

EXPLANATORY MEMORANDUM TO

The Private Water Supplies (Amendment) Regulations (Northern Ireland) 2010

SR 2010 No. 131

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 107(2) and (3) and 118(3) and (4) of the Water and Sewerage Services (Northern Ireland) Order 2006 and section 2(2) of the European Communities Act 1972 and is subject to the negative resolution process.

2. Purpose

2.1. The Regulations aim to complete transposition into legislation, implement and enforce Northern Ireland's obligations under European directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption¹ ("the Drinking Water Directive") in respect of private supplies and to protect the health of consumers of private water supplies and consumers of food and drink prepared from private water supplies.

2.2. Regulation 1 cites the name of the Regulations and when the Regulations will come into operation.

2.3. Regulation 2 states that the Regulations amend the Private Water Supplies Regulations (Northern Ireland) 2009, "the 2009 Regulations".

2.4. Regulation 3 clarifies the requirement to use only specified products or substances for private water supplies after the Regulations come into force and introduces a provision to ensure that, where disinfection treatment is practised, disinfection by-products are kept to a practical minimum as required by the Directive.

2.5. Regulation 4 clarifies that actions specified in notices served under regulation 19 of the 2009 Regulations are remedial actions.

2.6. Regulation 5 amends Schedule 2 on the Requirements for Risk Assessment to ensure that provisions are only included in the risk assessment where appropriate.

3. Background

3.1. The Regulations amend the Private Water Supplies Regulations (Northern Ireland) 2009² and complete transposition of the requirements of the 1998 Drinking Water Directive in respect of private water supplies. The Directive sets new standards for water intended for human consumption that member states are required to meet and sets indicator parameter values for monitoring purposes. Remedial action must be taken when non-compliance of an indicator parameter value is judged to be a risk to human health.

4. Consultation

¹ OJ L 330/32 5.12.98

² S.R. 2009 No. 413

4.1. A public consultation on the Principal Regulations ran from 12th June 2009 for a period of 3 months. Over 300 organisations and individuals were consulted and 16 responses were received. Overall the respondents were supportive of the aims and objectives of the Regulations.

4.2. The amending Regulations implement minor changes to the legislation with no operational impacts so a consultation was not required.

5. Equality Impact

5.1. A screening analysis of the Principal Regulations indicated there would be no impact in terms of the main groups relevant to the section 75 categories of the Northern Ireland Act 1998.

5.2. The amending Regulations implement minor changes with no change to policy therefore a new Equality Impact Assessment is not required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment showed that the benefits of the Principal Regulations outweighed any additional costs. The Principal Regulations do not place an excessive burden on businesses as similar requirements have been in place for a number of years in the Private Water Supplies (Northern Ireland) Regulations 1994.

6.2. The amending Regulations will have no impact on the previous assessments carried out.

7. Financial Implications

7.1. The amending Regulations do not add any burdens beyond what is already required under the Principal Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. The amending Regulations do not have any EU implications.

10. Parity or Replicatory Measure

10.1. The Regulations are similar to the Water Quality (Scotland) Regulations 2010 and for England the (draft) Water Supply (Water Quality) and Private Water Supplies (Amendment) Regulations 2010 although in both England and Scotland the Regulations also include provisions in respect of water provided by a water undertaker.

10.2. In Northern Ireland the Department for Regional Development is preparing Regulations in respect of water provided by a water undertaker.

11. Additional Information

11.1. Not applicable.