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STATUTORY INSTRUMENTS

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**2016 No. 618**

**The Private Water Supplies (England) Regulations 2016**

**PART 1**

General

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Private Water Supplies (England) Regulations 2016 and come into force on 27th June 2016.

(2) They apply in relation to England only.

**Interpretation**

2.—(1) In these Regulations—

“the 2009 Regulations” means the Private Water Supplies Regulations 2009<sup>M1</sup>;

“the Act” means the Water Industry Act 1991;

F1 .....

F1 .....

“consumer” means a person to whom a private water supply is provided for human consumption purposes;

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

[<sup>F2</sup>“*E. coli*” means *Escherichia coli*;

“indicative dose” (ID) 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 Table C in Part 2 of Schedule 1;

“local authority” means any of the following—

- (a) the Common Council of the City of London;
- (b) a London borough council;
- (c) a district council;
- (d) the council of a county in which there are no district councils;

“NTU” means Nephelometric Turbidity Unit;

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

“prescribed concentration or value”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in [<sup>F3</sup>Table A or in Table B in Schedule, 1 as measured by reference to the unit of measurement so specified and as read, where appropriate in the case of Table B, with the notes to that Table;]

“private water supply” or “private supply of water” means a supply of water other than a supply provided directly by a water undertaker<sup>M2</sup> or [<sup>F4</sup>water supply licensee], and which is comprised of all physical assets from the point of abstraction to the point of use, including associated pipes, fittings and tanks;

“radioactive parameters table” has the meaning given in regulation 11(1);

“relevant person” 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 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” means a risk assessment carried out under regulation 6.

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

[<sup>F5</sup>(3) In these Regulations, a reference to an EU or Euratom Directive is to be read as if any reference in that Directive to one or more member States in a provision imposing an obligation on, or conferring a discretion on, a member State or member States were a reference to either the Secretary of State or local authority depending on which, immediately before exit day, was responsible for the United Kingdom's compliance with that obligation, or was able to exercise that discretion, in respect of England.]

- F1** Words in reg. 2(1) omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2(1) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F3** Words in reg. 2(1) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(c)** (with reg. 3)
- F4** Words in reg. 2(1) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(2)**
- F5** Reg. 2(3) inserted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **19(2)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Marginal Citations

- M1** [S.I. 2009/3101](#), amended by [S.I. 2010/991](#), 2013/235.
- M2** See section 6 of the Act for the meaning of “water undertaker”.

## Scope

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

- (a) 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 any distribution network, from a tanker, or in bottles or containers;
  - (b) 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 <sup>M3</sup>, the competent authority <sup>M4</sup>, 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 controlled by the Natural Mineral Water, Spring Water and Bottled Drinking Water (England) Regulations 2007 <sup>M5</sup>;
  - (b) water that is a medicinal product within the meaning of the Medicines Act 1968 <sup>M6</sup> or a product in which any provision of that Act has effect as if it were such a medicinal product.

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**Marginal Citations**

**M3** 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).

**M4** The competent authority for the purpose of this Regulation is the Food Standards Agency (see S.I. 2013/2996).

**M5** S.I. 2007/2785, to which there are amendments not relevant to these Regulations.

**M6** 1968 c. 67.

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016, PART 1.