.

(8) A risk assessment arranged under paragraph (3) must be approved by the Department.

F16 This standard was approved by the European Committee for Standardization (CEN) on 5th July 2013. Under reference BS EN 15975-2:2013, it is published as a UK standard by the British Standards Institution (ISBN 978 0 580 84737 0).

F17 S.R. 2017 No. 81

Radon Representative Surveys

8.—(1) The Department must carry out a representative survey in accordance with paragraph (2) to determine the likelihood of a supply failing the radon maximum concentration or value specified in Schedule 1 Part 2;

(2) The representative survey under paragraph (1) must be designed in such a way—

(a) as to be capable of determining the scale and nature of likely exposures to radon in water intended for human consumption originating from different types of groundwater sources and wells in different geological areas; and

(b) that underlying parameters, especially the geology and hydrology of the area, radioactivity of rock or soil, and well type, can be identified and used to direct further action to areas of likely high exposure.

PART 3

Monitoring

Monitoring

9.—(1) The Department must monitor all private supplies in accordance with this Part and must discharge that obligation through the establishment of monitoring programmes in accordance with Schedule 2.

(2) The obligation described in paragraph (1) of this regulation does not apply to a supply to a single private dwelling where the water is not used as part of a commercial or public activity but the Department must offer appropriate advice to the relevant person in order to protect human health.

(3) The Department must ensure that a monitoring programme established under paragraph 1 is kept under review and updated or reconfirmed at least every 5 years.

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

10.—(1) Paragraph (2) applies in the case of a private water supply that—

(a) supplies an average daily volume of water of 10m^3 or more or serves 50 or more persons; or

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

(2) Where this paragraph applies, the Department must monitor for any parameter in Schedule 1 in accordance with Schedule 3 and carry out any additional monitoring that a risk assessment shows to be necessary.

Other private supplies

11.—(1) In the case of a private supply to more than one private dwelling that is not monitored in accordance with regulation 10, the Department must monitor that supply in accordance with a risk assessment and, in addition, at least once a year, it must monitor for—

(a) conductivity;