
WELSH STATUTORY INSTRUMENTS

2016 No. 411

**The Private Water Supplies (Wales)
(Amendment) Regulations 2016**

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Private Water Supplies (Wales) (Amendment) Regulations 2016 and they come into force on 14 April 2016.

(2) In these Regulations, “the 2010 Regulations” (“*Rheoliadau 2010*”) means the Private Water Supplies (Wales) Regulations 2010(1).

Amendment of regulation 10 (other private supplies)

2. In regulation 10(1)(f) of the 2010 Regulations—

- (a) before the words “Schedule 1” insert “Part 1 or 2 of”;
- (b) before the words “that Schedule” insert “those Parts of”.

New regulations 10A (monitoring of radioactive substances: general) and 10B (monitoring of radioactive substances: supplies to a single dwelling not used for a commercial or public activity)

3. After regulation 10 (other private supplies) of the 2010 Regulations insert—

“Monitoring of radioactive substances: general

10A.—(1) A local authority must monitor each private supply in its area (other than a supply to a single dwelling not used for any commercial or public activity) for the parameters contained in the radioactive substances parameters table in accordance with this regulation and Schedule 2A.

(2) In this regulation and Schedule 2A, “the radioactive substances parameters table” means Table D in Part 3 of Schedule 1.

(3) Where a local authority is satisfied that a parameter in the radioactive substances parameters table is not likely to be present in a supply of water in its area in concentrations which could exceed the prescribed concentration or value for the relevant parameter in that table, the local authority may, for such a time as it sees appropriate, decide to exclude the parameter in question from the monitoring duty in paragraph (1).

(4) A decision under paragraph (3) must be made—

- (a) on the basis of representative surveys, monitoring data or other reliable information (including any risk assessment carried out in accordance with regulation 6); and
- (b) taking into account any guidance issued by the Welsh Ministers.

(5) The local authority must provide the Welsh Ministers with the grounds for its decision under paragraph (3) and the necessary documentation supporting the decision (including the findings of any surveys, monitoring or assessments carried out in accordance with paragraph (4)(a)).

(6) The Welsh Ministers must communicate the grounds for a decision under paragraph (3) to the European Commission with the necessary documentation provided under paragraph (5) supporting the decision.

(7) Where—

(a) a decision has previously been made under paragraph (3); and

(b) the local authority is no longer satisfied that the basis for the decision exists,

the exclusion from monitoring under paragraph (3) will no longer apply and the local authority must inform the Welsh Ministers in writing accordingly.

(8) In case of naturally occurring radionuclides, where previous results (including representative surveys, monitoring data or other reliable information) show that the concentration of radionuclides in a supply within a local authority's area is stable, the minimum sampling and analysis frequencies are to be decided by the local authority, and confirmed by notice in writing to the Welsh Ministers, taking into consideration the risk to human health.

(9) The additional requirements in Part 3 of Schedule 3 apply to monitoring for compliance with the indicative dose parameter.

Monitoring of radioactive substances: supplies to a single dwelling not used for a commercial or public activity

10B. In the case of a private supply to a single dwelling not used for a commercial or public activity, a local authority may monitor the supply for the parameters contained in Table D in Part 3 of Schedule 1 in accordance with Schedule 2A and Part 3 of Schedule 3, and must do so if requested to do so by the owner or occupier.”

Amendment of Table C (prescribed concentrations, values or states) in Part 2 of Schedule 1

4. In Table C (prescribed concentrations, values or states) in Part 2 of Schedule 1 to the 2010 Regulations, omit—

(a) the entry in relation to total indicative dose (for radioactivity);

(b) the entry in relation to tritium (for radioactivity); and

(c) note (ii).

Insertion of new Part 3 (radioactive substances parameters) of Schedule 1

5. After Part 2 of Schedule 1 to the 2010 Regulations, insert the part set out in Schedule 1 to these Regulations.

Amendment of Part 2 of Schedule 2

6. In Part 2 of Schedule 2 to the 2010 Regulations—

(a) in paragraph 3(2)—

(i) before the words “Schedule 1” insert “Part 1 or 2 of”;

(ii) before the words “that Schedule” insert “either of those Parts of”; and

(b) in paragraph 3(3)(a), before the words “Schedule 1” insert “Part 1 or 2 of”.

Insertion of new Schedule 2A (monitoring of radioactive substances)

7. After Schedule 2 to the 2010 Regulations insert the schedule set out in Schedule 2 to these Regulations.

Insertion of new Part 3 of Schedule 3 (monitoring for indicative dose and analytical performance characteristics)

8. After Part 2 of Schedule 3 to the 2010 Regulations insert the part set out in Schedule 3 to these Regulations.

21 March 2016

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Minister