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STATUTORY RULES OF NORTHERN IRELAND

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**2017 No. 211**

**The Private Water Supplies Regulations (Northern Ireland) 2017**

**PART 4**

**Action in The Event of Failure**

**Authorisations of different standards**

**18.**—(1) A relevant person may apply to the Department for the granting of an authorisation under this regulation.

(2) The Department may grant an authorisation of different standards under this regulation if—

- (a) the only cause of the water not being wholesome is that a parameter in Table B of Part 1 of Schedule 1 (“Table B”) is not complied with;
- (b) the Department has consulted the relevant District Council and the Public Health Agency and has taken their views into account;
- (c) granting the authorisation does not result in a risk to human health; and
- (d) the supply of water cannot be maintained by any other reasonable means.

(3) An authorisation must require the relevant person to take action over a period of time to ensure that the parameters in Table B are complied with and must specify—

- (a) the relevant person;
- (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 supplied and whether or not any food-production undertaking is affected;
- (f) an appropriate monitoring scheme to be undertaken by either the Department or the relevant person, 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; and
- (h) the duration of the authorisation.

(4) If the Department grants an authorisation, and action is taken in accordance with the timetable of works specified in the authorisation, the Department must not serve a notice under Article 119 of the 2006 Order 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 must not exceed three years.

(6) The Department must ensure that people affected 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) The Department must inform the European Commission within two months of any authorisation concerning an individual private supply exceeding 1000m<sup>3</sup> a day as an average or serving more than 5000 persons unless it considers the reason for the authorisation to be trivial and action is carried out which remedies the problem within 30 days.

(8) Towards the end of the duration of the authorisation the Department must review it to determine whether sufficient progress has been made. If the Department considers that sufficient progress has not been made, it may grant a second authorisation. If the Department intends to grant a second authorisation, this must be communicated to the European Commission along with the results of the review.

(9) Subject to paragraph (8), the Department may grant a second authorisation for up to three years duration.

(10) If towards the end of the second period of authorisation the Department considers that sufficient progress has not been made the Department may grant a third period of authorisation but only if—

- (a) the Department considers that there are exceptional circumstances to justify doing so; and
- (b) the European Commission confirms its approval.

(11) The Department may revoke or amend any authorisation at any time, and in particular may revoke or amend it if the timetable for remedial action has not been adhered to.