
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement Chapter III (Water Supply) of the Water Industry Act 1991 (“the 1991 Act”) and revoke and replace the Water Supply (Water Quality) Regulations 2010. They are primarily concerned with the quality of water supplied by water undertakers whose areas are wholly or mainly in Wales (and water supply licensees using the supply systems of such undertakers) for drinking, washing, cooking and food preparation, and for food production, and with arrangements for the publication of information about water quality.

The Regulations implement Council [Directive 98/83/EC](#) (OJ No L 330, 5.12.98, p. 32) (“the 1998 Directive”), on the quality of water intended for human consumption and their purpose is to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean. They also transpose the requirements of Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.2013, p 12).

Part 1 of the Regulations (regulations 1 and 2) contains preliminary provisions and defines terms that are used in the Regulations.

Part 2 (regulation 3) requires water undertakers to identify annually the areas (“water supply zones”) that are to be relevant for a particular year for the purposes of the application of provisions of the Regulations. A water supply zone may not comprise an area in which the estimated population exceeds 100,000. Water undertakers may not alter the boundaries of water supply zones during the year.

Part 3 (regulation 4) prescribes standards of wholesomeness in respect of water that is supplied for human consumption by water undertakers, including for domestic purposes including cooking, drinking food preparation or washing, or for food production purposes. These various purposes are referred to in the Regulations as “regulation 4(1) purposes”. In particular, regulation 4 provides that water is to be regarded as wholesome if it contains concentrations or values in respect of various properties, elements, organisms and substances that do not contravene prescribed maximum and, in some cases, minimum concentrations or values.

Part 4 (regulations 5 to 10) provides for the monitoring of water supplies. Regulation 5 defines two monitoring regimes; “monitoring of a Group A parameter” and “monitoring of a Group B parameter”. Regulation 6 sets out general monitoring provisions relating to the parameters set out in Schedules 1 (prescribed concentrations and values) and 2 (indicator parameters). Regulation 6 imposes requirements for the monitoring of indicative dose, radon and tritium (“radioactive parameters”) and introduces the additional monitoring provisions for the indicative dose parameter in Schedule 4 (Monitoring for indicative doses and analytical performance characteristics). Regulation 6 also makes provision for monitoring supplies from tankers. Regulation 7 requires water undertakers to select at random the points at which samples are to be taken for the purposes of monitoring (referred to as “sampling points”). Regulation 8 provides that the Welsh Ministers may authorise the taking of samples from points other than sampling points. Regulation 9 deals with the number of samples to be taken. These are specified in Schedule 3 (Monitoring). Regulation 10 requires samples to be taken where water undertakers have reason to believe that the quality of the water within their water supply zone has been adversely affected by the presence of certain elements, organisms or substances.

Part 5 (regulations 11 to 16) contains additional provisions relating to sampling. Regulations 12 and 13 require samples to be taken in respect of particular organisms and substances, at treatment works and at reservoirs which store treated water. Regulation 14 requires samples to be taken before water is supplied from new sources and from sources which have not recently been used. Regulation 15 prescribes requirements relating to the taking, handling, storage, transport and analysis of samples. Regulation 16 provides an alternative method of analysis to that in regulation 15(6)(b) that may be used by a water undertaker or supplementary licensee before 23:59 on 31 December 2019.

Part 6 (regulation 17) requires water undertakers and supplementary licensees to identify every point from which they abstract water for supply for regulation 4(1) purposes and to take samples from those points to comply with regulations 26 to 28. This implements Article 8(1) and (2) of [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ No L 327, 22.12.2000, p 1).

Part 7 (regulations 18 to 25) requires water undertakers and supplementary licensees to investigate the cause of any failure, or apprehended failure, of any parameters set out in Schedule 1 or any indicator parameters set out in Schedule 2 and to notify the Welsh Ministers. Where the failure is attributable to a domestic distribution system or the maintenance of that system, notification must be provided to the consumers of the affected water supply and to any other relevant supplier. Regulation 20 provides for actions that may be taken by the Welsh Ministers upon receipt of a notification under regulation 18 or 19. Where a failure relates to a parameter in Table B in Schedule 1, and certain other conditions are met, the Welsh Ministers may require the supplier to apply for an authorisation for a departure from the requirements of Part 3 of the Regulations. The circumstances in which authorisations may be granted and the conditions to which they are subject are set out in regulations 22 and 23. Provision is made in regulation 24 for publicising authorisations. Regulation 25 provides for the revocation and variation of authorisations.

Part 8 (regulations 26 to 33) deals with the treatment of water and regulates the substances, processes and products that may be used by water undertakers in connection with the supply of water. Regulation 26 imposes requirements relating to the disinfection of water and imposes additional requirements for the treatment of surface water. Regulation 27 provides for the carrying out of risk assessments and subsequent reviews. Regulation 28 requires water undertakers and supplementary licensees to submit reports of risk assessments and reviews to the Welsh Ministers. Paragraph (4) of regulation 28 sets out the steps that the Welsh Ministers may take on receipt of a report which states there is or has been a significant risk of supplying water that could constitute a potential danger to human health or could be unwholesome. Regulation 29 requires water undertakers and supplementary licensees to treat water to minimise the risk of copper and lead contamination from pipes. Regulation 30 sets out provisions relating to the replacement or modification of lead pipes. Regulation 31 specifies the circumstances in which water undertakers and supplementary licensees may apply or introduce substances or products into water supplied for regulation 4(1) purposes. Regulation 32 enables the Welsh Ministers to require that its approval be obtained to the use of processes in connection with the supply of water for regulation 4(1) purposes. Under regulation 33, contravention of specified requirements of regulations 26, 28, 31 and 32 are criminal offences, as is the making of false statements.

Part 9 (regulations 34 and 35) deals with the provision of information by water undertakers, supplementary licensees and retail licensees.

Part 10 (regulations 36 and 37) imposes requirements on local authorities in the performance of their duties in relation to the quality of water supplied by water undertakers or water supply licensees.

Part 11 (regulation 38) provides that contraventions by any relevant supplier of duties or requirements imposed by Parts 4 to 9 of the Regulations are to be enforceable under section 18 of the 1991 Act by the Welsh Ministers. This provision is additional to the criminal sanctions provided by regulation 33.

Part 12 (regulations 39 and 40) provides for transitional provisions, amendments and revocations (as set out in Schedule 6 (Amendments and revocations)).

Digital and hard copies of the British standards referred to in these Regulations published by the British Standards Institution can be purchased online from the BSI Group at <http://www.bsigroup.com>. Hard copies of the standards can also be purchased by post from the BSI Group Customer Services Department at 389 Chiswick High Road, London W4 4AL (Tel: 0345 086 9001).

Digital and hard copies of the ISO standards referred to in these Regulations can be purchased online from the International Organization for Standardization (<http://www.iso.org>). They can also be purchased online from the BSI Group internet address mentioned above and in hard copy form from the BSI Group at the postal address mentioned above.

Copies of the British and ISO standards referred to in these Regulations are available for inspection free of charge during normal office hours at the offices of the Welsh Government at the address mentioned below.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.