

EXPLANATORY MEMORANDUM TO

The Private Water Supplies (Amendment) Regulations (Northern Ireland) 2015

2015 No. 366

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment (The Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Rule is to make an amendment to the Private Water Supplies Regulations (Northern Ireland) 2009 in order to transpose the provisions of the Council Directive 2013/51/EURATOM of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (Euratom Directive).

3. Background

- 3.1. The Principal Regulations (Private Water Supplies (Northern Ireland) 2009) were made on 11 December 2009 and came into operation on 18 January 2010. They transposed into domestic legislation Directive 1998/83/EC on the quality of water intended for human consumption, in respect of private water supplies. This Directive is commonly known as the Drinking Water Directive. The objective of this Directive is to protect human health from adverse effects resulting from the contamination of water intended for human consumption.

4. Consultation

- 4.1. A consultation on the Principal Regulations ran from 11 February 2009 to 29 April 2009. The overall response was positive and no serious concerns were expressed.
- 4.2. The amending Regulations transpose provisions of the Euratom Directive. These amendments are minor and technical in nature and set a new requirement to monitor private water supplies for an additional radioactive substance- radon as well as making some minor technical changes to current monitoring requirements. These amendments will positively affect all Private Water Supplies users uniformly. There is minor impact from a policy or operational perspective and a public consultation is not required. There may however be a financial impact on the Department due to additional monitoring requirements. The additional financial implications for the Department in implementing these Regulations however are not significant.

5. Equality Impact

- 5.1. A screening analysis of the amending Regulations indicated there would be no impact in terms of the main groups relevant to the section 75 categories of the Northern Ireland Act 1998.

6. Regulatory Impact

- 6.1. A partial Regulatory Impact Assessment was carried out and showed that the benefits of the Regulations outweigh any additional costs to the Department. The use of Risk Assessments: representative surveys, monitoring data and/or other reliable information should decrease costs involved by demonstrating when radon does not require to be monitored, therefore for maximising potential benefits and reducing cost.
- 6.2. It is not considered that the proposed Regulations will have a significant financial impact for private water supply users.

7. Financial Implications

- 7.1. The additional financial implications for the Department in implementing these Regulations are not significant. Whilst there is a further additional cost in including mandatory testing for Radon, as has been stated above, the use of Risk Assessments etc should decrease costs involved.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. These Regulations are deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. These regulations help ensure Northern Ireland fulfils its obligation with regard to transposition of the Euratom Directive.

10. Parity or Replicatory Measure

- 10.1. Production of amending regulations in Scotland is proceeding along a similar timescale as Northern Ireland with similar amendments being made to their equivalent legislation in order to transpose the Euratom Directive. DEFRA (England) plan to make new consolidated Private Water Supplies Regulations by April 2016 and Wales is also working to the same deadline of April 2016. The transposition of the Euratom Directive will be transposed into their consolidated regulations in a similar way to Northern Ireland.

11. Additional Information

- 11.1. Not applicable.