

## WELSH STATUTORY INSTRUMENTS

# 2017 No. 1041

## The Private Water Supplies (Wales) Regulations 2017

### PART 1

#### Water standards

#### Title, application and commencement

1. The title of these Regulations is the Private Water Supplies (Wales) Regulations 2017; they apply in relation to Wales and come into force on 20 November 2017.

#### Commencement Information

II Reg. 1 in force at 20.11.2017, see [reg. 1](#)

#### Interpretation

2.—<sup>[F1(1)]</sup> In these Regulations—

“the Act” (“*y Ddeddf*”) means the Water Industry Act 1991;

“the 2010 Regulations” (“*Rheoliadau 2010*”) means the Private Water Supplies (Wales) Regulations 2010<sup>(1)</sup>;

“the Chief Inspector of Drinking Water” (“*y Prif Arolygydd Dŵr Yfed*”) means the person designated by the Welsh Ministers under section 86(1B) of the Act (assessors for the enforcement of water quality)<sup>(2)</sup>;

“consumer” (“*defnyddiwr*”) mean a person to whom a private water supply is provided for human consumption purposes;

“disinfection” (“*diheintio*”) means a process of water treatment to remove, or render harmless to human health, every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water;

“domestic tenancy” (“*tenantiaeth ddomestig*”) has the same meaning as in section 2 of the Housing (Wales) Act 2014 (meaning of key terms)<sup>(3)</sup>;

“indicative dose” (“*dos dangosol*”) means the committed effective dose for 1 year of ingestion resulting from all the radionuclides whose presence has been detected in a supply of water intended for human consumption, of natural and artificial origin, excluding tritium, potassium-40, radon and short-lived radon decay products;

“monitoring for Group A parameters” (“*monitro ar gyfer paramedrau Grŵp A*”) has the meaning given in paragraph 1 of Schedule 2;

(1) S.I. 2010/66 (W. 16), as amended by S.I. 2010/147 (W. 22), S.I. 2010/1384 (W. 123), S.I. 2013/235, S.I. 2015/1867 (W. 274), S.I. 2016/411 (W. 129), and S.I. 2017/506.

(2) Section 86(1B) was inserted by section 57(3) of the Water Act 2003 (c. 37).

(3) 2014 anaw 7.

“monitoring for Group B parameters” (“*monitro ar gyfer paramedrau Grŵp B*”) has the meaning given in paragraph 3 of Schedule 2;

“NTU” (“*NTU*”) means Nephelometric Turbidity Unit;

“parameter” (“*paramedr*”) means a property, element, organism or substance listed in the first column of the Tables in the Schedule 1 as read, where appropriate, with the notes to that Schedule and those Tables;

“prescribed concentration or value” (“*crynodiad neu werth rhagnodedig*”) in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified, and as read, where appropriate, with the notes to that Schedule and those Tables;

“private water supply” (“*cyflenwad dŵr preifat*”) means a supply of water other than a supply provided directly by a water undertaker<sup>(4)</sup> or water supply licensee<sup>(5)</sup>, and which is comprised of all physical assets from the point of abstraction to the point of use, including associated pipes, fittings and tanks;

“relevant person” (“*person perthnasol*”) means—

- (a) the owner and occupier (who may be the same or different persons) of premises which are supplied with water for domestic or food production purposes by means of a private water supply;
- (b) the owner and occupier (who may be the same or different persons) of land on which any part of the supply is situated;
- (c) any other person who exercises powers of management or control in relation to that supply;

“risk assessment” (“*asesiad risg*”) means a risk assessment carried out under regulation 6.

[<sup>F2</sup>(2) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to a member State in a provision imposing an obligation on, or providing a discretion to, a member State were to either the Welsh Ministers or local authority depending on which, immediately before exit day, was responsible for compliance with that obligation, or exercise of that discretion, in respect of Wales.]

#### Textual Amendments

- F1** Reg. 2 renamed as reg. 2(1) (31.12.2020) by [The Flood and Water \(Amendments\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/460\)](#), regs. 1(1), **6(2)(a)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Reg. 2(2) inserted (31.12.2020) by [The Flood and Water \(Amendments\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/460\)](#), regs. 1(1), **6(2)(b)**; 2020 c. 1, **Sch. 5 para. 1(1)**

#### Commencement Information

- I2** Reg. 2 in force at 20.11.2017, see [reg. 1](#)

### Scope

**3.—(1)** These Regulations apply in relation to private water supplies intended for human consumption; and for these purposes “water intended for human consumption” means—

<sup>(4)</sup> See section 6 of the Act for the meaning of “water undertaker”.

<sup>(5)</sup> See section 17A of the Act for the meaning of “water supply licensee”. Section 17A was substituted by section 1(1) of the Water Act 2014 (c. 21).

- (a) all water either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers;
  - (b) all water used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless, in accordance with Regulation (EC) No. 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs(6), the competent authority(7) is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.
- (2) These Regulations do not apply in relation to—
- (a) water to which the Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015(8) apply;
  - (b) water that is a medicinal product within the meaning of the Medicines Act 1968(9);
  - (c) water used solely for washing a crop after it has been harvested and that does not affect the fitness for human consumption of the crop or of any food or drink derived from the crop.

#### Commencement Information

**I3** Reg. 3 in force at 20.11.2017, see [reg. 1](#)

#### Wholesomeness

4.—(1) A private water supply is to be regarded as wholesome if all the following conditions are met—

- (a) it does not contain any micro-organism, parasite or substance, alone or in conjunction with any other substance, at a concentration or value that would constitute a potential danger to human health;
- (b) it complies with the prescribed concentration or value for each parameter; and
- (c) the water satisfies the formula “[nitrate]/50 + [nitrite]/3 ≤ 1”, where the square brackets signify the concentrations in mg/l for nitrate (NO<sub>3</sub>) and nitrite (NO<sub>2</sub>).

(2) A reference in these Regulations to water being unwholesome means the requirements in paragraph (1) not being met.

#### Commencement Information

**I4** Reg. 4 in force at 20.11.2017, see [reg. 1](#)

#### Use of products or substances in private water supplies and disinfection arrangements

5.—(1) Any product or substance used in the preparation or distribution of a private water supply, or impurities associated with such products or substances, must not be present in water at the point of use at levels that would make it unwholesome or constitute a potential danger to human health.

(2) Where disinfection forms part of the preparation or distribution of water, the relevant person must—

(6) OJ No. L 139, 30.4.2004, p. 1 as last amended by Regulation (EC) No. 219/2009 (OJ No. L 87, 31.3.2009, p. 109).

(7) The competent authority for the purpose of this Regulation is the Food Standards Agency; see S.I. 2006/31 (W. 5).

(8) S.I. 2015/1867 (W. 274).

(9) 1968 c. 67.

- (a) design, operate and maintain the disinfection process so as to keep the presence of disinfection by-products as low as possible without compromising the effectiveness of the disinfection process;
- (b) ensure that the effectiveness of the disinfection process is maintained;
- (c) keep records of the maintenance and monitoring which have been undertaken in order to verify the effectiveness of the disinfection process; and
- (d) keep copies of those records available for inspection by the local authority, for a period of 5 years.

#### Commencement Information

**I5** Reg. 5 in force at 20.11.2017, see [reg. 1](#)

#### Requirement to carry out a risk assessment

**6.**—(1) A local authority(**10**) must carry out a risk assessment for every private water supply in its area and review and update that risk assessment every 5 years (or earlier if it considers that the existing risk assessment is inadequate).

(2) In the case of a supply provided to a single dwelling, the duty in paragraph (1) applies only where that supply is provided as part of a commercial or public activity or as part of a domestic tenancy.

(3) In the case of a supply provided to a single dwelling not falling within paragraph (2), a local authority must carry out a risk assessment if requested to do so by the owner or occupier of that dwelling.

(4) A risk assessment must—

- (a) establish whether there is a significant risk of supplying water that would constitute a potential danger to human health;
- (b) satisfy the requirements of the Security of Drinking Water Supply Guidelines for Risk and Crisis Management(**11**); and
- (c) take into account the results from the monitoring programmes established by the second paragraph of Article 7(1) [<sup>F3</sup>and Article 8] of [Directive 2000/60/EC](#) of the European Parliament and of the Council(**12**).

(5) A local authority must within 12 months of having carried out a risk assessment provide the Welsh Ministers with a summary of the results of that assessment.

[<sup>F4</sup>(6) For the purposes of paragraph (4)(c), a reference to Articles 7(1) and 8 of [Directive 2000/60/EC](#) is to be read with the following modifications—

- (a) as if any reference to Annex 5 of that Directive were a reference to that Annex as modified by Part 1 of Schedule 5 to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;
- (b) in Article 8, as if—
  - (i) in paragraph 1, the final indent were omitted;
  - (ii) in paragraph 2, the first sentence were omitted;

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**(10)** See section 219 of the Act (as amended by paragraph 2(2) of Schedule 11 to the Local Government (Wales) Act 1994 (c. 19)) for the meaning of “local authority”.

**(11)** EN 15975-2.

**(12)** OJ No. L 327, 22.12.2000, p. 1, as last amended by Commission [Directive 2014/101/EU](#) (OJ No. L 311, 31.10.2014, p. 32).

(iii) paragraph 3 were omitted.]

**Textual Amendments**

- F3** Words in [reg. 6\(4\)\(c\)](#) inserted (28.3.2019) by [The Rural Affairs, Environment, Fisheries and Food \(Miscellaneous Amendments and Revocations\) \(Wales\) Regulations 2019 \(S.I. 2019/463\)](#), regs. 1(3), **29(2)**
- F4** [Reg. 6\(6\)](#) inserted (31.12.2020) by [The Flood and Water \(Amendments\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/460\)](#), regs. 1(1), **6(3)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

- I6** [Reg. 6](#) in force at 20.11.2017, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Water Supplies (Wales) Regulations 2017, PART 1.