
STATUTORY INSTRUMENTS

2016 No. 614

The Water Supply (Water Quality) Regulations 2016

PART 8

Water treatment

Application and introduction of substances and products

31.—(1) Subject to paragraph (2), a water undertaker or combined licensee must 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 one of the requirements of paragraph (4) is satisfied.

(2) A substance or product which, at the time of its application or introduction—

- (a) bears an appropriate CE marking in accordance with the Construction Products Regulation, or
- (b) conforms to an appropriate British Standard or some other appropriate standard of an EEA state or Turkey which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (4) is satisfied.

(3) Paragraph (2) applies only if such an application or introduction complies with—

- (a) such 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;
- (b) such other requirements, within the meaning of the Technical Standards Directive, in relation to such substances and products, as have been communicated to the European Commission in the form of a draft technical regulation in accordance with Article 5 of that Directive, and whose adoption by a member State has also been communicated to the European Commission.

(4) The requirements of this paragraph are that—

- (a) the Secretary of State has for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
- (b) the Secretary of State is satisfied that the application or introduction of the substance or product either alone or in combination with any other substance or product in the water is unlikely to adversely affect the quality of the water supplied;
- (c) the substance or product is to be applied or introduced solely for the purposes of testing or research, and the water undertaker or combined licensee has given to the Secretary of State not less than 3 months' notice in writing of its intention so to apply or introduce the substance or product.

(5) An application for an approval mentioned in paragraph 4(a) may be made by any person.

(6) If the Secretary of State decides to issue an approval under paragraph 4(a), the Secretary of State may include in the approval such conditions as the Secretary of State considers appropriate and, in accordance with paragraph (10), may at any time revoke or vary any approval that the Secretary of State has previously given.

(7) Where substances or products are applied or introduced in any case in which the requirement mentioned in paragraph (4)(c) is satisfied, their application or introduction must be discontinued within 12 months of the date on which they were first applied or introduced or, if the Secretary of State by notice given in writing to the water undertaker or combined licensee so directs, within such other period (whether longer or shorter) as may be specified in the notice.

(8) The Secretary of State may, by notice given in writing to any water undertaker or combined licensee, prohibit it from applying to, or introducing into, water intended to be supplied for regulation 4(1) purposes any substance or product which the water undertaker or licensee would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraphs (1) and (4)(b) or (c), or
- (b) paragraph (2).

(9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.

(10) Subject to paragraph (11), the Secretary of State may—

- (a) revoke by an instrument in writing any approval given by him under paragraph (4)(a);
- (b) vary any such approval by an instrument in writing by including conditions or varying existing conditions;
- (c) give any such notice as is mentioned in paragraph (8).

(11) Unless the Secretary of State is satisfied that it is necessary to do so in the interests of public health without notice, the Secretary of State must not act under paragraph (10) without giving all such persons as are, in the Secretary of State's opinion, likely to be affected by the revocation or variation of the approval or by the giving of the notice, at least 6 months' notice in writing.

(12) Notwithstanding paragraph (11), the Secretary of State must give immediate notice to all persons likely to be affected by the revocation or variation of an instrument mentioned in paragraph (10)(a) or (b).

(13) At least once in each year the Secretary of State must issue a list of all the substances and products, with particulars of the action taken, in relation to which—

- (a) an approval under paragraph 4(a) has been granted or refused;
- (b) such an approval has been revoked or varied;
- (c) a notice has been given under paragraph (8).

(14) The Secretary of State may—

- (a) by notice served on the person who makes an application for approval under paragraph (4) (a), require the person to pay the Secretary of State a charge which reflects the administrative expenses incurred or likely to be incurred by the Secretary of State in connection with the application;
- (b) in determining the amount of any such charge, adopt such methods and principles for its calculation as appear to the Secretary of State to be appropriate.

(15) In this regulation—

- (a) “the Construction Products Regulation” means Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing of construction products⁽¹⁾;
 - (b) “the Technical Standards Directive” means Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services⁽²⁾.
- (16) On the coming into force of these Regulations—
- (a) an approval given under regulation 31(4)(a) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations is taken to be a notice given under paragraph (4)(a) of this regulation;
 - (b) a notice given under regulation 31(7) or (8) of the 2000 Regulations which had effect immediately before the coming into force of these Regulations is taken to be a notice given under paragraph (7) or (8) respectively of this regulation.

(1) OJ No L 88, 4.4.2011, p 5, as last amended by Commission Delegated Regulation (EU) No 574/2014 (OJ No L 159, 28.5.2014, p 41).

(2) OJ No L 241, 17.9.2015, p 1.