
STATUTORY INSTRUMENTS

1989 No. 1147

The Water Supply (Water Quality) Regulations 1989

PART III

RELAXATION OF REQUIREMENTS OF PART II

Authorisations—public supplies

4.—(1) The Secretary of State may, upon the written application of a water undertaker, authorise a relaxation of the provisions of Part II of these Regulations as respects the supply of water by that undertaker if he is satisfied—

- (a) that the authorisation is necessary, as an emergency measure, to maintain a supply of water for human consumption;
- (b) that the authorisation is called for by reason of exceptional meteorological conditions; or
- (c) that the authorisation is called for by reason of the nature and structure of the ground in the area from which the supply emanates.

(2) The Secretary of State may, in the circumstances mentioned in paragraph (1)(c), authorise a relaxation of the provisions of Part II of these Regulations as respects the supply of water by a water undertaker notwithstanding that no application for such authorisation has been made to him.

(3) An undertaker shall at the same time as it makes an application for an authorisation under paragraph (1) serve a copy on every appropriate local authority.

(4) In paragraph (3) “appropriate local authority” means any of the following authorities if any premises in relation to which the authorisation is sought fall within the area of that authority, namely

- (a) the Common Council of the City of London;
- (b) a London borough council;
- (c) a district council.

Authorisations—restrictions

5.—(1) An authorisation—

- (a) granted under regulation 4(1)(a) shall not so relax the provisions of Part II of these Regulations as to give rise to a risk to public health which the Secretary of State considers unacceptable;
- (b) granted under regulation 4(1)(b) or (c) shall not relax the provisions of the said Part II so far as they relate to parameters mentioned in Table B or C or item 7 of Table D, or so as to give rise to a public health hazard.

(2) An authorisation granted under regulation 4(1) shall specify (where relevant) the extent to which the prescribed concentration or value of any parameter is authorised to be contravened.

(3) An authorisation granted under regulation 4(1)(a) or (b) shall specify the date on which it ceases to have effect and an authorisation granted under regulation 4(1)(c) may specify such a date.

Authorisations—conditions

- 6.—(1) An authorisation given under this Part may be limited to water supplied—
- (a) from particular sources or classes of source; or
 - (b) to particular water supply zones or parts of such zones or to zones of particular descriptions.
- (2) Without prejudice to the generality of paragraph (1), conditions included by virtue of that paragraph may relate to—
- (a) the quality of water to which the authorisation applies;
 - (b) the steps to be taken to improve the quality of such water;
 - (c) the monitoring of the quality of such water; and
 - (d) the giving of notice to the Secretary of State or any person named in the authorisation of such matters concerning such water as are mentioned in the authorisation.

Revocation and modification of authorisations

7.—(1) Subject to paragraphs (2) and (4), the Secretary of State may at any time modify or revoke an authorisation (whether or not the authorisation is expressed to be given for a specified period); and regulation 6 shall apply as respects the modification of an authorisation as it applies as respects the giving of an authorisation.

(2) The Secretary of State shall not revoke or modify an authorisation without giving at least six months' notice of his intention to do so to—

- (a) the water undertaker to which the authorisation relates; and
- (b) the appropriate local authority;

but he may revoke or modify an authorisation without notice if it appears to him that the immediate revocation or modification of the authorisation is required in the interests of public health.

(3) In paragraph (2) “appropriate local authority” means any of the following authorities if any premises in relation to which the authorisation applies fall within the area of that authority, namely—

- (a) the Common Council of the City of London;
- (b) a London borough council;
- (c) a district council.

(4) A water undertaker on whose application an authorisation has been given under this Part shall notify the Secretary of State as soon as the circumstances which gave rise to the application for the authorisation cease to exist; and, notwithstanding paragraph (2), the Secretary of State shall thereupon revoke the authorisation.

Authorisations—private supplies

- 8.—(1) Regulations 4 to 7 shall apply in relation to any private supply as if—
- (a) in regulation 4(1) there were substituted for the words “the supply of water by that undertaker” the words “a private supply”;
 - (b) for other references to a water undertaker there were substituted references to—
 - (i) the owner or occupier of the premises where the source of the private supply is situated;
 - (ii) any other person who exercises powers of management or control in relation to that source; or
 - (iii) the owner of any premises served by that supply;

- (c) regulation 6 referred only to the imposition of the condition mentioned in paragraph 2; and
- (d) where application is made by the owner of premises served by a private supply, there were added at the end of regulation 4(3) the words “and on one of the persons mentioned in regulation 8(1)(b)(i) and (ii).”.

(2) Subject to paragraphs (3) and (4) below, an authority mentioned in paragraph (4) of regulation 4 may exercise in relation to a private supply any power conferred on the Secretary of State by regulations 4 to 7; and accordingly those regulations shall also apply in relation to private supplies as if references to the Secretary of State included references to the authority:

Provided that nothing in this paragraph shall be taken to affect the power conferred on the Secretary of State by regulation 7(1) as applied by paragraph (1) above or permit an authority to modify or revoke an authorisation granted by the Secretary of State.

(3) An authority shall exercise the powers conferred by paragraph (2) in relation to a supply only if some or all of the premises served by the supply are within their area; and, where only some of those premises are within their area, only if the powers are exercised jointly with, or with the consent of, the other authority in whose area the rest of those premises are situated.

(4) An authority shall consult the Secretary of State before exercising any power conferred by paragraph (2) in relation to a private supply which at any one time serves or is to serve more than 500 persons; and shall comply with such directions as may be given by the Secretary of State as to—

- (a) the transmission to him for determination of any application made to the authority;
- (b) the imposition of conditions on the grant of an authorisation;
- (c) the refusal of an application; or
- (d) the revocation or modification of an authorisation.