

STATUTORY INSTRUMENTS

2016 No. 614

The Water Supply (Water Quality) Regulations 2016

PART 5

Monitoring – additional provisions

Interpretation of Part 5

^{F1}11.

Textual Amendments

F1 Reg. 11 omitted (11.7.2018) by virtue of [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(8)**

Sampling for particular substances and parameters

12.—(1) For the purposes of establishing the quality of water to be supplied to any of its water supply zones, a water undertaker must take or cause to be taken, and analyse or cause to be analysed, not less than the number of samples specified in this Part.

(2) For the purposes of establishing the quality of water to be supplied in any supply system into which a [^{F2}wholesale licensee] introduces water, the [^{F2}wholesale licensee] must take or cause to be taken, and analyse or cause to be analysed, not less than the number of samples specified in this Part.

Textual Amendments

F2 Words in [reg. 12\(2\)](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **32(4)**

Sampling at treatment works

13.—(1) Subject to [^{F3}paragraph (6)], in each year every water undertaker or [^{F4}wholesale licensee] must take or cause to be taken, from the point at which water leaves each treatment works which it uses to supply water to water supply zones, the standard number of samples for analysis—

- (a) for determining the concentration of residual disinfectant,
- (b) for determining whether, in relation to the colony counts and turbidity parameters (items 5 and 13 in Schedule 2), water leaving treatment works meets the specifications for those parameters set out in Schedule 2, and
- (c) for testing for compliance with the prescribed concentrations or values in respect of the coliform bacteria, *E. coli*, and nitrite parameters (in Part II of Table A in Schedule 1 and item 19 in Table B of Schedule 1 respectively) for leaving water treatment works.

- F⁵(2)
- F⁵(3)
- F⁵(4)

(5) Samples required to be taken by this regulation must be taken at regular intervals.

(6) Where a particular treatment works is in use for part only of a year, the minimum number of samples to be taken from that works in that year must bear to the standard number or, as the case may be, [F⁶the number specified in a current notice given by the Secretary of State under regulation 9 which departs from the standard number], the same proportion as the number of days in that year in which the treatment works has been in use bears to 365.

[F⁷(7) In this regulation, “the standard number” has the same meaning as in regulation 9]

Textual Amendments

F3 Words in [reg. 13\(1\)](#) substituted (11.7.2018) by [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(9)(a)**

F4 Words in [reg. 13\(1\)](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **32(4)**

F5 [Reg. 13\(2\)-\(4\)](#) omitted (11.7.2018) by virtue of [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(9)(b)**

F6 Words in [reg. 13\(6\)](#) substituted (11.7.2018) by [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(9)(c)**

F7 [Reg. 13\(7\)](#) inserted (11.7.2018) by [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(9)(d)**

Sampling at service reservoirs

14. Every water undertaker or [F⁸wholesale licensee] must take or cause to be taken, from each of its service reservoirs in each week in which the reservoir is in use [F⁹or as specified in a notice given by the Secretary of State under regulation 9(3)], one sample for analysis—

- (a) for testing for compliance with the prescribed concentrations or values in respect of the coliform bacteria and *E. coli* parameters,
- (b) for determining the concentration of the residual disinfectant, and
- (c) for determining whether the specification in relation to the colony counts parameter is met.

Textual Amendments

F8 Words in [regs. 14-18](#) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **32(4)**

F9 Words in [reg. 14](#) inserted (11.7.2018) by [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(10)**

Sampling: new sources

15.—(1) This regulation applies in relation to—

- (a) any source which has not previously been used for the supply of water by a water undertaker or [F⁸wholesale licensee];

- (b) any source which has been so used but not so used for a period of 6 months preceding the date on which the water undertaker or [F8wholesale licensee] proposes to supply water from it.
- (2) Every water undertaker or [F8wholesale licensee] must take or cause to be taken, in accordance with paragraphs (3) and (4), such samples of water as enable it to establish—
 - (a) whether water can be supplied from that source without contravening section 68(1) of the Act^{M1}, and
 - (b) the treatment necessary to ensure that section 68(1) of the Act is complied with in relation to the supply of that water.
- (3) The samples must be taken or be caused to be taken—
 - (a) before the water undertaker or [F8wholesale licensee] supplies water from a source mentioned in paragraph (1)(a);
 - (b) as soon as reasonably practicable after it has begun to supply water from a source mentioned in paragraph (1)(b).
- (4) Samples must be taken—
 - (a) in the case of a source mentioned in paragraph (1)(a), in respect of—
 - (i) the parameters listed in Schedules 1 and 2; and
 - (ii) any other element, organism or substance which, in the opinion of the water undertaker or [F8wholesale licensee] proposing to use the source, may cause the supply to contravene section 68(1) of the Act;
 - (b) in the case of a source mentioned in paragraph (1)(b), in respect of—
 - (i) the parameters listed in Table A in Schedule 1;
 - (ii) the conductivity, hydrogen ion and turbidity parameters; and
 - (iii) any other parameter as regards which the water undertaker or [F8wholesale licensee] proposing to use the source is of the opinion that its concentration or value is likely to have altered since the last occasion on which water from that source was analysed.
- (5) Unless the conditions in paragraph (6) are satisfied, a water undertaker or [F8wholesale licensee] must not supply water from a source mentioned in paragraph (1)(a) for regulation 4(1) purposes until 1 month has passed following the day on which the water undertaker or [F8wholesale licensee] has complied with regulation 28(1) with respect to the source.
- (6) The conditions are that the water undertaker or [F8wholesale licensee]—
 - (a) must supply water from the source as a matter of urgency in order to prevent an unexpected interruption in piped supply to consumers, and
 - (b) before the supply is made, has carried out a risk assessment under regulation 27 specifically with respect to that source.
- (7) For the purposes of paragraph (6)(b), regulation 27 applies to supplies made as a matter of urgency as if “treatment works” includes a source from which untreated water is supplied.

Textual Amendments

- F8** Words in regs. 14-18 substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **32(4)**

Marginal Citations

- M1** Section 68(1) was amended by paragraph 18 of Schedule 8 to the [Water Act 2003 \(c.37\)](#). It is prospectively amended by paragraph 38 of Schedule 5, and paragraphs 66 and 67 of Schedule 7, to the [Water Act 2014 \(c.21\)](#).

Collection and analysis of samples

[^{F10}**16**.—(1) Every water undertaker or wholesale licensee must secure, so far as reasonably practicable, that when it takes, handles, transports, stores or analyses any sample required to be taken for the purposes of Part 4 or this Part, or causes any such sample to be taken, handled, transported, stored or analysed, it complies with the appropriate requirements.

(2) Every water undertaker or wholesale licensee must secure that a suitably accredited body checks from time to time its compliance with the appropriate requirements.

(3) Additionally, any person involved in seeking to discharge the obligation described in paragraph (1) must ensure that—

- (a) the methods of analysis used by that person for the purposes of monitoring and demonstrating compliance with this Part are validated and documented in accordance with European standard EN ISO/IEC 17025 entitled “*General requirements for the competence of testing and calibration laboratories*” or other equivalent standards accepted at international level; and
- (b) that person applies quality management system practices in accordance with European standard EN ISO/IEC 17025 or other equivalent standards accepted at international level.

(4) Every water undertaker or wholesale licensee must maintain such records as are sufficient to enable it to establish, in relation to each sample taken for the purposes of Part 4 or this Part, that such of the appropriate requirements as are applicable to that sample have been satisfied.

(5) Subject to paragraph (6), for the purpose of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values which contravene the prescribed concentrations or values, or exceed the specifications for indicator parameters—

- (a) the method of analysis specified in column 2 of Table A1 in Schedule 5 must be used for the parameter specified in relation to that method in column 1;
- (b) the method of analysis in respect of the parameters listed in column 1 of Table A3 in Schedule 5 must be capable of measuring concentrations equal to the parametric value with a limit of quantification of 30% or less and an uncertainty of measurement as specified in column 2 of that Table and the result must be expressed—
 - (i) using at least the same number of significant figures as the parametric value, and
 - (ii) in the same units laid down in these Regulations; and
- (c) the method of analysis used for the odour and taste parameters (items 5 and 7 in Part 2 of Table B in Schedule 1) must be capable, at the time of use, of measuring values equal to the parametric value with a precision or uncertainty of measurement of 1 dilution number at 25°C.

(6) The Secretary of State may, on the application of any person, authorise a method of analysis other than that specified in paragraph (5)(a) (“the prescribed method”).

(7) An application for the purposes of paragraph (6) must be made in writing and must be accompanied by—

- (a) a description of the method of analysis; and
- (b) the results of the tests carried out to demonstrate the reliability of that method and its equivalence to the prescribed method.

(8) But the Secretary of State must not authorise the use of the method proposed in the application unless the Secretary of State is satisfied that the results obtained by the use of that method are at least as reliable as those produced by the use of the prescribed method.

(9) An authorisation under paragraph (6) may be subject to such conditions as the Secretary of State considers appropriate.

(10) The Secretary of State may at any time, by notice in writing served on the water undertaker or wholesale licensee to which an authorisation under paragraph (6) has been given, revoke the authorisation, but any such notice must be served no later than 3 months before the date on which the revocation is stated to take effect.

(11) In this regulation, “appropriate requirements” means such of the following requirements as are applicable—

- (a) the sample is representative of the quality of the water at the time of sampling;
- (b) the person taking the sample is doing so in accordance with a system of quality control to an appropriate standard;
- (c) the sample is not contaminated in the course of being taken;
- (d) the sample is kept at such a temperature and in such conditions as will secure that there is no material alteration of the concentration or value for the measurement or observation of which the sample is intended;
- (e) the sample is analysed, whether at the time and place it is taken or as soon as reasonably practicable after it is taken—
 - (i) by or under the supervision of a person who is competent to perform that task; and
 - (ii) with the use of such equipment as is suitable for the purpose]

Textual Amendments

F10 Reg. 16 substituted (11.7.2018) by [The Water Supply \(Water Quality\) \(Amendment\) Regulations 2018 \(S.I. 2018/706\)](#), regs. 1(1), **2(11)** (with reg. 3)

Changes to legislation:

There are currently no known outstanding effects for the The Water Supply (Water Quality) Regulations 2016, PART 5.