
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 331

**The Water Supply (Water Quality)
Regulations (Northern Ireland) 2002**

PART VII

WATER TREATMENT

Interpretation of Part VII

25. In this Part –

“the Guidance for *Cryptosporidium*” means ‘the Guidance for the Monitoring of *Cryptosporidium* in Treated Water in Northern Ireland’ issued by the Department (published May 2002, First Edition);

“risk assessment”, “continuous monitoring programme” and “significant risk from *Cryptosporidium*” have the same meanings as those contained in “the Guidance for *Cryptosporidium*”; and

“surface water” does not include water from a spring.

Treatment of raw water

26.—(1) In carrying out such of its functions under Part II of the Order as comprise the supply of water for regulation 4(1) purposes, the Department for Regional Development shall not, subject to paragraph (2), supply water from any source which consists of or includes raw water unless the water has been disinfected and, in the case of surface water, subjected to at least such further treatment as is specified in paragraph (3).

(2) Nothing in paragraph (1) shall require the Department for Regional Development to disinfect such groundwaters as are specified in an authorisation given by the Department for the purposes of this paragraph.

(3) The further treatment mentioned in paragraph (1) is such treatment as is required to secure compliance with Council Directive [75/440/EC](#) (quality required of surface water intended for the abstraction of drinking water)⁽¹⁾; and for the purposes of this regulation, surface water shall be treated as falling within category A1 or A2 or A3 set out in Annex I to that Directive if it is abstracted from waters for which the classification to be currently satisfied in accordance with Article 5(1) of the Water (Northern Ireland) Order 1999⁽²⁾ is, as appropriate, DW1 or DW2 or DW3, as set out in the Surface Waters (Abstraction for Drinking Water) (Classification) Regulations (Northern Ireland) 1996⁽³⁾.

(1) O.J. No. L194, 16.6.75, p. 26

(2) S.I. 1999/662 (N.I. 6)

(3) S.R. 1996 No. 603

(4) Except with the consent of the Department, water shall not be abstracted for supply for domestic purposes which include drinking except from waters to be treated as falling within category A1 or A2 or A3 in the Annex mentioned in paragraph (3).

Risk assessment for *Cryptosporidium*

27.—(1) It shall be the duty of the Department for Regional Development to carry out an annual risk assessment for *Cryptosporidium* at all its water treatment works.

(2) Where the Department for Regional Development carries out a risk assessment under paragraph (1) it shall submit to the Department a report of the assessment which shall set out the results of the assessment and a statement that the assessment has established –

- (a) that there is a significant risk from *Cryptosporidium*; or
- (b) that there is no such risk.

(3) Where the risk assessment carried out by the Department for Regional Development under paragraph (1) establishes that there is a significant risk at a water treatment works for *Cryptosporidium* then the Department for Regional Development shall –

- (a) introduce at the treatment works a continuous monitoring programme; and
- (b) take measures, as agreed with the Department, to reduce the risk of *Cryptosporidium* to low as identified by the risk assessment carried out in accordance with paragraph 3.7 of the Guidance for *Cryptosporidium*.

Procedure following risk assessment

28. Where the Department considers that the assessment that is the subject of a report submitted to it in accordance with paragraph (2) of regulation 27 has not been carried out satisfactorily, it shall send a notification to the Department for Regional Development which –

- (a) sets out the Department’s reasons for considering that the assessment has not been carried out satisfactorily; and
- (b) requires the Department for Regional Development, by a date specified in the notice, to carry out a further risk assessment and submit to it a report of that assessment,

and the Department for Regional Development shall comply with the requirement by the date specified.

Contamination from pipes

29.—(1) Where there is a risk (“the prescribed risk”) that water supplied by the Department for Regional Development would, for the reason mentioned in paragraph (2), after leaving that Department’s pipes –

- (a) contain a concentration of copper in excess of 2mg/litre; or
- (b) contain a concentration of lead in excess of 10µg/litre,

the Department for Regional Development shall, subject to paragraph (3), treat the water in such a way as will, in its opinion, eliminate the prescribed risk or reduce it to a minimum.

(2) The reason referred to in paragraph (1) is the presence in the water of a concentration of copper or lead which is attributable to the fact that copper or lead is the major component of such a pipe as is mentioned in Article 3A(3)(a) of the Order, or its associated fittings.

(3) Paragraph (1) shall not require the Department for Regional Development to treat water –

- (a) if the treatment is unlikely to achieve a significant reduction in the concentration of copper or lead; or

- (b) if treatment is not reasonably practicable.
- (4) Where at any time in the period beginning with 25th December 2003 and ending immediately before 25th December 2013, the Department for Regional Development –
 - (a) has reason to believe that water supplied by it for regulation 4(1) purposes from a pipe to which paragraph (5) applies contains, at the consumer’s tap, a concentration of lead which exceeds 10µg/l but does not exceed 25µg/l; and
 - (b) has received from the owner of premises to which water is so supplied notice in writing –
 - (i) of the owner’s intention to replace so much of the pipe as belongs to him; and
 - (ii) of his desire that the Department for Regional Development replaces the remainder of the pipe,the Department for Regional Development shall modify or replace its part of the pipe.
- (5) This paragraph applies to a pipe –
 - (a) of which the major component is lead;
 - (b) which is subject to water pressure from a water main or would be so subject but for the closing of some valve; and
 - (c) which belongs, as to part, to the Department for Regional Development and, as to the remainder, to the owner of any premises to which the Department for Regional Development supplies water for regulation 4(1) purposes.

Application and introduction of substances and products

30.—(1) In this regulation –

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽⁴⁾;

“EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁵⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁶⁾;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that body to the European Commission; and

“harmonised standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the European Commission and published by the Commission in the Official Journal of the European Communities.

(2) Subject to paragraph (3), the Department for Regional Development shall not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 4(1) purposes unless it has been approved by the Secretary of State under regulation 31(4) of the Water Supply (Water Quality) Regulations 2000⁽⁷⁾.

(3) A substance or product which, at the time of its application or introduction, bears an appropriate CE marking in accordance with the Directive, or conforms to –

- (a) an appropriate harmonised standard or European technical approval; or

(4) O.J. No. L40, 11.2.89, p. 12

(5) Cmnd 2073

(6) Cmnd 2183

(7) [S.I. 2000/3184](#)

- (b) an appropriate British Standard or some other national standard of an EEA State which provides an equivalent level of protection and performance,
- may be applied or introduced, notwithstanding that it has not been approved by the Secretary of State under regulation 31(4) of the Water Supply (Water Quality) Regulations 2000, but any such application or introduction shall be subject to –
- (i) such national conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the Secretary of State by an instrument in writing; and
 - (ii) such other requirements, within the meaning of Council Directive 98/34/EC, as amended⁽⁸⁾ (which lays down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services), in relation to such substances and products, as have been communicated to the Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive, and whose adoption by a Member State has also been communicated to the Commission.

Use of processes

31.—(1) The Department may at any time by notice in writing given to the Department for Regional Development require it to make an application to the Department for approval of the use of any process; and may prohibit it for such period as may be specified in the notice from using any such process in connection with the supply by it of water for regulation 4(1) purposes.

(2) The Department may refuse the application or impose on any approval given for the purposes of this regulation such conditions as it thinks fit and, subject to paragraph (3), may at any time by notice in writing to the Department for Regional Development revoke an approval so given or modify or revoke any condition imposed by virtue of this paragraph.

(3) Subject to paragraph (4), the Department shall not –

- (a) revoke any approval given for the purposes of this regulation;
- (b) modify any condition imposed by virtue of paragraph (2); or
- (c) prohibit the Department for Regional Development from using any process, unless it has given to the Department for Regional Development at least six months' notice in writing of its intention to revoke, modify or prohibit, as the case may be.

(4) Paragraph (3) shall not apply in any case in which the Department is of the opinion that the immediate revocation, modification or prohibition is necessary in the interests of public health.

Offences

32.—(1) Any person who wilfully or negligently uses, in connection with the preparation of water for domestic or food production purposes, a process, substance or product in contravention of regulation 30 or 31 shall be guilty of an offence and shall be liable –

- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment, to a fine.

(2) The Department of Regional Development may recover from a person convicted of an offence under paragraph (1) expenses reasonably incurred by it in carrying out works of repair or reinstatement, necessitated by his action.

(3) In any proceedings against a person for an offence under paragraph (1) it shall be a defence for that person to show that he took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

⁽⁸⁾ O.J. No. L204, 21.7.98, p. 37, amended by Council Directives 98/48/EC (O.J. No. 217, 5.8.98, p. 18)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
