
STATUTORY INSTRUMENTS

2010 No. 991

The Water Supply Regulations 2010

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Water Supply Regulations 2010 and come into force on 20th April 2010.

PART 2

The Water Supply (Water Quality) Regulations 2000

Amendment of the Water Supply (Water Quality) Regulations 2000

2. The Water Supply (Water Quality) Regulations 2000(1) are amended in accordance with this Part.

Regulation 17

3. In regulation 17 omit paragraph (8).

Regulation 18

4.—(1) Regulation 18 is amended as follows.

(2) In paragraph (1) after the words “indicator parameters set out in Schedule 2, it shall”, insert “immediately”.

(3) Omit paragraph (4).

Regulation 19

5.—(1) Regulation 19 is amended as follows.

(2) In paragraphs (1)(a)(i) and (3)(a)(i) omit the words “in Part II of Table A or”.

(3) In paragraph (4)—

(a) for “risk to human health” substitute “potential danger to human health”; and

(b) for “may by notice in writing” substitute “must by notice in writing”.

Regulation 19A

6. After regulation 19 insert—

“Failure attributable to domestic distribution system where water is supplied to the public

19A.—(1) Paragraph (3) applies where the Secretary of State considers that the failure (or, in the case of regulation 17, apprehended failure) disclosed by a notification under regulation 17(5) or regulation 18(2)—

- (a) is attributable to the domestic distribution system, or the maintenance of that system, in premises where water supplied for regulation 4(1) purposes is made available for use by members of the public, including schools within the meaning of the Education Act 1996(2), hospitals and restaurants;
- (b) is not trivial and is likely to recur; and
- (c) in the case of a notification given under regulation 18(2), poses a potential danger to human health.

(2) References in this regulation to “failure” are references to a failure or apprehended failure of the type referred to in paragraph (1).

(3) Subject to paragraph (7), the Secretary of State must serve a notice in writing on—

- (a) the water undertaker that supplies water to the premises; or
- (b) the water undertaker whose supply system is used for the purpose of a licensed water supplier making a supply of water to the premises,

requiring it to exercise the power conferred by section 75(2) of the Act in respect of the failure.

(4) The provisions of section 75(2) to (12) of the Act apply in relation to the exercise of the power in section 75(2) in pursuance of a notice served under paragraph (3), subject to the modifications in paragraph (5).

(5) Those modifications are—

- (a) subsections (2)(b) and (4) are to be read as if any reference to “damage, contamination, waste, misuse or undue consumption” were a reference to the failure.
- (b) subsection (9) is to be read as if for the words from “the water undertaker” to the end of paragraph (b) there were substituted—
“the water undertaker—

- (a) must take those steps itself; and
- (b) subject to subsection (10) may recover any expenses reasonably incurred by the undertaker in taking those steps from the person on whom the notice was served;”.

(6) Where the water undertaker exercises the power in section 75(2) of the Act pursuant to a notice served by the Secretary of State under paragraph (3) it must inform by notice in writing any of its other consumers who are likely to be affected of the steps it has taken, and that notice must include a copy of any notice that it has served.

(7) Where the Secretary of State considers that the failure (or any aspect of it) is attributable to factors arising from the further distribution by a person other than a water

undertaker or licensed water supplier of water supplied by a water undertaker or licensed water supplier, the Secretary of State—

- (a) must not serve a notice under paragraph (3) in respect of that failure or aspect of it; and
- (b) if the Secretary of State considers that the local authority needs information or assistance from the water undertaker or licensed water supplier in order to be able to carry out its duties under regulation 15 or 16 of the Private Water Supplies Regulations 2009⁽³⁾, the Secretary of State must serve a notice on the water undertaker or licensed water supplier requiring it to provide such information or assistance to the local authority as is specified in the notice.

(8) It is the duty of the water undertaker or licensed water supplier on which a notice under this regulation has been served to take the steps specified in the notice.

(9) The duty of a water undertaker or licensed water supplier under this regulation is enforceable under section 18 of the Act.”.

Regulation 20

7. In regulation 20(1)(a) omit the words “in Part II of Table A or”.

Regulation 26

8. After regulation 26(1) insert—

“(1A) A water undertaker or combined licensee must—

- (a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection; and
- (b) verify the effectiveness of the disinfection process.”.

Schedule 3

9.—(1) For Table 2 in Schedule 3 substitute the Table in Schedule 1.

(2) For Table 3 in Schedule 3 substitute the Table in Schedule 2.

PART 3

The Private Water Supplies Regulations 2009

Amendment of the Private Water Supplies Regulations 2009

10. In regulation 5 of the Private Water Supplies Regulations 2009⁽⁴⁾—

- (a) re-number the current regulation 5 as regulation 5(1), and
- (b) after paragraph (1) insert—

“(2) Where disinfection forms part of the preparation or distribution of water, the relevant person (as defined in section 80 of the Water Industry Act 1991) must—

(3) S.I. 2009/3101.

(4) S.I. 2009/3101.

- (a) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the effectiveness of the disinfection,
 - (b) ensure that the effectiveness of the disinfection process is maintained,
 - (c) verify the effectiveness of the disinfection process, and
- (3) For the purposes of this regulation, “disinfection” means a process of water treatment—
- (a) to remove, or
 - (b) to render harmless to human health,
- every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water.”.

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25th March 2010