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STATUTORY INSTRUMENTS

2001 No. 2885

WATER, ENGLAND AND WALES

**The Water Supply (Water Quality)
(Amendment) Regulations 2001**

<i>Made</i>	- - - -	<i>8th August 2001</i>
<i>Laid before Parliament</i>		<i>15th August 2001</i>
<i>Coming into force</i>	- -	<i>5th September 2001</i>

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred upon her by sections 67, 69, and 213(2) of the Water Industry Act 1991⁽¹⁾, and in exercise of all other powers enabling her in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) (Amendment) Regulations 2001, and shall come into force on 5th September 2001.

(2) The amendments specified in the Schedule to these Regulations shall apply in relation to the supply of water by water undertakers whose areas are not wholly or mainly in Wales.

(3) Any reference in the Schedule to these Regulations to a numbered regulation is a reference to the regulation bearing that number in the Water Supply (Water Quality) Regulations 2000⁽²⁾.

Amendment of the Water Supply (Water Quality) Regulations 2000

2. The Water Supply (Water Quality) Regulations 2000 shall be amended in accordance with the Schedule to these Regulations.

(1) 1991 c. 56. Section 213 is amended by the Competition and Service (Utilities) Act 1992 (c. 43). Functions under section 67 of the Water Industry Act 1991 for making regulations concerning water supplied by water undertakers, and functions under section 69 of that Act were transferred to the National Assembly for Wales in relation to any water undertaker whose area is wholly or mainly in Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), Schedule 1, as substituted by S.I. 2000/253, Schedule 3. Functions under section 213 of the Water Industry Act 1991 are exercisable by the National Assembly for Wales to the same extent as the powers, duties and other provisions to which that section applies are exercisable by the Assembly; see S.I. 1999/672, Schedule 1, as substituted by S.I. 2000/253, Schedule 3.

(2) S.I. 2000/3184.

Further amendment of the Water Supply (Water Quality) Regulations 1989

3. The Water Supply (Water Quality) Regulations 1989(3) shall be amended—
- (a) in regulation 29 (maintenance of records)(4), in paragraph (1)(f)—
- (i) by the substitution, for “regulation 13B”, of “regulation 13A”; and
- (ii) by the insertion, at the end, of “or regulation 29 of the Water Supply (Water Quality) Regulations 2000”; and
- (b) in Schedule 3, in Table 4B(5)—
- (i) in the entry in column (2) in respect of the copper parameter, by the substitution, for “2.0µgCu/l”, of “2.0mgCu/l”; and
- (ii) by the substitution, for the last two entries, of the following entry—

“Tetrachloroethene* } Trichloroethene* }	0µg/l	25	25	10”
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Signed by authority of the Secretary of State for Environment, Food and Rural Affairs

Michael Meacher
Minister of State,
Department for Environment, Food and Rural
Affairs

8th August 2001

(3) S.I. 1989/1147, amended by S.I. 1989/1384, 1991/1837 and 2790, 1996/3001, 1999/1524 and 2000/3184.

(4) Regulation 29 was amended by S.I. 2000/3184, regulations 40 and 43(1) and Schedule 5, paragraph (e).

(5) Table 4B was inserted by S.I. 2000/3184, regulation 40 and Schedule 5, paragraph (f).

SCHEDULE

regulation 2

AMENDMENT OF THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2000

1. In regulation 1 (citation, commencement and application)—
 - (a) after paragraph (2), insert the following paragraphs—

“(2A) Regulation 25 (interpretation of Part VII) and regulation 39 (contraventions by water undertakers) shall come into force on 5th September 2001.

(2B) So much of regulation 33 as relates to any contravention of paragraph (9) of regulation 28 shall come into force on 1st October 2001.”; and
 - (b) in paragraph (6), after “apply”, insert “in relation”.
2. In regulation 2 (interpretation), in paragraph (1), in the definition of “appropriate local authority” and “appropriate health authority”, omit sub-paragraph (b);
3. In regulation 4 (wholesomeness), in paragraph (2), in sub-paragraph (a), in paragraphs (i) and (ii), after “parameter”, insert “listed in Schedule 1”.
4. In regulation 9 (numbers of samples), in paragraph (ii) of sub-paragraph (b) of paragraph (2), omit “concentration”.
5. In regulation 16 (collection and analysis of samples), in paragraph (6)—
 - (a) in the definition of “precision”, for “is the standard deviation”, substitute “is to be calculated as twice the standard deviation”; and
 - (b) in the definition of “trueness”, after “is” insert “to be calculated as”.
6. In regulation 26 (treatment of raw water), in paragraph (2) for “This paragraph shall not”, substitute “Nothing in paragraph (1) shall”.
7. In regulation 30 (contamination from pipes), in sub-paragraph (a) of paragraph (4) and sub-paragraph (c) of paragraph (5) for “regulation 4 purposes”, substitute “regulation 4(1) purposes”.
8. In regulation 34 (maintenance of records), in paragraph (1), in sub-paragraph (f), omit “, 28”.
9. In regulation 35 (provision of information)—
 - (a) in paragraph (5), for sub-paragraphs (e) and (f), substitute the following—
 - “(e) in respect of cryptosporidium and, with the exception of *E. coli*, coliform bacteria and every indicator parameter, each parameter, the minimum, mean and maximum concentrations; and
 - (f) in respect of residual disinfectant and, with the exception of *clostridium perfringens* (including spores), each indicator parameter, the minimum, mean and maximum concentrations or values or, where a state is specified in relation to any such parameter, a commentary on its state.”;
 - (b) in paragraph (6), for sub-paragraphs (e) and (f), substitute the following—
 - “(e) in respect of each parameter, with the exception of *E. coli*, coliform bacteria and every indicator parameter, the minimum, mean and maximum concentrations; and
 - (f) in respect of residual disinfectant and, with the exception of *clostridium perfringens* (including spores), each indicator parameter, the minimum, mean and maximum concentrations or values or, where a state is specified in relation to any such parameter, a commentary on its state.”; and
 - (c) in paragraph (7), for sub-paragraphs (e) and (f), substitute the following—

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- “(e) in respect of each parameter, with the exception of *E. coli*, enterococci, and every indicator parameter, the minimum, mean and maximum concentrations; and
- (f) in respect of residual disinfectant and, with the exception of coliform bacteria and *clostridium perfringens* (including spores), each indicator parameter, the minimum, mean and maximum concentrations or values or, where a state is specified in relation to any such parameter, a commentary on its state.”; and
- (d) for paragraph (8), substitute—

“(8) As soon as may be after the occurrence of any event which, by reason of its effect or likely effect on the water supplied by a water undertaker, gives rise or is likely to give rise to a significant risk to the health of persons residing in the area of a local authority or a health authority, the water undertaker shall notify each such authority and the relevant customer services committee of the occurrence.”.

10. In regulation 43 (revocation of Regulations and savings)—

- (a) in paragraph (1), for “Subject to paragraph (4), the”, substitute “The”;
- (b) in paragraph (2), for “Subject to paragraph (4), on”, substitute “On”; and
- (c) for paragraph (4), substitute the following paragraph—

“(4) Nothing in paragraph (3) revokes any of the provisions referred to in that paragraph so far as they relate to local authorities in Wales.”.

11. In Schedule 2 (indicator parameters), after item 6 insert—

“6A.	Hydrogen ion	9.5	pH value	Consumers' taps”
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12. In Schedule 3 (monitoring), in Table 1 (parameters and circumstances for check monitoring)

- (a) after item 4, insert—

“4A.	Colony counts”
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- (b) in the entry in column (2) for item 8 omit “concentration”.

13. In Schedule 3, in Table 2 (annual sampling frequencies: water supply zones)—

- (a) in column (1)—
 - (i) after “*Clostridium perfringens*”, insert “(including spores)*”;
 - (ii) after “Tetrachloroethene*”, insert “Tetrachloromethane*”; and
- (b) in column (2), for “99,999”, in each place where it occurs, substitute “100,000”.

14. In Schedule 3, in Table 3 (annual sampling frequencies: treatment works or supply points)—

- (a) in column (3), for “>12,000”, as it applies to items 1 to 6, substitute “≥ 12,000”; and
- (b) in column (2), in relation to the column (1) entry for item 16 (nitrite), for “(ii)”, substitute “(ii a)”; and
- (c) in note “*” at the end of the Table, for “subject to notes (ii) and (iii)”, substitute “except nitrite, subject to notes (ii) and (ii a)”; and
- (d) for note (ii) at the end of the Table, substitute—
 - “(ii) Sampling at treatment works when chloramination is practised.
 - (ii a) Sampling at treatment works when chloramination is not practised.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 of, and the Schedule to, these Regulations amend the Water Supply (Water Quality) Regulations 2000 (“the 2000 Regulations”). The effect of the amendments set out in paragraph 1 of the Schedule is—

- (a) to bring regulation 25 (interpretation of Part VII) and regulation 39 (contraventions by water undertakers) of the 2000 Regulations into force on 5th September 2001;
- (b) with effect from 1st October 2001, to enable proceedings to be taken in respect of contraventions of paragraph (9) of regulation 28 of those Regulations. That paragraph prohibits the supply of water from treatment works for the purposes, or to the premises, referred to in regulation 4(1) of the 2000 Regulations unless it has been established that there is no significant risk of cryptosporidium oocysts in water supplied from the works or that, if there is such a risk, and treatment is required, that steps are being taken to comply with the requirements; and
- (c) to commence, on 1st January 2004, the revocation of provisions relating to the functions of English local authorities under the Water Supply (Water Quality) Regulations 1989.

The amendments set out in paragraphs 2 and 9(d) are related. Their effect is to require a water undertaker to give notice of any occurrence which gives rise, or may give rise, to a significant risk to health. Notice is to be given to each local authority and health authority in whose area reside persons to whose health there is or may be a significant risk, and to the relevant customer services committee (defined in regulation 2(1) of the 2000 Regulations).

The amendment set out in paragraph 3 provides that water will be regarded as unwholesome if it contains an indicator parameter (a parameter listed in Schedule 2 to the 2000 Regulations) at a concentration or value which would constitute a potential danger to human health. (Regulation 19(4) enables the Secretary of State to require water undertakers to take steps in relation to such matters.)

The amendment set out in paragraph 4 makes a technical change to the description of the hydrogen ion parameter. The amendment set out in paragraph 5 makes technical changes to the definitions of “precision” and “trustees” for the purposes of regulation 16 of the 2000 Regulations, which relates to the collection and analysis of samples.

The amendments set out in paragraphs 6, 7 and 8 correct errors in regulation 26 (treatment of raw water), regulation 30 (contamination from pipes), and regulation 34 (maintenance of records) of the 2000 Regulations.

The amendments set out in paragraph 9(a) to (c) relate to regulation 35 (provision of information) and make technical changes to the information to be given as regards microbiological parameters.

The amendments set out in paragraph 10 clarify the relationship between paragraph (6) of regulation 1 and the revocations and savings in regulation 43. The combined effect of those provisions is that the revocations have no effect in relation to water undertakers whose area is wholly or mainly in Wales, or to local authorities in Wales.

The amendments set out in paragraphs 11 to 14 insert additional entries in Schedule 2 and Tables 1 and 2 in Schedule 3, and make minor adjustments in those Tables and in Table 3 of that Schedule.

Regulation 3 amends regulation 29(1)(f) of, and Table 4B in Schedule 3 to, the Water Supply (Water Quality) Regulations 1989. The amendments correct errors in Schedule 5 to the 2000 Regulations.

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