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STATUTORY INSTRUMENTS

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**2009 No. 3101**

**The Private Water Supplies Regulations 2009**

**PART 3**

Action in the event of failure

**Provision of information**

**14.** If the local authority considers that a private supply in its area is a potential danger to human health it must take appropriate steps to ensure that people likely to consume water from it—

- (a) are informed that the supply constitutes a potential danger to human health;
- (b) where possible, are informed of the degree of the potential danger; and
- (c) are given advice to allow them to minimise any such potential danger.

**Investigation**

**15.** A local authority must carry out an investigation to establish the cause if it suspects that the supply is unwholesome or that an indicator parameter does not comply with the concentrations or values in Part 2 of Schedule 1.

**Procedure following investigation**

**16.—(1)** Once a local authority has carried out an investigation and established the cause of the water being unwholesome, it must act in accordance with this regulation.

(2) If the cause of the unwholesome water is in the pipework within a single dwelling, it must promptly inform the people concerned and offer them advice on measures necessary for the protection of human health.

(3) Otherwise, if it cannot solve the problem informally the local authority—

- (a) may on application grant an authorisation in accordance with regulation 17(2) if the conditions in that regulation are fulfilled; and
- (b) if it does not grant such an authorisation, must (or, in the case of a supply to a single dwelling, may) serve a notice, either in accordance with section 80 of the Water Industry Act 1991 or under regulation 18 if the conditions in that regulation are fulfilled.

**Authorisations of different standards**

**17.—(1)** Any person may apply to a local authority for the grant of an authorisation under this regulation.

(2) A local authority may grant an authorisation of different standards under this regulation if—

- (a) the only cause of the unwholesome water is that a parameter in Table B of Part 1 of Schedule 1 (chemical parameters) is not complied with;

- (b) the local authority has consulted all water users who will be affected by the authorisation and the Health Protection Agency for the area and has taken their views into account;
  - (c) granting the authorisation does not cause a potential danger to human health;
  - (d) the supply of water cannot be maintained by any other reasonable means.
- (3) An authorisation must require the applicant to take action over a period of time to ensure that the necessary parameters are complied with, and must specify—
- (a) the person to whom the authorisation is granted;
  - (b) the supply concerned;
  - (c) the grounds for granting the authorisation;
  - (d) the parameters concerned, previous relevant monitoring results, and the maximum permissible values under the authorisation;
  - (e) the geographical area, the estimated quantity of water supplied each day, the number of persons concerned and whether or not any food-production undertaking is affected;
  - (f) an appropriate monitoring scheme, with an increased monitoring frequency where necessary;
  - (g) a summary of the plan for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing progress;
  - (h) the duration of the authorisation.
- (4) If a local authority grants an authorisation, and the person to whom it is granted takes action in accordance with the timetable specified in the authorisation, the local authority may not serve a notice under section 80 of the Water Industry Act 1991 concerning the matters specified in the authorisation without first amending or revoking the authorisation.
- (5) The duration of the authorisation must be as short as possible and in any event may not exceed three years.
- (6) The local authority must ensure that people concerned are promptly informed of the authorisation and its conditions and, where necessary, ensure that advice is given to particular groups for which the authorisation could present a special risk.
- (7) If the supply exceeds 1,000 m<sup>3</sup> a day as an average or serves more than 5,000 persons the local authority must send a copy of the authorisation to the Secretary of State within one month.
- (8) The local authority must keep the progress of the remedial action under review.
- (9) If necessary, it may grant a second authorisation for up to a further three years with the prior consent of the Secretary of State, but if it does so it must, as soon as is reasonably practicable, send a copy of the authorisation together with the grounds for its decision to the Secretary of State.
- (10) It may revoke or amend the authorisation at any time, and in particular may revoke or amend it if the timetable for remedial action has not been adhered to.