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WELSH STATUTORY INSTRUMENTS

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**2018 No. 647**

**The Water Supply (Water Quality) Regulations 2018**

**PART 1**

**General**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Water Supply (Water Quality) Regulations 2018 and they come into force on 15 June 2018.

(2) Parts 1 to 9 and 11 of these Regulations apply in relation to the supply of water by every—

- (a) water undertaker<sup>(1)</sup> whose area is wholly or mainly in Wales; and
- (b) water supply licensee<sup>(2)</sup> so far as relating to licensed activities using the supply system of any water undertaker whose area is wholly or mainly in Wales.

(3) Part 10 of these Regulations applies to local authorities in Wales, as regards the discharge of functions under that Part, in relation to every—

- (a) water undertaker whose area is wholly in Wales;
- (b) water undertaker whose area is partly in Wales and partly in England, but only in respect of the part in Wales; and
- (c) water supply licensee so far as relating to licensed activities using the supply system situated in Wales of any water undertaker.

**Interpretation**

2.—(1) In these Regulations—

“the 2010 Regulations” means the Water Supply (Water Quality) Regulations 2010<sup>(3)</sup>;

“the Act” means the Water Industry Act 1991;

“appropriate local authority”, in relation to—

- (a) a departure authorised under regulation 22,
- (b) an application for any such authorisation, or
- (c) an event specified in regulation 35(6),

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(1) See section 6 of the Act for the meaning of “water undertaker”.

(2) See sections 17A and 219(1) of the Act for the meaning of “water supply licensee”. Section 17A was substituted by section 1 of the Water Act 2014. Section 219(1) was amended by section 56 of, and paragraph 120(2)(f) of Schedule 7 to, the Water Act 2014; there are other amendments but none are relevant.

(3) S.I. 2010/994 (W. 99); as amended by S.I. 2011/14 (W. 7), S.I. 2013/235, S.I. 2013/1387, S.I. 2016/410 (W. 128), S.I. 2017/506 and S.I. 2017/1041 (W. 270).

means a local authority<sup>(4)</sup> whose area contains any part of the water supply zone to which the authorisation relates or, in the case of an application, would relate if a departure were authorised in the terms sought, or whose area is affected or is likely to be affected by the event;

“blending point” means a point at which water originating from two or more sources and treated for the purposes of their supply for regulation 4(1) purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are met;

“Chapter III” means Chapter III (quality and sufficiency of supplies) of Part III (water supply) of the Act;

“consumer” means a person to whom water is supplied for regulation 4(1) purposes by a relevant supplier in the discharge of its duties under Chapter III;

“disinfection” 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; and “disinfected” shall be construed accordingly;

“*E.coli*” means *Escherichia coli*;

“groundwater” means water contained in underground strata, and section 221(3) of the Water Resources Act 1991 (general interpretation) <sup>(5)</sup> will have effect for the purpose of this definition as it has effect for the purpose of construing references in that Act to water contained in underground strata;

“Group A parameter” means a parameter specified in column 2 of Table 1 in Schedule 3;

“Group B parameter” means a parameter specified in column 2 of Table 2 or, as the case may be, Table 3 in Schedule 3;

“indicative dose” 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;

“indicator parameter” means a parameter listed in Schedule 2;

“monitoring of a group A parameter” has the meaning given in regulation 5(1);

“monitoring of a group B parameter” has the meaning given in regulation 5(3);

“NTU” means Nephelometric Turbidity Unit;

“parameter” means a property, element, organism or substance listed in the second column of Table A or Table B in Schedule 1 to these Regulations, or in Schedule 2, as read, where appropriate, with the notes to Schedule 2 and those Tables;

“pesticides and related products” means any of the following, and includes their relevant metabolites, degradation and reaction products—

- (a) any organic insecticide;
- (b) any organic herbicide;
- (c) any organic fungicide;
- (d) any organic nematocide;
- (e) any organic acaricide;
- (f) any organic algicide;
- (g) any organic rodenticide;

<sup>(4)</sup> 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”.

<sup>(5)</sup> 1991 c.57.

(h) any organic slimicide; and

(i) any product related to any of (a) to (h) (including any growth regulator);

“parametric value” and “prescribed concentration or value”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in Table A or Table B in Schedule 1 as measured by reference to the unit of measurement so specified and as read, where appropriate, with the notes to those Tables;

“Public Health England” means the executive agency of that name of the Department of Health and Social Care;

“Public Health Wales National Health Service Trust” means a National Health Service Trust within the meaning of the National Health Service (Wales) Act 2006<sup>(6)</sup> if, and in so far as, it has the function of providing services in relation to public health in Wales<sup>(7)</sup>;

“radioactive parameters” means the following indicator parameters listed in Schedule 2—

(a) indicative dose (item 8);

(b) radon (item 9);

(c) tritium (item 12);

“regulation 4(1) purposes”, in relation to the supply of water, means a supply—

(a) for such domestic purposes as consist in or include, cooking, drinking, food preparation or washing; or

(b) for any of those domestic purposes, to premises in which food is produced<sup>(8)</sup>;

“relevant supplier” means a water undertaker or water supply licensee;

“retail licensee” means a person who is the holder of a water supply licence with a restricted retail authorisation within the meaning of Schedule 2A to the Act<sup>(9)</sup>;

“sampling point”—

(a) in relation to water supplied from a distribution network, means a point, being a consumer’s tap, that is selected for the purposes of Part 4 of these Regulations;

(b) in relation to water supplied from a tanker, means the point at which the water emerges from the tanker;

“specification”, in relation to an indicator parameter, means the concentration, value or state, shown as applicable to that parameter in Schedule 2 as measured by reference to the unit of measurement so shown;

“state”, in relation to an indicator parameter, means the state specified in relation to that parameter in Schedule 2 as measured by reference to the unit of measurement so specified;

“suitably accredited body” means the Welsh Ministers or a person acting on behalf of the Welsh Ministers;

“supplementary licensee” means a person who is the holder of a water supply licence with a supplementary authorisation within the meaning of Schedule 2A to the Act;

“supply point” means a blending point, service reservoir, treatment works or other point, not being a sampling point, which the Welsh Ministers authorise under regulation 8 for the purposes of regulation 6;

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<sup>(6)</sup> 2006 c.42.

<sup>(7)</sup> See S.I. 2009/2058 (W. 177) which established the NHS trust called the Public Health Wales National Health Service Trust or Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Iechyd Cyhoeddus Cymru.

<sup>(8)</sup> See section 93(1) of the Act for the meaning of “food production purposes”.

<sup>(9)</sup> Schedule 2A was inserted by paragraph 1 of Schedule 1 to the Water Act 2014.

“supply system” is to be construed in accordance with section 17B(5) of the Act (section 17A: supplementary)(10);

“water of a relevant description” means water supplied by a relevant supplier which uses a supply system for the purposes of supplying water to consumers, being a supply system into which the water undertaker or supplementary licensee introduces water;

“water supply zone”, in relation to a water undertaker and a year, means an area designated for that year by the water undertaker in accordance with regulation 3; and

“year” means a calendar year.

(2) In these Regulations a reference to an application or notice includes a reference to that application or notice in electronic form.

(3) In these Regulations, a “monitoring programme” is the identification and collection of data on any substance or organism identified during a risk assessment to confirm compliance with the prescribed concentrations set out in Schedule 1, and—

(a) must consist of—

- (i) collection and analysis of discrete water samples;
- (ii) measurements recorded by a continuous monitoring process; or
- (iii) a combination of both of the methods described in paragraph (i) and (ii) at the frequency required in Schedule 3 or at a frequency notified to the water undertaker or supplementary licensee; and

(b) may also consist of—

- (i) inspections of records of the functionality and maintenance of status of equipment; and
- (ii) inspections of the catchment area, water abstraction, treatment, storage and distribution infrastructure.

(4) Subject to paragraph (4), references in these Regulations to a service reservoir are references to any structure in which a reserve of water that has been treated with a view to complying with the requirements of regulation 4 is contained and stored for the sole purpose of meeting a variable demand for the supply of water.

(5) Where references in these Regulations to a service reservoir would, but for this paragraph, include references to a structure comprising more than one compartment—

- (a) each compartment which has its own water inlet and water outlet and is not connected hydraulically to any other compartment will be treated as a single service reservoir;
- (b) the compartments that are connected hydraulically will be treated as a single service reservoir; and
- (c) unless all of the compartments are connected hydraulically, the structure as a whole will not be treated as a service reservoir.

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(10) Section 17B was inserted by paragraph 2 of Schedule 4 to the Water Act 2003. Section 17B was amended by section 2 of, and paragraph 6 of Schedule 5 and paragraph 10 of Schedule 7 to, the Water Act 2014.