
STATUTORY INSTRUMENTS

1991 No. 2790

The Private Water Supplies Regulations 1991

PART V

MISCELLANEOUS

Collection and analysis of samples

19.—(1) A local authority shall secure, so far as is reasonably practicable, that in taking, handling, transporting, storing and analysing or causing to be analysed any sample taken for the purposes of these Regulations, the appropriate requirements are satisfied.

(2) In paragraph (1) “the appropriate requirements” means such of the following requirements as are applicable—

- (a) that the sample is representative of the quality of the water at the time of sampling;
- (b) that the sample is not contaminated when being taken or subsequently;
- (c) that the sample is kept at such temperature and in such conditions as will secure that there is no material alteration of the concentration or value for the measurement or observation of which the sample is intended;
- (d) that the sample is analysed as soon as may be after the time it has been taken—
 - (i) by, or under the supervision of, a person who is competent to perform that task;
 - (ii) with the use of such equipment as is suitable for the purpose;
 - (iii) by applying such analytical systems and methods as are capable of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values which contravene the prescribed concentrations or values; and
- (e) that any laboratory at which samples are analysed has a system of analytical quality control that is subject from time to time to checking by a person who is—
 - (i) not under the control of either the laboratory or the authority; and
 - (ii) approved by the Secretary of State for that purpose.

(3) Within 28 days of the results of an analysis of any sample of a private supply taken from any premises being available to the local authority which took the sample, the authority shall notify the owner of those premises of the results of that analysis and any other relevant person who is to be charged for the taking and analysis of the sample from those premises under regulation 20(1).

Charges for sampling and analysis

20.—(1) Subject to the provisions of this regulation, a local authority may in respect of a private supply serving premises in its area charge any relevant person for expenses reasonably incurred by the authority for—

- (a) sampling a supply in accordance with these Regulations subject to a maximum charge of £50 per visit to any premises for that purpose; and
 - (b) the analysis of samples in accordance with these Regulations subject to the maximum charges set out in Schedule 5.
- (2) The power to charge mentioned in paragraph (1)–
- (a) includes a power to charge (whether or not any notice under section 80 of the Water Industry Act 1991 has been served) for the sampling and analysis of samples following the taking of remedial action in relation to any private supply;
 - (b) does not include a power to charge–
 - (i) for the taking and analysis of any sample taken solely in order to confirm or clarify the results of the analysis of a previous sample; and
 - (ii) in the case of a class C, D, E, 3, 4, or 5 supply, for the taking and analysis of any sample taken pursuant to regulation 13(6).
- (3) Where in relation to any private supply there is more than one relevant person, the local authority shall, in determining who is to be charged under paragraph (1) and any apportionment of the charge, have regard to the terms (if any) on which the water is supplied and the purposes for which it is used.

Sampling and analysis by persons other than local authorities

- 21.**—(1) Subject to paragraph (2), a local authority may enter into arrangements with–
- (a) a relevant person for the taking and analysis of samples in accordance with these Regulations on behalf of, but at no expense to, the authority; or
 - (b) any other person for the analysis of samples in accordance with these Regulations on behalf of the authority (whether or not involving the authority in expense).
- (2) A local authority shall only enter into arrangements under paragraph (1) if it is satisfied that the tasks will be carried out by, or under the supervision of, a person competent to perform them and otherwise in accordance with these Regulations.
- (3) Arrangements under paragraph (1)(a) shall include a requirement for the results of any analysis to be sent to the local authority as soon as they are available.

Revocation of regulations

22. Regulation 8 of the Water Supply (Water Quality) Regulations 1989⁽¹⁾, regulation 2(5) of the Water Supply (Water Quality) (Amendment) Regulations 1989⁽²⁾ and paragraph 7 of the Schedule to the Water Supply (Water Quality) (Amendment) Regulations 1991⁽³⁾ are revoked.

(1) S.I. 1989/1147.
(2) S.I. 1989/1384.
(3) S.I. 1991/1837.