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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Environment (Legislative Functions  
from Directives) (EU Exit) Regulations 2019**

**PART 6**

Water quality

**CHAPTER 6**

Retention of functions from the Drinking Water Directive

**Power to make provision in relation to monitoring of drinking water**

**37.**—(1) The appropriate authority may, by regulations, for the purposes of retained EU law which implemented Annexes 2 and 3 to the Drinking Water Directive, make provision for or in connection with the monitoring of water intended for human consumption.

(2) The provision which may be made under paragraph (1) includes specifying—

- (a) the general objectives of and provisions of monitoring programmes for water intended for human consumption;
- (b) the general framework for monitoring programmes, including the list of parameters and the sampling frequencies;
- (c) standards for risk assessment;
- (d) standards for sampling and sampling points;
- (e) standards for the methods of analysis used for monitoring, including those for microbiological parameters, and the performance characteristics for methods for chemical and indicator parameters.

(3) The provision which may be made under paragraph (1) includes—

- (a) requiring a reference to Annex 2 or 3 to the Drinking Water Directive (or a reference which encompasses either of those Annexes) to be read as a reference to those Annexes with modifications;
- (b) amending provision which corresponds to that made by Annex 2 or 3 to the Drinking Water Directive.

(4) Regulations under paragraph (1) may amend any subordinate legislation.

(5) The appropriate authority may only exercise the power in paragraph (1) to the extent that the authority considers it is appropriate to do so as a result of scientific and technical progress.

(6) Before making any regulations under paragraph (1), the appropriate authority must consult—

- (a) the appropriate drinking water regulator, and
- (b) such other persons as the authority considers appropriate.

(7) In this regulation, the “appropriate drinking water regulator” means—

- (a) for regulations applying in England, the Chief Inspector of Drinking Water;
- (b) for regulations applying in Wales, the Chief Inspector of Drinking Water, or the Chief Inspector of Drinking Water for Wales, if different;
- (c) for regulations applying in Scotland, the Drinking Water Quality Regulator for Scotland;
- (d) for regulations applying in Northern Ireland, the Drinking Water Inspectorate for Northern Ireland.