
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations supplement the Water and Sewerage Services (Northern Ireland) Order 2006 (the Order), and, on 1st April 2007, replace the Water Supply Quality (Northern Ireland) Regulations 2002 and the Water Supply (Water Quality) (Amendment) Regulations (Northern Ireland) 2003 to reflect the change in delivery of water services from the Department for Regional Development to a water undertaker

The Regulations are primarily concerned with the quality of water supplied in Northern Ireland for drinking, washing, cooking and food preparation, and for food production, and with arrangements for the publication of information about water quality.

The Regulations are directed at the achievement of the objective set out in Article 2 of Council Directive 98/83/EC (O.J. No. L 330, 5.12.98, p. 32) (“the 1998 Directive”), namely, 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. In particular, effect is given in Part III of the Regulations to Articles 4 and 5 of the 1998 Directive which relate to the quality of water intended for human consumption and, in Part V, to Article 7 (monitoring) of that Directive.

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

Part II (regulation 3) requires the water undertaker 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. The water undertaker may not alter the boundaries of water supply zones during the year.

Part III (regulation 4) prescribes standards of wholesomeness in respect of water that is supplied by the water undertaker for cooking, drinking, food preparation and washing and other domestic purposes and to premises 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. Some of the prescribed maximum and minimum concentrations and values are specified in regulation 4, but most are included in Tables A and B which appear in Schedule 1 to the Regulations. They include the values specified in Parts A and B of Annex 1 to the 1998 Directive. There are also specifications for indicator parameters in Schedule 2.

Part IV (regulations 5 to 10) provides for the monitoring of water supplies by reference to the analysis of samples. Regulation 5 defines two monitoring regimes; “audit” monitoring and “check” monitoring. Regulation 6 requires the water undertaker to take a minimum number of samples each year in respect of a variety of properties, elements, organisms and substances. It also makes special provision for monitoring supplies from tankers. Regulation 7 requires the water undertaker to select at random the consumers’ taps from which samples are to be taken. Regulation 8 authorises the taking of samples from points other than consumers’ taps (“supply points”) and allows the Department to authorise other supply points. Regulation 9 deals with the number of samples to be taken. These are specified in Tables 1 and 2 in Schedule 3 to the Regulations, and are not less than those specified in Annex II to the 1998 Directive. Regulation 10 requires samples to be taken where the water undertaker’s 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.

Status: This is the original version (as it was originally made).

Part V (regulations 11 to 16) contains additional provisions relating to sampling. Regulations 13 and 14 require samples to be taken in respect of particular organisms and substances, at treatment works and at reservoirs which store treated water. Regulation 15 requires samples to be taken before water is supplied from new sources and from sources which have not recently been used. Regulation 16 prescribes requirements relating to the taking, handling, storage, transport and analysis of samples.

Part VI (regulations 17 to 24) provides for the investigation of every failure to satisfy a concentration, value or state prescribed by regulation 4 and for a report to be made to the Department. Where a failure relates to a Table B parameter, and certain other conditions are met, the Department may require the water undertaker to apply to it for an authorisation allowing a departure from the requirements of Part III, as regards that parameter. The circumstances in which such authorisations may be issued, and the conditions to which they are subject are contained in regulations 21 and 22, respectively. (Article 9 of the 1998 Directive permits derogations from the parametric values). Provision is made in regulation 23 for publicising authorisations. Regulation 24 provides for the modification and withdrawal of authorisations.

Part VII (regulations 25 to 32) deals with the treatment of water and regulates the substances, processes and products that may be used by the water undertaker 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. It prohibits the abstraction for the supply of drinking water of waters below category A3, as required by Council Directive [75/440/EEC](#) (quality required of surface water intended for the abstraction of drinking water). Regulations 27 and 28 relate specifically to *Cryptosporidium*. Regulation 27 provides for the carrying out of risk assessments. Regulation 28 provides the procedures following risk assessments. Regulation 29 makes provision for securing the elimination or reduction to a minimum of the risk that water will be contaminated after supply by excessive concentrations of copper or lead. Regulation 30 specifies the circumstances in which the water undertaker may apply or introduce substances or products into water supplied for drinking, washing or cooking. Regulation 31 enables the Department to require that its approval be obtained to the use of processes. Part VIII deals with the provision of information by the water undertaker. Regulation 32 requires the water undertaker to prepare and maintain records containing information about the quality of water supplied in their water supply zones. Regulation 33 requires the water undertaker to make available for public inspection, and to supply the Department and district councils with, information about the quality of water within its water supply zones, the extent to which Part IV of the Regulations has been complied with, details of any departures authorised under Part VI of the Regulations. It also requires the water undertaker to provide district councils and health authorities with information relating to matters that could affect the health of persons residing in the district councils' areas. Regulation 34 requires the water undertaker to publish an annual report containing information about the quality of water. Regulation 35 sets out transitional provisions regarding authorisations given to the Department under article 20 or 21 of the Water Supply (Water Quality) Regulations (Northern Ireland) 2002.

Copies of the “Guidance for the Monitoring of *Cryptosporidium* in Treated Water in Northern Ireland” may be obtained from the Department’s Environment and Heritage Service, Klondyke Building, Cromac Avenue, Gasworks Business Park, Lower Ormeau Road, Belfast BT7 2JA or by accessing their website at www.ehsni.gov.uk/crypto_guidance_april05/pdf.

Copies of the ISO standards referred to in Table A1 in Schedule 4 may be obtained from BSI, 389 Chiswick High Road, London W4 4AL.