
STATUTORY INSTRUMENTS

2016 No. 618

The Private Water Supplies (England) Regulations 2016

PART 4

Action in the event of failure

Authorisations of different standards

17.—(1) Any relevant person may apply to the local authority for a grant of an authorisation under this regulation.

(2) The local authority may grant an authorisation of different prescribed concentrations or values under this regulation if—

- (a) the only cause of the unwholesome water is that a parameter in Table B in Part 1 of Schedule 1 is not complied with,
- (b) the local authority has consulted all water users who will be affected by the authorisation and Public Health England, and has taken their views into account,
- (c) granting the authorisation does not cause a potential danger to human health, and
- (d) the supply of water cannot be maintained by any other reasonable means.

(3) An authorisation must require the applicant to take action over a period of time to ensure that the relevant parameters are complied with, and must specify—

- (a) the person to whom an authorisation is granted,
- (b) the supply concerned,
- (c) the grounds for granting an authorisation,
- (d) the parameters concerned, previous relevant monitoring results, and the maximum permissible values under the authorisation,
- (e) the geographical area, the estimated quantity of water supplied each day, the number of persons likely to be affected and whether or not any food production undertaking is affected,
- (f) an appropriate monitoring scheme, with an increased monitoring frequency where necessary,
- (g) a summary of the steps for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing progress, and
- (h) the duration of the authorisation.

(4) If the local authority grants an authorisation, and the person to whom it is granted takes action in accordance with the timetable specified in the authorisation, the local authority may not serve a notice under section 80 of the Act concerning the matters specified in the authorisation without first amending or revoking the authorisation.

(5) The duration of the authorisation must be as short as possible and in any event must not exceed 3 years.

(6) The local authority must ensure that people likely to be affected by the authorisation are promptly informed of the authorisation and its conditions, and, where necessary, ensure that advice is given to particular groups to whom the authorisation could present a special risk.

(7) If the supply exceeds 1,000m³ a day as an average or serves more than 5,000 persons, the local authority must send a copy of the authorisation to the Secretary of State within 1 month.

(8) The local authority must keep the progress of the remedial action under review.

(9) If necessary, the local authority may grant a second authorisation for up to a further 3 years with the prior consent of the Secretary of State.

(10) The local authority may revoke or amend the authorisation at any time and in particular may revoke or amend it if the timetable for remedial action has not been adhered to.