
WELSH STATUTORY INSTRUMENTS

2017 No. 1041

The Private Water Supplies (Wales) Regulations 2017

PART 3

Action in the event of failure

Provision of information

17. If a local authority considers that a private water supply in its area is a potential danger to human health it must promptly take appropriate steps to ensure that people likely to consume water from it—

- (a) are informed that the supply constitutes a potential danger to human health;
- (b) where possible, are informed of the nature and degree of the potential danger; and
- (c) are given advice to allow them to minimise any such potential danger.

Investigation

18.—(1) Where a local authority suspects that a private water supply fails to comply with—

- (a) the requirements of regulation 4, or
- (b) the concentrations or values in Part 2 or Part 3 of Schedule 1 for an indicator parameter,

it must carry out an investigation to establish the cause of the failure.

(2) Once a local authority has carried out an investigation and established the cause of the failure, it must act in accordance with paragraphs (3) to (5).

(3) If the cause of the failure is due to the distribution system within a domestic premises (whether or not the water is made available to the public in those premises) the local authority must promptly inform the people likely to be affected and offer them advice on measures necessary for the protection of human health.

(4) In addition to the duty in paragraph (3) (where it applies), the local authority must act in accordance with paragraph (5) if the cause of the failure is due to—

- (a) the distribution system within domestic premises where water is made available to the public; or
- (b) a distribution system not within domestic premises.

(5) Where this paragraph applies, the local authority must—

- (a) if the water is a potential danger to human health and the conditions in regulation 20 are fulfilled, serve a notice under that regulation; or
- (b) within 28 days of establishing the cause of the failure, and if appropriate remedial action has not been taken, serve a notice in accordance with section 80 of the Act (remedial powers of local authorities in relation to private supplies) unless the local authority grants an authorisation in accordance with regulation 19(2).

(6) Where this regulation applies and a local authority's monitoring obligations in respect of the supply have previously been reduced (or otherwise varied) under Schedule 2 to these Regulations, such variation is to cease immediately and the standard frequencies outlined in Tables 2 and 3 in Schedule 2 must be reinstated.

Authorisations of different standards

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

(2) A local authority may grant an authorisation of different standards under this regulation if—

- (a) the only cause of the water being unwholesome is that a parameter in Table B of Part 1 of Schedule 1 (chemical parameters) is not complied with;
- (b) the local authority has consulted all water users who will be affected by the authorisation and the Public Health Wales National Health Service Trust and has taken their views into account;
- (c) granting the authorisation does not cause a potential danger to human health; and
- (d) the private water supply 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 necessary parameters are complied with, and must specify—

- (a) the person to whom the authorisation is granted;
- (b) the private water supply concerned;
- (c) the grounds for granting the 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 supplied 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 plan 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 a 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 may not exceed 3 years.

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

(7) If the private water supply exceeds 1,000 m³ a day as an average or serves more than 5,000 persons the local authority must send a copy of the authorisation to the Chief Inspector of Drinking Water and the Welsh Ministers 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 Welsh Ministers, but if it does so it must, as soon as is reasonably

practicable, send a copy of the authorisation together with the grounds for its decision to the Chief Inspector of Drinking Water and the Welsh Ministers.

(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.