1994 No. 237

WATER AND SEWERAGE

The Private Water Supplies Regulations (Northern Ireland) 1994

Made . . . . . *23rd June 1994*

Coming into operation . . *1st November 1994*

The Department of the Environment, in exercise of the powers conferred upon it by Articles 2, 3C and 3D(3) and (4) of the Water and Sewerage Services (Northern Ireland) Order 1973(**a**), and of every other power enabling it in that behalf, hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Private Water Supplies Regulations (Northern Ireland) 1994 and shall come into operation on 1st November 1994.

Interpretation

2.—(1) In these regulations—

"category one supply" has the meaning given by regulation 9;

"category two supply" has the meaning given by regulation 10;

"the Order" means the Water and Sewerage Services (Northern Ireland) Order 1973;

"parameter" means a property, element, organism or substance listed in the second column of the Tables in Schedule 2, in column 1 of Schedule 3 or in Part II of Schedule 4;

"pesticides and related products" means any fungicide, herbicide or insecticide and polychlorinated biphenyls and terphenyls;

"prescribed concentration or value" in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in the Tables in Schedule 2 as measured by reference to the unit of measurement so specified;

(**a**) S.I. 1973/70 (N.I. 2) as amended by the Water and Sewerage Services (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/3165 (N.I. 16)) Art. 4. Art. 2 is cited because it contains a definition of "prescribed"

"quarter" means a period of 3 months beginning on 1st January, 1st April, 1st July or 1st October in any year;

"trihalomethanes" means trichloromethane, dichlorobromomethane, dibromochloromethane and tribromomethane.

(2) For the purposes of these regulations the relevant persons, in relation to a private supply to any premises, are the owners and occupiers of those premises and the owners and occupiers of the premises where the source of that supply is situated and any other person who exercises powers of management or control in relation to that source.

(3) Any reference in these regulations to—

(*a*) a class followed by—

(i) a letter, is a reference to a class of a category one supply;

(ii) a number, is a reference to a class of a category two supply;

(*b*) a Table followed by—

(i) a number, is a reference to the Table that bears that number in Schedule 1;

(ii) a letter, is a reference to the Table that bears that letter in Schedule 2.

(4) These regulations shall not apply to a private supply which is used solely for washing a crop after it has been harvested but which does not affect the fitness for consumption of any food or drink in its finished form.

(5) In these regulations the abbreviations listed in the following Table are used—

"mg/l"	— milligrammes per litre;
"ng/l"	— nanogrammes per litre;
"µg/l"	— microgrammes per litre;
"µS/cm"	— microsiemens per centimetre;
"Pt/Co scale"	— platinum cobalt scale; and
"m^3/d"	— cubic metres per day.

PART II

WHOLESOMENESS

3.—(1) This regulation has effect subject to the provisions of Part III.

(2) Water supplied to any premises from a private supply for such domestic purposes as consist in or include drinking, washing or cooking or for food production purposes shall be regarded as wholesome for the purposes of Articles 3C to 3F of the Order, as it applies to the supply of water for any of those purposes, if the requirements of paragraph (3) are satisfied; and, where the water has been softened or desalinated and is supplied for drinking or cooking or for food production purposes, the requirements of paragraph (4) are also satisfied.

(3) The requirements of this paragraph are—

(*a*) that the water does not contain any element, organism or substance (other than a parameter) at a concentration or value which would be detrimental to public health;

(*b*) that the water does not contain any element, organism or substance (whether or not a parameter) at a concentration or value which in conjunction with any other element, organism or substance it contains (whether or not a parameter) would be detrimental to public health;

(*c*) that the water does not have a concentration or value of any parameter listed in Tables A to C in excess of the prescribed concentration or value;

(*d*) in respect of any parameter listed in Table D that—

(i) samples taken over the preceding 12 months in relation to that parameter have established that the average concentration or value did not exceed the prescribed concentration or value;

(ii) where only one sample is taken in that period in relation to that parameter, the concentration or value did not exceed the prescribed concentration or value; or

(iii) where no sample is taken in that period in relation to that parameter, the concentration or value for any sample taken in relation to that parameter in the current year does not exceed the prescribed concentration or value;

(*e*) in respect of trihalomethanes that—

(i) samples taken over the preceding quarter in relation to trihalomethanes have established that the average concentration did not exceed 100 µg/1;

(ii) where only one sample is taken in that period in relation to that parameter, the concentration did not exceed 100 µg/l; or

(iii) where no sample is taken in that period in relation to that parameter, the concentration for any sample taken in relation to that parameter in the current quarter does not exceed 100 µg/l.

(4) The requirements of this paragraph are that the water's hardness and its alkalinity are not below the relevant minimum concentrations specified in Table E.

PART III

RELAXATION OF REQUIREMENTS OF PART II

Authorisations

4.—(1) Subject to the provisions of this Part, the Department may, upon the written application of a relevant person, authorise a relaxation of the provisions of Part II as respects a private supply if it is satisfied—

(*a*) that the authorisation is necessary, as an emergency measure, to maintain a supply for human consumption;

(*b*) that the authorisation is called for by reason of exceptional meteorological conditions;

(*c*) that the authorisation is called for by reason of the nature and structure of the ground in the area from which the supply emanates; or

(*d*) that the supply is, or is to be used, solely for food production purposes.

(2) The Department may, in the circumstances mentioned in paragraph (1)(*c*) authorise a relaxation of the provisions of Part II as respects a private supply notwithstanding that no application for such authorisation has been made.

(3) A relevant person shall, if there are any other relevant persons in relation to the private supply in question, at the same time as he makes an application for an authorisation—

(*a*) serve a notice of the application on all those persons; or

(*b*) publish a notice of the application at least once in each of 2 successive weeks in one or more newspapers circulating in the locality of the supply.

(4) The Department shall at the same time as it makes an authorisation under paragraphs (1) or (2) send a copy to the district council in whose district is situated any premises served by the private supply to which the authorisation applies.

Authorisations — restrictions

5.—(1) An authorisation—

(*a*) granted under regulation 4(1)(*a*), shall not so relax the provisions of Part II as to give rise to a risk to public health which the Department after consultation with the Chief Medical Officer of the Department of Health and Social Services, considers unacceptable;

(*b*) granted under regulation 4(1)(*b*) or (*c*), shall not relax the provisions of that Part so far as they relate to parameters mentioned in Table B or C or item 7 of Table D, or so as to give rise to a public health hazard;

(*c*) granted under regulation 4(1)(*d*), shall not relax the provisions of that Part so as to affect the fitness for human consumption of food or drink in its finished form.

(2) An authorisation shall specify the extent to which the prescribed concentration or value for any parameter is authorised to be contravened.

(3) An authorisation granted under regulation 4(1)(*a*) or (*b*) shall specify the date on which it ceases to have effect and an authorisation granted under regulation 4(1)(*c*) or (*d*) may specify such a date.

Authorisation — conditions

6. An authorisation may include conditions relating to—

(*a*) the quality of water to which the authorisation applies;

(*b*) the steps to be taken to improve the quality of the water;

(*c*) the monitoring of the quality of the water; and

(*d*) the giving of notice to any person or body named in the authorisation of such matters concerning the water as are mentioned in the authorisation.

Revocation and modification of authorisations

7.—(1) Subject to paragraphs (2) and (3), the Department may modify or revoke an authorisation (whether or not the authorisation is expressed to be granted for a specified period); and regulations 4 to 6 shall apply with suitable adaptations in relation to the modification of an authorisation.

(2) The Department shall not revoke or modify an authorisation without giving at least 6 months' notice of its intention to do so by—

(*a*) serving notice of the revocation or modification on any relevant person on whose application the authorisation was granted; and

(*b*) publishing a notice of the revocation or modification in such manner as the Department considers appropriate for bringing it to the attention of relevant persons;

but the Department may revoke or modify an authorisation without notice if it appears to it that the immediate revocation or modification of the authorisation is required in the interests of public health.

(3) A person on whose application an authorisation has been granted shall notify the Department as soon as he is aware that the circumstances which gave rise to the application for the authorisation cease to exist; and, notwithstanding paragraph (2), the Department shall thereupon revoke the authorisation.

PART IV

MONITORING OF PRIVATE SUPPLIES

Duty to monitor

8. The Department shall take and analyse samples of water from every category one and category two private supply serving premises in accordance with the provisions of this Part.

Category one supplies

9.—(1) For the purposes of this Part, a private supply is a category one supply if any water from the supply is supplied for domestic purposes and the supply is not a category two supply.

(2) Subject to paragraph (3), category one supplies shall be divided into classes in accordance with Table 1 by reference to the number of persons supplied with water for domestic purposes and the relevant average daily volume of water supplied; but, if those factors would result in a supply falling into different classes, it shall be treated as falling into the class which is earlier in the alphabetical sequence.