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STATUTORY INSTRUMENTS

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**1991 No. 1837**

**WATER, ENGLAND AND WALES**

**The Water Supply (Water Quality)  
(Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>6th August 1991</i>
<i>Laid before Parliament</i>		<i>13th August 1991</i>
<i>Coming into force</i>		
<i>except for paragraphs 10(b) (ii) and (c) and 26(b) of the Schedule</i>		<i>3rd September 1991</i>
<i>paragraphs 10(b)(ii) and (c) and 26(b) of the Schedule</i>		<i>1st January 1992</i>

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred on them by sections 52, 53, 56, 65 and 185(2) of the Water Act 1989<sup>(1)</sup>, and of all other powers enabling them in that behalf (those powers being exercised as mentioned in Schedule 1 to the Water Supply (Water Quality) Regulations 1989<sup>(2)</sup>), hereby make the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Water Supply (Water Quality) (Amendment) Regulations 1991 and shall come into force on 3rd September 1991 except for paragraphs 10(b)(ii) and (c) and 26(b) of the Schedule which shall come into force on 1st January 1992.

**Amendment of regulations**

2. The Schedule to these Regulations shall have effect for making amendments to the Water Supply (Water Quality) Regulations 1989.

6th August 1991

*Michael Heseltine*  
Secretary of State for the Environment

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(1) 1989 c. 15; sections 52 and 53 were amended by section 55(2) of the Food Safety Act 1990 (c. 16).  
(2) S.I.1989/1147, amended by S.I. 1989/1384.

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5th August 1991

*David Hunt*  
Secretary of State for Wales

## THE SCHEDULE

Regulation 2 1.

1. The Water Supply (Water Quality) Regulations 1989 shall be amended as follows.
2. In regulation 3–
  - (a) in paragraph (2), after the words “or cooking” in both places where they occur insert “or for food production purposes” (3) and for “those domestic purposes” substitute “those purposes”;
  - (b) in paragraph (3)(c), for “and (6) below” substitute “to (8) below”;
  - (c) in paragraph (5), omit “solely” and after “(sodium) if” insert “at least”;
  - (d) for paragraph (6), substitute the following paragraph–

“(6) Water shall not be regarded as unwholesome by virtue of paragraph (3)(c) above because the maximum concentration for the total coliforms parameter (item 1 of Table C) is exceeded–

    - (a) in a case where 50 or more samples have been taken in accordance with these Regulations within the preceding 12 months from sampling points within the water supply zone in question, if the results of analysis of all those samples establish that in at least 95% of those samples coliforms were absent; or
    - (b) in a case where less than 50 samples have been so taken within the preceding 12 months, if the results of analysis of the last 50 samples so taken establish that in at least 48 of those samples coliforms were absent.”;
  - (e) in paragraph (7), at the beginning insert “Subject to paragraph (8) below,” after “paragraph (2)” insert “or for food production purposes” and omit “domestic” in the second place where it occurs;
  - (f) after paragraph (7), insert the following paragraph–

“(8) Water transferred from a service reservoir for supply for the purposes mentioned in paragraph (7) shall not be regarded as unwholesome for the purposes of Chapter II because the maximum concentration for the total coliforms parameter (item 1 of Table C) is exceeded if the results of analysis of all samples taken in accordance with these Regulations in each week in which the reservoir in question is in use in the preceding 12 months establish that in at least 95% of those samples coliforms were absent.”.
3. In regulation 4–
  - (a) in paragraph (1)(b), for “conditions; or” substitute “conditions;” and at the end of paragraph (1)(c) insert “or (d) that the supply is or is to be used solely for food production purposes.”;
  - (b) in paragraph (3), after “local authority” insert “and, in the case of an application under paragraph (1)(c), shall inform the authority that it may make representations about the application to the Secretary of State within a period of 6 weeks beginning with the date on which the copy of the application is served”.
4. In regulation 5–
  - (a) at the end of paragraph (1), insert–
    - (c) granted under regulation 4(1)(d) shall not relax the provisions of the said Part II so as to affect the fitness for human consumption of the food or drink in its final form.”;
  - (b) in paragraph (3), for “regulation 4(1)(c)” substitute “regulation 4(1)(c) or (d)”.

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(3) See the definition of “food production purposes” in section 66(1A) of the Water Act 1989 which was inserted by section 55(6) of the Food Safety Act 1990 c. 16.

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5. In regulation 6(1), for “source; or” substitute “source;” and at the end insert “or (c) for a particular food production purpose”.
6. In regulation 7(2), after “at least six months” insert “(or, if the water undertaker agrees, at least six weeks)”.
7. In regulation 8–
  - (a) in paragraph (1)(d), for the words “there were added” to the end substitute for regulation 4(3) there were substituted–

“(3) The owner of any premises served by a private supply shall at the same time as he makes an application for an authorisation under paragraph (1) serve a copy on every appropriate local authority and on one of the persons mentioned in regulation 8(1)(b)(i) and (ii).”;
  - (b) in paragraph (4), after “private supply” insert “which is or is to be used solely for a food production purpose or”; and
  - (c) at the end of paragraph (4), insert–

“(5) An authority which grants an authorisation–

    - (a) under regulation 4(1)(a);
    - (b) under regulation 4(1)(b) or (c) in relation to private supply which at any one time serves or is to serve 5000 or more persons or which supplies or is to supply 1000 or more cubic metres of water in any period of 24 hours; or
    - (c) under regulation 4(1)(d),

shall forthwith send a copy of it to the Secretary of State.”
8. In regulation 9(2), in the definition of “the standard number” after “domestic purposes” insert “and, if water is supplied for food production purposes, for those purposes”.
9. In regulation 12–
  - (a) in paragraph (1), at the beginning insert “Subject to paragraphs (2) to (5),” and after “of samples taken” insert “for a water supply zone”;
  - (b) in paragraph (2), after “analysis of samples taken” insert “for a water supply zone” and at the end insert “within that zone”;
  - (c) after paragraph (2), insert the following paragraphs–

“(3) Subject to paragraphs (4) and (5), the Secretary of State may at any time modify or revoke an authorisation granted under paragraph (1).

(4) Unless it appears to the Secretary of State that the immediate modification or revocation of an authorisation is required in the interests of public health, he shall not modify or revoke such an authorisation without giving at least six months', or, if the water undertaker to which the authorisation relates agrees, at least six weeks', notice of his intention to do so to that undertaker.

(5) The water undertaker shall notify the Secretary of State as soon as it believes that an analysis of samples taken for a water supply zone from a point other than a sampling point would produce data in respect of the parameter in question which would be significantly different from the data produced by an analysis of samples taken from any of the sampling points within that zone; and notwithstanding paragraph (4) the Secretary of State shall thereupon revoke the authorisation.”.
10. In regulation 13–
  - (a) in paragraph (1), for “paragraphs (2) to (9)” substitute “paragraphs (2) to (10)”;
  - (b) in paragraph (2)–

- (i) for “paragraph (1)” substitute “paragraph (3)”;
  - (ii) for “Table 1 or 2” substitute “Table 1, 2 or 2A”;
  - (c) in paragraph (3), for “Table 1, 2 or 3” substitute “Table 1, 2, 2A or 3”;
  - (d) after paragraph (4), insert–
    - “(4A) Where in accordance with paragraph (3), the number of samples to be taken in any year in respect of the conductivity or hydrogen ion parameters listed in Table 1 may be the reduced corresponding number, the number of samples to be taken in that year in respect of the qualitative odour and qualitative taste parameters may be similarly reduced.”;
  - (e) in paragraph (7)(b), after “consequence of” insert “either” and after “works or otherwise),” insert “or of any other change”;
  - (f) after paragraph (9) insert–
    - “(10) Where the sampling frequency specified in relation to any parameter in Tables 1 to 6–
      - (a) is one per annum, not less than three months shall elapse between the taking of successive samples;
      - (b) is more than one per annum, samples shall be taken at regular intervals.”.
- 11.** In regulation 14–
- (a) in paragraph (1), for “take samples” substitute “take sufficient samples” and after “zone in respect of that parameter” insert “in order to establish whether or not that water is wholesome”;
  - (b) in paragraph (2), for “take samples” substitute “take sufficient samples” and after “other than a parameter” insert “in order to establish whether or not the water is detrimental to public health”.
- 12.** In regulation 15, in the definition of “the standard number”, for “domestic purposes” substitute “domestic purposes and, if water is supplied for food production purposes, for those purposes”.
- 13.** In regulation 17–
- (a) in paragraph (1), for “paragraphs (2) to (4)” substitute “paragraphs (2) to (4) and (6)”;
  - (b) in paragraph (2), for “an absence of faecal and total coliforms and” substitute “that the maximum concentrations for the total coliforms (item 1 of Table C) and faecal coliforms (item 2 of Table C) parameters have not been exceeded and that there has been”;
  - (c) in paragraph (5), after “for domestic” insert “or food production” and for “faecal or total coliforms will be present in the supply” substitute “the supply will exceed the maximum concentrations for the total coliforms (item 1 of Table C) or faecal coliforms (item 2 of Table C) parameters”;
  - (d) after paragraph (5) insert the following paragraph–
    - “(6) Samples in respect of any parameter mentioned in Table 7 shall be taken at regular intervals.”.
- 14.** Regulation 19 shall be omitted.
- 15.** In regulation 22, in the definition of “pipe” for “water fittings” substitute “taps, cocks, valves, ferrules, meters, cisterns and other similar apparatus used in connection with the supply and use of water.”.
- 16.** In regulation 23–

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- (a) in paragraph (1), for “washing and cooking” substitute “washing, cooking or food production purposes”;
  - (b) in paragraph (4), after “drinking” insert “or for food production purposes”.
- 17.** In regulation 24–
- (a) in paragraph (1)(b), after “that pipe” insert “as is used for the supply of water for food production purposes or”;
  - (b) in paragraph (3), after “for domestic” insert “or food production”.
- 18.** In regulation 25–
- (a) in paragraph (1), for “washing and cooking” substitute “washing, cooking or food production purposes” and in sub-paragraph (c), after “for domestic” insert “or food production”;
  - (b) in paragraph (4), for “washing and cooking” substitute “washing, cooking or food production purposes”.
- 19.** In regulation 26(1), for “washing and cooking” substitute “washing, cooking or food production purposes”.
- 20.** In regulation 29(1)(f), for “regulations 16 to 19” substitute “regulations 16 to 18”.
- 21.** In regulation 30(3), for the words after “in any year” to the end substitute “a statement informing them that records of water quality may be inspected by the public free of charge and of the address, telephone number and hours of opening of at least one of the offices at which an inspection can be made”.
- 22.** In regulation 31(1)(a), after “domestic purposes” insert “and, if water is supplied for food production purposes, for those purposes”.
- 23.** In regulation 33(1)(a), for “regulation 30(6)” substitute “regulation 30(5)”.
- 24.** In regulation 34, for “Parts IV to VI” substitute “Parts IV to VII”.
- 25.** In Schedule 2, at the end of note (i) to Table C, insert “to (8)”.
- 26.** In Schedule 3–
- (a) in Tables 1, 3 and 5 to 7, after “domestic purposes” wherever they occur insert “(and, if water is supplied for food production purposes, for those purposes)”;
  - (b) for Table 2 substitute–

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**“Table 2: Sampling frequencies at consumers' taps**

Parameters	Water Supply Zone		Sampling Frequency (number per annum)		
	Volume distributed ( $m^3/d$ ) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)	Population Supplied	Reduced	Standard	Increased
			Ground Water	Surface Water	
Turbidity					
Temperature	$\leq 100$	$\leq 500$			4      12
Hydrogen ion	101-1000	501-5000	4	4	4      12
Nitrate	1001-2000	5001-10000	4	5	4      24
	2001-4000	10001-20000	4	5	6      24
Nitrite	4001-7000	20001-35000	4	5	10      36
	7001-10000	35001-50000			10      48”
Ammonium					
Iron					
Aluminium					
Manganese					
Colour					

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**“Table 2A: Sampling frequencies at consumers' taps**

Parameters	Water Supply Zone		Sampling Frequency (number per annum)			
	Volume distributed (m <sup>3</sup> /d) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)	Population Supplied	Reduced	Standard	Increased	
			Ground Water	Surface Water		
Odour (quantitative)	≤100	≤500	1		4	12
	101-1000	501-5000	1		4	12
Taste (quantitative)	1001-2000	5001-10000	1	4	4	24
	2001-4000	10001-20000	1	5	6	24
	4001-7000	20001-35000	1	5	10	36
	7001-10000	35001-50000	1		10	48”

(c) in Table 6, after “standard number is 52.” insert “In cases where the population is not an exact multiple of 5000, the population figure should be rounded up to the nearest multiple of 5000”.

27. For Schedule 4 substitute the following—



“SCHEDULE 4

Regulation 30(4)

INFORMATION FOR LOCAL AUTHORITIES

WATER SUPPLY ZONE (NAME OF ZONE)						
(Period of report)						
Parameter	No. of samples taken in period	PCV <sup>(1)</sup> (including unit of measurement)	% of samples contravening PCV <sup>(2)</sup>	Concentration or Value (all samples)		
				Min.	Mean	Max.

Commentary on Water Quality

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Action taken to comply with section 20(5)(b) undertakings

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Notes

<sup>(1)</sup> PCV=prescribed concentration or value specified in Schedule 2. For zones for which a relaxation has been authorised under regulation 4, the extent to which the prescribed concentration or value for the parameter in question is authorised to be relaxed should also be recorded in parenthesis.

<sup>(2)</sup> For zones for which a relaxation has been authorised under regulation 4, this column should record the percentage of samples contravening the relaxed concentration or value specified in the authorisation.

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28. In Schedule 5, at the end of note (iv) to Form B, insert “Columns (4),(5) and (6) should not be completed.”.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make further amendments to the Water Supply (Water Quality) Regulations 1989 (the “1989 Regulations”).

The main changes are as follows—

- (1) Standards of wholesomeness prescribed in the 1989 Regulations in respect of water that is supplied by water undertakers and from private supplies for drinking, washing or cooking are applied to water used for food production. The amendments supplement the amendments to Chapter II (Water Supply) of Part II of the Water Act 1989 made by section 55 of the Food Safety Act 1990 and give effect to the requirements of Council Directive [80/778/EEC](#) (OJNo. L229, 30.8.80, p.11) in relation to water used in a food production undertaking.
- (2) Regulation 3 is amended to make provision in relation to water transferred for supply from a service reservoir where the maximum concentration for the total coliforms parameter (a microbiological parameter) is exceeded.
- (3) Regulation 4 is amended to provide for local authorities to make representations to the Secretary of State about applications by a water undertaker for a relaxation from the provisions of Part II of the Regulations.
- (4) Regulation 8 is amended to provide for local authorities to inform the Secretary of State if they grant relaxations from the provisions of Part II of the Regulations in relation to certain private supplies.
- (5) Regulation 12 is amended to enable the Secretary of State to modify or revoke an authorisation granted under paragraph (1) of that regulation. The Secretary of State is permitted to make modifications under amendments to regulations 7 and 12 after giving six weeks notice if the undertaker agrees.
- (6) Amendments are made to Part VII in relation to the provision of information and to make the requirements of that Part enforceable under section 20 of the Water Act 1989.