

## STATUTORY INSTRUMENTS

# 2016 No. 618

## The Private Water Supplies (England) Regulations 2016

### PART 3

#### Monitoring

##### Monitoring

7.—<sup>[F1(1)]</sup> A local authority must monitor all private water supplies in accordance with this Part when carrying out its duties under section 77(1) of the Act (general functions of local authorities in relation to water quality).

<sup>[F2(2)]</sup> A local authority must discharge the obligation described in paragraph (1) by establishing a monitoring programme which consists of either or both of the following—

- (a) collection and analysis of discrete water samples;
  - (b) measurements recorded by a continuous monitoring process.
- (3) Monitoring programmes may in addition consist of either or both of the following—
- (a) inspections of records of the functionality, and maintenance status, of equipment;
  - (b) inspections of the catchment area, water abstraction, treatment, storage and distribution infrastructure.]

##### Textual Amendments

- F1** Reg. 7(1): reg. 7 renumbered as reg. 7(1) (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(4)(a)** (with reg. 3)
- F2** Reg. 7(2)(3) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(4)(b)** (with reg. 3)

##### Further distribution of supplies from water undertakers or <sup>[F3]</sup>water supply licensees]

8. Where water is supplied by a water undertaker or <sup>[F4]</sup>water supply licensee], and is then further distributed by a person other than a water undertaker or <sup>[F4]</sup>water supply licensee], the local authority must carry out monitoring on the basis of the risk assessment.

##### Textual Amendments

- F3** Words in reg. 8 heading substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(3)(a)**
- F4** Words in reg. 8 substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(3)(b)**

### **Large supplies and supplies as part of a commercial or public activity**

**9.**—(1) Paragraph (2) applies in the case of a private water supply (other than a supply specified in regulation 8) that—

- (a) supplies an average daily volume of water of 10m<sup>3</sup> or more, or
- (b) supplies water as part of a commercial or public activity.

(2) Where this paragraph applies, the local authority must monitor for any parameter in Parts 1 and 2 of Schedule 1 in accordance with Schedule 2 and carry out any additional monitoring that the risk assessment shows to be necessary.

### **Other private supplies**

**10.**—(1) In the case of a private water supply not covered by regulation 8 or 9 or by paragraph (3), the local authority must monitor for—

- (a) conductivity,
- (b) enterococci,
- (c) *Escherichia coli* (*E. coli*),
- (d) hydrogen ion,
- (e) turbidity,
- (f) any parameter in Parts 1 and 2 of Schedule 1 identified in the risk assessment as being at risk of not complying with the concentrations or values in that Schedule, and
- (g) anything else identified in the risk assessment as a potential danger to human health.

(2) The local authority must carry out the monitoring required by paragraph (1) at least every 5 years and more frequently if the risk assessment shows this to be necessary.

(3) In the case of a private water supply to a single dwelling not provided as part of a commercial or public activity, a local authority may monitor the supply in accordance with this regulation, and must do so if requested to do so by the owner or occupier of that dwelling.

### **Monitoring for radioactive substances**

**11.**—(1) A local authority must monitor each private water supply in its area (other than a supply covered by paragraph (8)) for the parameters specified in Table D in Part 3 of Schedule 1 (“the radioactive parameters table”) in accordance with paragraphs (2) to (7) and (9).

(2) As regards the indicative dose parameter, the local authority—

- (a) must carry out monitoring where an artificial source of radionuclides or elevated natural radioactivity is present and it cannot be shown on the basis of other surveillance programmes or investigations that the level of indicative dose is below the value specified in the radioactive parameters table;
- (b) may use a screening strategy for gross alpha and gross beta activity or for individual radionuclides and, in the event that there is any exceedance of the value specified in that Table, must carry out an analysis of the specific radionuclides in accordance with Part 3 of Schedule 3.

(3) As regards the radon parameter, the local authority must—

- (a) ensure a representative survey is carried out in accordance with paragraph (4) to determine the likelihood of a supply failing the value specified in the radioactive parameters table;

- (b) carry out monitoring where there is reason to believe, on the basis of the results of the representative survey or other reliable information, that the parametric value for radon might be exceeded.
- (4) A representative survey must be designed in such a way—
  - (a) as to be capable of determining the scale and nature of likely exposure to radon in water intended for human consumption originating from different types of groundwater sources and wells in different geological areas, and
  - (b) that underlying parameters (in particular the geology and hydrology of the area, radioactivity of rock or soil) and well type can be identified and used to direct further action to areas of likely high exposure.
- (5) As regards the tritium parameter, the local authority must carry out—
  - (a) monitoring, where an anthropogenic source of tritium or other artificial radionuclides is present within the catchment area and it cannot be shown on the basis of other surveillance programmes or investigations that the level of tritium is below the value specified in the radioactive parameters table;
  - (b) an investigation of the presence of other artificial radionuclides, where the concentration of tritium exceeds its parametric value.
- (6) In the case of a private water supply to which regulation 9 applies, where monitoring is required by paragraph (2) or (5), it must be carried out at the frequencies as set out for [<sup>F5</sup>monitoring for a Group B parameter] in Table 3 in Part 2 of Schedule 2.
- (7) In the case of a private water supply to which regulation 8 or 10(1) applies (but excluding a supply covered by paragraph (8)), where monitoring is required by paragraph (2) or (5), it must be carried out at least every 5 years and more frequently if the risk assessment shows this to be necessary.
- (8) In the case of a private water supply to a single dwelling not provided as part of a commercial or public activity, a local authority may monitor the supply in accordance with paragraphs (2) to (5), and must do so if requested to do so by the owner or occupier of that dwelling.
- (9) Where a parametric value is exceeded in a particular sample, the local authority must define the extent of re-sampling necessary to ensure that the measured values are representative of an average activity concentration for a full year.
- (10) The local authority may, for such time as it may decide, exclude from monitoring a parameter contained in the radioactive parameters table—
  - (a) if it considers that the parameter in question is unlikely to be present in the supply or system at a concentration or value that poses a risk of the private water supply failing to meet the concentration, value or state specified in the radioactive parameters table in respect of that parameter,
  - (b) taking into account the findings of any risk assessment, and
  - (c) taking into account any guidance issued by the Secretary of State.
- [<sup>F6</sup>(10A) The local authority may exclude the indicative dose parameter from monitoring, or reduce the frequency of monitoring in respect of that parameter, for such period as it may decide provided that the parameter is—
  - (a) naturally occurring, and
  - (b) stable.]
  - (11) The local authority must provide the Secretary of State with the grounds for a decision under paragraph (10) [<sup>F7</sup>or (10A)] and the necessary documentation supporting the decision (including the findings of any surveys, monitoring or investigations carried out).

(12) The Secretary of State must [<sup>F8</sup>publish, in such manner as the Secretary of State considers appropriate,] the grounds for a decision under paragraph (10) [<sup>F9</sup>or (10A)] and the information provided under paragraph (11).

#### Textual Amendments

- F5** Words in reg. 11(6) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(5)(a)** (with reg. 3)
- F6** Reg. 11(10A) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(5)(b)** (with reg. 3)
- F7** Words in reg. 11(11) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(5)(c)** (with reg. 3)
- F8** Words in reg. 11(12) substituted (31.12.2020) by [The Floods and Water \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/558\)](#), regs. 1(1), **19(4)**; 2020 c. 1, Sch. 5 para. 1(1)
- F9** Words in reg. 11(12) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(5)(c)** (with reg. 3)

#### Sampling and analysis

12.—(1) When a local authority monitors a private water supply in accordance with regulations 8 to 11, it must take a sample—

- (a) if the water is supplied for domestic purposes, from a tap normally used to supply water for human consumption (and which, if there is more than one tap, is representative of the water supplied to the premises);
- (b) if the water is used in a food-production undertaking, at the point at which it is used in the undertaking;
- (c) if the water is supplied from a tanker, at the point at which it emerges from the tanker;
- (d) in any other case, at a suitable point.

(2) The local authority must ensure that the sample is analysed in accordance with Schedule 3.

(3) The further provisions for sampling and analysis in Schedule 3 apply.

[<sup>F10</sup>(4) Compliance samples for chemical parameters including copper, lead and nickel must take the form of a random daytime sample of one litre volume taken at a consumer's tap without prior flushing.

(5) All sampling under this regulation—

- (a) for chemical parameters in the distribution network must, other than where the sample is taken at a consumer's tap, be undertaken in accordance with international standard ISO 5667-5 entitled "*Water quality. Sampling. Guidance on treatment of drinking water from treatment works and piped distribution systems*";
- (b) for microbiological parameters in the distribution network and at a consumer's tap must be undertaken in accordance with European standard EN ISO 19458 entitled "*Water Quality – Sampling for microbiological analysis*" using sampling procedure A in the distribution network and sampling procedure B at a consumer's tap.]

#### Textual Amendments

- F10** Reg. 12(4)(5) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(6)** (with reg. 3)

### **New supplies**

**13.**—(1) Where a local authority becomes aware of a private water supply that is to be, or has been, used for the first time (or for the first time after being out of use for a period of 12 months or more), the requirements of regulations 6 to 12 and 14 to 16 must be complied with as soon as is reasonably practicable.

(2) A private water supply must not be brought into use or used until the local authority is satisfied that the supply does not constitute a potential danger to human health.

### **Records**

**14.**—(1) A local authority must make and keep records in respect of every private water supply in its area in accordance with Schedule 4.

(2) By 31st January of every year, a local authority must send the Secretary of State a copy of the records mentioned in Schedule 4.

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016, PART 3.