
STATUTORY INSTRUMENTS

2016 No. 618

WATER, ENGLAND

The Private Water Supplies (England) Regulations 2016

<i>Made</i>	- - - -	<i>26th May 2016</i>
<i>Laid before Parliament</i>		<i>3rd June 2016</i>
<i>Coming into force</i>	- -	<i>27th June 2016</i>

(a)

(b)

^{M1}The Secretary of State has been designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the environment .

The Secretary of State has carried out the public consultation required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ^{M2}.

Modifications etc. (not altering text)

C1 Instrument applied (Isles of Scilly) (27.3.2020) by [The Isles of Scilly \(Application of Water Legislation\) Order 2020 \(S.I. 2020/214\)](#), **art. 5(w)**

Marginal Citations

M1 [S.I. 2008/301](#).

M2 OJ No L 31, 1.2.2002, p 1, as last amended by Regulation (EU) No 652/2014 (OJ No L 189, 27.6.14 p 1).

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Private Water Supplies (England) Regulations 2016 and come into force on 27th June 2016.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

(2) They apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the 2009 Regulations” means the Private Water Supplies Regulations 2009 ^{M3};

“the Act” means the Water Industry Act 1991;

^{F1}

^{F1}

“consumer” means a person to whom a private water supply is provided for human consumption purposes;

“disinfection” means a process of water treatment to remove, or render harmless to health, every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water;

[^{F2}“*E. coli*” means *Escherichia coli*;

“indicative dose” (ID) means the committed effective dose for 1 year of ingestion resulting from all the radionuclides whose presence has been detected in a supply of water intended for human consumption, of natural and artificial origin, excluding tritium, potassium-40, radon and short-lived radon decay products;

“indicator parameter” means a parameter listed in Table C in Part 2 of Schedule 1;

“local authority” means any of the following—

- (a) the Common Council of the City of London;
- (b) a London borough council;
- (c) a district council;
- (d) the council of a county in which there are no district councils;

“NTU” means Nephelometric Turbidity Unit;

“parameter” means a property, element, organism or substance listed in the first column of the Tables in Schedule 1 as read, where appropriate, with the notes to that Schedule and those Tables;

“prescribed concentration or value”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in [^{F3}Table A or in Table B in Schedule, 1 as measured by reference to the unit of measurement so specified and as read, where appropriate in the case of Table B, with the notes to that Table;]

“private water supply” or “private supply of water” means a supply of water other than a supply provided directly by a water undertaker^{M4} or [^{F4}water supply licensee], and which is comprised of all physical assets from the point of abstraction to the point of use, including associated pipes, fittings and tanks;

“radioactive parameters table” has the meaning given in regulation 11(1);

“relevant person” means—

- (a) the owner and occupier (who may be the same or different persons) of premises which are supplied with water for domestic or food production purposes by means of a private supply;
- (b) the owner and occupier (who may be the same or different persons) of land on which any part of the supply is situated;

- (c) any other person who exercises powers of management or control in relation to that supply;

“risk assessment” means a risk assessment carried out under regulation 6.

(2) In these Regulations, a reference to an application or notice includes a reference to that application or notice in electronic form.

Textual Amendments

- F1** Words in reg. 2(1) omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2(1) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F3** Words in reg. 2(1) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(2)(c)** (with reg. 3)
- F4** Words in reg. 2(1) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(2)**

Marginal Citations

- M3** [S.I. 2009/3101](#), amended by [S.I. 2010/991](#), 2013/235.
- M4** See section 6 of the Act for the meaning of “water undertaker”.

Scope

3.—(1) These Regulations apply in relation to private supplies of water intended for human consumption and for these purposes “water intended for human consumption” means all water—

- (a) either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from any distribution network, from a tanker, or in bottles or containers;
- (b) used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless, in accordance with Regulation [\(EC\) No 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs ^{M5}, the competent authority ^{M6}, is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.

(2) These Regulations do not apply in relation to—

- (a) water controlled by the [Natural Mineral Water, Spring Water and Bottled Drinking Water \(England\) Regulations 2007](#) ^{M7};
- (b) water that is a medicinal product within the meaning of the [Medicines Act 1968](#) ^{M8} or a product in which any provision of that Act has effect as if it were such a medicinal product.

Marginal Citations

- M5** OJ No L 139, 30.4.2004, p 1 as last amended by Regulation [\(EC\) No 219/2009](#) (OJ No L 87, 31.3.2009, p 109).
- M6** The competent authority for the purpose of this Regulation is the Food Standards Agency (see [S.I. 2013/2996](#)).
- M7** [S.I. 2007/2785](#), to which there are amendments not relevant to these Regulations.
- M8** [1968 c. 67](#).

PART 2

Water standards

Wholesomeness

4.—(1) A private supply of water is to be regarded as wholesome if the following conditions are met—

- (a) it does not contain any micro-organism, parasite or substance, alone or in conjunction with any other substance, at a concentration or value that would constitute a potential danger to human health,
- (b) it complies with the concentrations or values prescribed in Part 1 of Schedule 1 for each parameter, and
- (c) the water satisfies the formula “[nitrate]/50 + [nitrite]/3 ≤ 1”, where the square brackets signify the concentrations in mg/l for nitrate (NO₃) and nitrite (NO₂).

Use of products or substances in private supplies and disinfection arrangements

5.—(1) Any product or substance used in the preparation or distribution of a private supply of water, or impurities associated with such products or substances, must not be present in water at the point of use at levels that would make it unwholesome or constitute a potential danger to human health.

(2) Where disinfection forms part of the preparation or distribution of water, the relevant person 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,
- (b) ensure that the effectiveness of the disinfection process is maintained, and
- (c) verify the effectiveness of the disinfection process.

Requirement to carry out a risk assessment

6.—(1) Subject to paragraphs (2) and (3), a local authority must carry out a risk assessment for every private water supply in its area and review and update that risk assessment every 5 years (or earlier if it considers that the existing risk assessment is inadequate).

(2) In the case of a supply provided to a single dwelling, the duty in paragraph (1) applies only where that supply is provided as part of a commercial or public activity.

(3) In the case of any other supply provided to a single dwelling, a local authority must carry out a risk assessment if requested to do so by the owner or occupier of that dwelling.

(4) The risk assessment must establish whether there is a risk of supplying water that would constitute a potential danger to human health.

[^{F5}(5) A risk assessment described in paragraph (1) must—

- (a) satisfy any requirements specified by the Secretary of State in respect of the conduct of such an assessment;
- (b) satisfy the requirements of European standard EN 15975-2 entitled “*Security of Drinking Water Supply - Guidelines for Risk and Crisis Management – Risk Management*”; and
- (c) take into account the results of monitoring conducted under the second paragraph of Article 7(1) and Article 8 of [Directive 2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.

(6) A local authority must within 12 months beginning with the day after the day on which it carried out the risk assessment provide the Secretary of State with a summary of the results of that assessment.]

Textual Amendments

- F5** Reg. 6(5)(6) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(3)** (with reg. 3)

PART 3

Monitoring

Monitoring

7.—^[F6](1) A local authority must monitor all private water supplies in accordance with this Part when carrying out its duties under section 77(1) of the Act (general functions of local authorities in relation to water quality).

^[F7](2) A local authority must discharge the obligation described in paragraph (1) by establishing a monitoring programme which consists of either or both of the following—

- (a) collection and analysis of discrete water samples;
 - (b) measurements recorded by a continuous monitoring process.
- (3) Monitoring programmes may in addition consist of either or both of the following—
- (a) inspections of records of the functionality, and maintenance status, of equipment;
 - (b) inspections of the catchment area, water abstraction, treatment, storage and distribution infrastructure.]

Textual Amendments

- F6** Reg. 7(1): reg. 7 renumbered as reg. 7(1) (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(4)(a)** (with reg. 3)
- F7** Reg. 7(2)(3) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(4)(b)** (with reg. 3)

Further distribution of supplies from water undertakers or ^[F8]water supply licensees]

8. Where water is supplied by a water undertaker or ^[F9]water supply licensee], and is then further distributed by a person other than a water undertaker or ^[F9]water supply licensee], the local authority must carry out monitoring on the basis of the risk assessment.

Textual Amendments

- F8** Words in reg. 8 heading substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(3)(a)**
- F9** Words in reg. 8 substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **33(3)(b)**

Large supplies and supplies as part of a commercial or public activity

9.—(1) Paragraph (2) applies in the case of a private water supply (other than a supply specified in regulation 8) that—

- (a) supplies an average daily volume of water of 10m³ or more, or
- (b) supplies water as part of a commercial or public activity.

(2) Where this paragraph applies, the local authority must monitor for any parameter in Parts 1 and 2 of Schedule 1 in accordance with Schedule 2 and carry out any additional monitoring that the risk assessment shows to be necessary.

Other private supplies

10.—(1) In the case of a private water supply not covered by regulation 8 or 9 or by paragraph (3), the local authority must monitor for—

- (a) conductivity,
- (b) enterococci,
- (c) *Escherichia coli* (*E. coli*),
- (d) hydrogen ion,
- (e) turbidity,
- (f) any parameter in Parts 1 and 2 of Schedule 1 identified in the risk assessment as being at risk of not complying with the concentrations or values in that Schedule, and
- (g) anything else identified in the risk assessment as a potential danger to human health.

(2) The local authority must carry out the monitoring required by paragraph (1) at least every 5 years and more frequently if the risk assessment shows this to be necessary.

(3) In the case of a private water supply to a single dwelling not provided as part of a commercial or public activity, a local authority may monitor the supply in accordance with this regulation, and must do so if requested to do so by the owner or occupier of that dwelling.

Monitoring for radioactive substances

11.—(1) A local authority must monitor each private water supply in its area (other than a supply covered by paragraph (8)) for the parameters specified in Table D in Part 3 of Schedule 1 (“the radioactive parameters table”) in accordance with paragraphs (2) to (7) and (9).

(2) As regards the indicative dose parameter, the local authority—

- (a) must carry out monitoring where an artificial source of radionuclides or elevated natural radioactivity is present and it cannot be shown on the basis of other surveillance programmes or investigations that the level of indicative dose is below the value specified in the radioactive parameters table;
- (b) may use a screening strategy for gross alpha and gross beta activity or for individual radionuclides and, in the event that there is any exceedance of the value specified in that Table, must carry out an analysis of the specific radionuclides in accordance with Part 3 of Schedule 3.

(3) As regards the radon parameter, the local authority must—

- (a) ensure a representative survey is carried out in accordance with paragraph (4) to determine the likelihood of a supply failing the value specified in the radioactive parameters table;

- (b) carry out monitoring where there is reason to believe, on the basis of the results of the representative survey or other reliable information, that the parametric value for radon might be exceeded.
- (4) A representative survey must be designed in such a way—
 - (a) as to be capable of determining the scale and nature of likely exposure to radon in water intended for human consumption originating from different types of groundwater sources and wells in different geological areas, and
 - (b) that underlying parameters (in particular the geology and hydrology of the area, radioactivity of rock or soil) and well type can be identified and used to direct further action to areas of likely high exposure.
- (5) As regards the tritium parameter, the local authority must carry out—
 - (a) monitoring, where an anthropogenic source of tritium or other artificial radionuclides is present within the catchment area and it cannot be shown on the basis of other surveillance programmes or investigations that the level of tritium is below the value specified in the radioactive parameters table;
 - (b) an investigation of the presence of other artificial radionuclides, where the concentration of tritium exceeds its parametric value.
- (6) In the case of a private water supply to which regulation 9 applies, where monitoring is required by paragraph (2) or (5), it must be carried out at the frequencies as set out for [^{F10}monitoring for a Group B parameter] in Table 3 in Part 2 of Schedule 2.
- (7) In the case of a private water supply to which regulation 8 or 10(1) applies (but excluding a supply covered by paragraph (8)), where monitoring is required by paragraph (2) or (5), it must be carried out at least every 5 years and more frequently if the risk assessment shows this to be necessary.
- (8) In the case of a private water supply to a single dwelling not provided as part of a commercial or public activity, a local authority may monitor the supply in accordance with paragraphs (2) to (5), and must do so if requested to do so by the owner or occupier of that dwelling.
- (9) Where a parametric value is exceeded in a particular sample, the local authority must define the extent of re-sampling necessary to ensure that the measured values are representative of an average activity concentration for a full year.
- (10) The local authority may, for such time as it may decide, exclude from monitoring a parameter contained in the radioactive parameters table—
 - (a) if it considers that the parameter in question is unlikely to be present in the supply or system at a concentration or value that poses a risk of the private water supply failing to meet the concentration, value or state specified in the radioactive parameters table in respect of that parameter,
 - (b) taking into account the findings of any risk assessment, and
 - (c) taking into account any guidance issued by the Secretary of State.
- [^{F11}(10A) The local authority may exclude the indicative dose parameter from monitoring, or reduce the frequency of monitoring in respect of that parameter, for such period as it may decide provided that the parameter is—
 - (a) naturally occurring, and
 - (b) stable.]
 - (11) The local authority must provide the Secretary of State with the grounds for a decision under paragraph (10) [^{F12}or (10A)] and the necessary documentation supporting the decision (including the findings of any surveys, monitoring or investigations carried out).

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

(12) The Secretary of State must communicate to the European Commission the grounds for a decision under paragraph (10) [^{F13}or (10A)] and the information provided under paragraph (11).

Textual Amendments

- F10** Words in reg. 11(6) substituted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(5)(a)** (with reg. 3)
- F11** Reg. 11(10A) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(5)(b)** (with reg. 3)
- F12** Words in reg. 11(11) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(5)(c)** (with reg. 3)
- F13** Words in reg. 11(12) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(5)(c)** (with reg. 3)

Sampling and analysis

12.—(1) When a local authority monitors a private water supply in accordance with regulations 8 to 11, it must take a sample—

- (a) if the water is supplied for domestic purposes, from a tap normally used to supply water for human consumption (and which, if there is more than one tap, is representative of the water supplied to the premises);
- (b) if the water is used in a food-production undertaking, at the point at which it is used in the undertaking;
- (c) if the water is supplied from a tanker, at the point at which it emerges from the tanker;
- (d) in any other case, at a suitable point.

(2) The local authority must ensure that the sample is analysed in accordance with Schedule 3.

(3) The further provisions for sampling and analysis in Schedule 3 apply.

[^{F14}(4) Compliance samples for chemical parameters including copper, lead and nickel must take the form of a random daytime sample of one litre volume taken at a consumer’s tap without prior flushing.

(5) All sampling under this regulation—

- (a) for chemical parameters in the distribution network must, other than where the sample is taken at a consumer’s tap, be undertaken in accordance with international standard ISO 5667-5 entitled “*Water quality. Sampling. Guidance on treatment of drinking water from treatment works and piped distribution systems*”;
- (b) for microbiological parameters in the distribution network and at a consumer’s tap must be undertaken in accordance with European standard EN ISO 19458 entitled “*Water Quality – Sampling for microbiological analysis*” using sampling procedure A in the distribution network and sampling procedure B at a consumer’s tap.]

Textual Amendments

- F14** Reg. 12(4)(5) inserted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), **2(6)** (with reg. 3)

New supplies

13.—(1) Where a local authority becomes aware of a private water supply that is to be, or has been, used for the first time (or for the first time after being out of use for a period of 12 months or more), the requirements of regulations 6 to 12 and 14 to 16 must be complied with as soon as is reasonably practicable.

(2) A private water supply must not be brought into use or used until the local authority is satisfied that the supply does not constitute a potential danger to human health.

Records

14.—(1) A local authority must make and keep records in respect of every private water supply in its area in accordance with Schedule 4.

(2) By 31st January of every year, a local authority must send the Secretary of State a copy of the records mentioned in Schedule 4.

PART 4

Action in the event of failure

Provision of information

15. If a local authority considers that a private water supply in its area is a potential danger to human health, it must promptly take appropriate steps to ensure that people likely to consume water from it—

- (a) are informed that the supply constitutes a potential danger to human health,
- (b) where possible, are informed of the nature of the potential danger, and
- (c) are given advice to allow them to minimise any potential danger.

Investigations

16.—(1) A local authority must carry out an investigation to establish the cause if it suspects that a private water supply is unwholesome or that an indicator parameter does not comply with the concentrations or values prescribed in Part 2 or 3 of Schedule 1.

(2) Once a local authority has carried out an investigation and established the cause of the water being unwholesome, it must act in accordance with paragraphs [F15(3), (4) and (6) as appropriate].

(3) If the cause of the water being unwholesome is due to the distribution system within a domestic premises (whether or not the water is made available to the public in those premises), the local authority must promptly inform the people likely to be affected and offer them advice on measures necessary for the protection of human health.

(4) In addition to the duty in paragraph (3) (where it applies), if the cause of the water being unwholesome is due to the circumstances described in paragraph (5), the local authority must—

- (a) if the water is a potential danger to human health and the conditions in regulation 18 are fulfilled, serve a notice under that regulation, or
- (b) within 28 days of [F16 establishing the cause] and if appropriate remedial action has not been taken, serve a notice in accordance with section 80 of the Act (remedial powers of local authorities in relation to private supplies) unless the local authority grants an authorisation in accordance with regulation 17(2).

(5) The circumstances in this paragraph are—

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

- (a) if the cause of the water being unwholesome is due to the distribution system within domestic premises where water is made available to the public;
- (b) if the cause of the water being unwholesome is not due the distribution system within domestic premises.

[^{F17}(6) In any case where the monitoring obligations in respect of a private water supply have been reduced or otherwise varied under Part 2A of Schedule 2 by a local authority and—

- (a) the local authority considers there to be a significant risk that a private water supply is unwholesome; or
- (b) the local authority determines as a matter of fact that a private water supply is unwholesome,

the reduction or variation in respect of the parameter which has contributed to the risk or fact of unwholesomeness must cease immediately and the standard frequency outlined in Table 2 or Table 3 in Schedule 2 (as applicable) must be reinstated in respect of that parameter.]

Textual Amendments

- F15** Words in reg. 16(2) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(7)(a)** (with reg. 3)
- F16** Words in reg. 16(4)(b) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(7)(b)** (with reg. 3)
- F17** Reg. 16(6) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(7)(c)** (with reg. 3)

Authorisations of different standards

17.—(1) Any relevant person may apply to the local authority for a grant of an authorisation under this regulation.

(2) The local authority may grant an authorisation of different prescribed concentrations or values under this regulation if—

- (a) the only cause of the unwholesome water is that a parameter in Table B in Part 1 of Schedule 1 is not complied with,
- (b) the local authority has consulted all water users who will be affected by the authorisation and Public Health England, and has taken their views into account,
- (c) granting the authorisation does not cause a potential danger to human health, and
- (d) the supply of water cannot be maintained by any other reasonable means.

(3) An authorisation must require the applicant to take action over a period of time to ensure that the relevant parameters are complied with, and must specify—

- (a) the person to whom an authorisation is granted,
- (b) the supply concerned,
- (c) the grounds for granting an authorisation,
- (d) the parameters concerned, previous relevant monitoring results, and the maximum permissible values under the authorisation,
- (e) the geographical area, the estimated quantity of water supplied each day, the number of persons likely to be affected and whether or not any food production undertaking is affected,

- (f) an appropriate monitoring scheme, with an increased monitoring frequency where necessary,
 - (g) a summary of the steps for the necessary remedial action, including a timetable for the work and an estimate of the cost and provisions for reviewing progress, and
 - (h) the duration of the authorisation.
- (4) If the local authority grants an authorisation, and the person to whom it is granted takes action in accordance with the timetable specified in the authorisation, the local authority may not serve a notice under section 80 of the Act concerning the matters specified in the authorisation without first amending or revoking the authorisation.
- (5) The duration of the authorisation must be as short as possible and in any event must not exceed 3 years.
- (6) The local authority must ensure that people likely to be affected by the authorisation are promptly informed of the authorisation and its conditions, and, where necessary, ensure that advice is given to particular groups to whom the authorisation could present a special risk.
- (7) If the supply exceeds 1,000m³ a day as an average or serves more than 5,000 persons, the local authority must send a copy of the authorisation to the Secretary of State within 1 month.
- (8) The local authority must keep the progress of the remedial action under review.
- (9) If necessary, the local authority may grant a second authorisation for up to a further 3 years with the prior consent of the Secretary of State.
- (10) The local authority may revoke or amend the authorisation at any time and in particular may revoke or amend it if the timetable for remedial action has not been adhered to.

PART 5

Notice procedure

Notices

- 18.**—(1) If any private supply of water intended for human consumption constitutes a potential danger to human health, a local authority must serve a notice under this regulation on any relevant person.
- (2) The notice must—
- (a) identify the private water supply to which it relates,
 - (b) state the grounds for serving the notice,
 - (c) prohibit or restrict the use of that supply, and
 - [^{F18}(d) specify what corrective action must be taken in order to—
 - (i) safeguard human health;
 - (ii) restore the wholesomeness of the water supply; and
 - (iii) maintain the continued wholesomeness of the water supply following its restoration.]
- (3) The local authority must promptly inform consumers of the private water supply to which the notice relates and provide any necessary advice.
- (4) The notice may be subject to conditions and may be amended by further notice at any time.
- (5) The local authority must revoke the notice as soon as it becomes aware that there is no longer a potential danger to human health.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

(6) It is an offence for a person on whom a notice under this regulation is served to fail to comply with a notice served under this regulation.

[^{F19}(7) Where any relevant person (“P”) who is required by virtue of a notice served under this regulation to take any step in relation to any premises fails to take that step within the period specified in the notice, the local authority which served the notice may take that step itself.

(8) Where any step is taken by a local authority in relation to any premises by virtue of paragraph (7), the local authority may recover from P any expenses reasonably incurred by it, or by any person acting on its behalf, in taking that step.]

Textual Amendments

F18 Reg. 18(2)(d) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(8)(a)** (with reg. 3)

F19 Reg. 18(7)(8) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(8)(b)** (with reg. 3)

Appeals

19.—(1) Any person who is aggrieved by a notice served under regulation 18 may appeal to the magistrates' court within 28 days of service of the notice.

(2) The procedure on appeal to a magistrates' court under paragraph (1) is by way of complaint, and the Magistrates' Courts Act 1980 ^{M9} applies to the proceedings.

(3) A notice remains in force unless suspended by the court.

(4) On an appeal, the court may either cancel the notice or confirm it, with or without modification.

Marginal Citations

M9 1980 c. 43.

Penalties

20.—(1) A person who fails to comply with a notice served under regulation 18 is liable—

(a) on summary conviction to a fine or to a term of imprisonment not exceeding 3 months, or both;

(b) on conviction on indictment to a fine or to imprisonment for a term not exceeding 2 years, or both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) In paragraph (2), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

PART 6

Miscellaneous

Fees

21. Provision for charging fees is set out in Schedule 5.

Review

22.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision in these Regulations, and
- (b) publish a report setting out the conclusions of the review.

(2) In carrying out a review of any regulatory provision which implements an obligation in Council Directive 98/83/EC on the quality of water intended for human consumption^{M10} and Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption^{M11}, the Secretary of State must have regard to how the obligation is implemented in other member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision,
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Subsequent reports under this regulation must be published at intervals not exceeding five years.

(6) In this regulation, “regulatory provision” has the meaning given by section 32(4) of the Small Business, Enterprise and Employment Act 2015^{M12}.

Marginal Citations

M10 OJ No L 330, 5.12.1998, p 32, as last amended by Commission Directive (EU) 2015/1787 (OJ No L 260, 7.10.2015, p 6).

M11 OJ No L 296, 7.11.2013, p 12.

M12 2015 c. 26.

Revocations

23.—(1) The 2009 Regulations are revoked.

(2) Regulation 10 of the Water Supply Regulations 2010^{M13} is revoked.

(3) Paragraph 133 of Schedule 2 to the National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Savings Provisions) Order 2013^{M14} is revoked.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

Marginal Citations

M13 S.I. 2010/991.

M14 S.I. 2013/235.

Transitional provisions

24.—(1) On the coming into force of these Regulations—

- (a) an authorisation granted under regulation 17(2) of the 2009 Regulations which is in force immediately before the coming into force of these Regulations is taken to be an authorisation granted under regulation 17(2) of these Regulations;
- (b) a second authorisation granted under regulation 17(9) of the 2009 Regulations which is in force immediately before the coming into force of these Regulations is taken to be a second authorisation granted under regulation 17(9) of these Regulations;
- (c) a notice served under regulation 18 of the 2009 Regulations which is in force immediately before the coming into force of these Regulations (“an existing notice”) is taken to be a notice served under regulation 18 of these Regulations.

(2) An appeal may be made under regulation 19(1) of these Regulations against an existing notice if, on the date these Regulations come into force, the time for making an appeal under regulation 19(1) of the 2009 Regulations had not expired.

Department for Environment, Food and Rural
Affairs

Rory Stewart
Parliamentary Under Secretary of State

SCHEDULE 1

Regulations 4, 9 and 11

Prescribed concentrations or values

PART 1

Wholesomeness

Table A**MICROBIOLOGICAL PARAMETERS****Prescribed concentrations or values**

<i>Parameters</i>	<i>Maximum concentration or value</i>	<i>Units of measurement</i>
<i>[^{F20}E. coli]</i>	0	Number/100ml
Enterococci	0	Number/100ml
In the case of water in bottles or containers:		
Colony count 22°C	100	Number/ml
F21	F21	F21
...
<i>[^{F20}E. coli]</i>	0	Number/250ml
Enterococci	0	Number/250ml
<i>Pseudomonas aeruginosa</i>	0	Number/250ml

Textual Amendments

F20 Words in Sch. 1 Pt. 1 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(9)(a)(ii)** (with reg. 3)

F21 Words in Sch. 1 Pt. 1 omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(9)(a)(i)** (with reg. 3)

Table B**CHEMICAL PARAMETERS****Part I: Directive requirements - prescribed concentration or values**

<i>Parameters</i>	<i>Maximum concentration or value</i>	<i>Units of measurement</i>
Acrylamide ¹	0.10	µg/l
Antimony	5.0	µg/l
Arsenic	10	µg/l
Benzene	1.0	µg/l
Benzo(a)pyrene	0.010	µg/l

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

Boron	1.0	mg/l
Bromate	10	µg/l
Cadmium	5.0	µg/l
Chromium	50	µg/l
Copper	2.0	mg/l
Cyanide	50	µg/l
1, 2 dichloroethane	3.0	µg/l
Epichlorohydrin ¹	0.10	µg/l
Fluoride	1.5	mg/l
Lead	10	µg/l
Mercury	1.0	µg/l
Nickel	20	µg/l
Nitrate ²	50	mg/l
Nitrite ²	0.5 (or 0.1 in the case of treatment works)	mg/l
Pesticides ³ —		
Aldrin	0.030	µg/l
Dieldrin	0.030	µg/l
Heptachlor	0.030	µg/l
Heptachlor epoxide	0.030	µg/l
Other pesticides	0.10	µg/l
Pesticides total ⁴	0.50	µg/l
Polycyclic aromatic hydrocarbons ⁵	0.10	µg/l
Selenium	10	µg/l
Tetrachloroethene and Trichloroethene ⁶	10	µg/l
Trihalomethanes: Total ⁷	100	µg/l
Vinyl chloride ¹	0.50	µg/l

Part II: National requirements – prescribed concentrations or values

<i>Parameters</i>	<i>Maximum concentration or Units of measurement value</i>	
Aluminium	200	µg/l
Colour	20	mg/l Pt/Co
Iron	200	µg/l

Manganese	50	µg/l
Odour	Acceptable to consumers and no abnormal change	
Sodium	200	mg/l
Taste	Acceptable to consumers and no abnormal change	
Tetrachloromethane	3	µg/l
Turbidity	4	NTU

¹ The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water. This is controlled by product specification.

² See also the nitrate-nitrite formula in regulation 4(c).

³ For these purposes, “pesticides” means—

For these purposes, “pesticides” means—

- organic acaricides;
- organic algicides;
- organic fungicide;
- organic herbicides;
- organic insecticides;
- organic nematocides;
- organic rodenticides;
- organic slimicides;
- related products (inter alia, growth regulators and their relevant metabolites, degradation and reaction products). Only those pesticides likely to be present in a given supply need be monitored.

⁴ “Pesticides total” means the sum of the concentrations of the individual pesticides detected and quantified in the monitoring process.

⁵ The specified compounds are—

The specified compounds are—

- benzo(b)fluoranthene;
- benzo(k)fluoranthene;
- benzo(ghi)perylene;
- indeno(1,2,3-cd)pyrene.

The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

⁶ The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

⁷ The specified compounds are—

The specified compounds are—

- bromodichloromethane;
- bromoform;
- chloroform;
- dibromochloromethane

The parametric value applies to the sum of the concentrations of the individual compounds detected and quantified in the monitoring process.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

PART 2

Indicator parameters (excluding radioactive substances)

Table C

Prescribed concentrations, values or states

<i>Parameters</i>	<i>Maximum concentration or value or state (unless otherwise stated)</i>	<i>Units of measurement</i>
Ammonium	0.50	mg/l
Chloride ¹	250	mg/l
<i>Clostridium perfringens</i> (including spores)	0	Number/100ml
Coliform bacteria	0	Number/100ml (Number/250 ml in the case of water put into bottles of containers)
	F22	F23

Colony counts	No abnormal change	Number/ml at [^{F24} 22°C]
Conductivity ¹	2500	µS/cm at 20°C
Hydrogen ion	9.5 (maximum) 6.5 (minimum) (in the case of still water put into bottles or containers the minimum is 4.5)	pH value pH value
Sulphate ¹	250	mg/l
Total organic carbon (TOC)	No abnormal change	mgC/l
Turbidity ²	1	NTU

¹ The water should not be aggressive.

² Only in the case of surface water or groundwater that has been influenced by surface water.

Textual Amendments

- F22** Words in Sch. 1 Pt. 2 omitted (11.7.2018) by virtue of The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), 2(9)(b)(i)(aa) (with reg. 3)
- F23** Words in Sch. 1 Pt. 2 omitted (11.7.2018) by virtue of The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), 2(9)(b)(i)(bb) (with reg. 3)
- F24** Word in Sch. 1 Pt. 2 substituted (11.7.2018) by The Private Water Supplies (England) (Amendment) Regulations 2018 (S.I. 2018/707), regs. 1(1), 2(9)(b)(ii) (with reg. 3)

PART 3

Indicator parameters (radioactive substances)

Table D**Parametric values for indicative does, radon and tritium of water intended for human consumption**

<i>Parameters</i>	<i>Maximum concentration or value or state (unless otherwise stated)</i>	<i>Units of measurements</i>
Indicative dose (for radioactivity) ¹	0.10	mSv
Gross alpha	0.1	Bq/l
Gross beta	1.0	Bq/l
Radon ²	100	Bq/l
Tritium (for radioactivity) ³	100	Bq/l

¹ Where treatment to reduce the level of radionuclides in water intended for human consumption has been taken, monitoring must be carried out under Part 1 of Schedule 2 to ensure the continued efficacy of the treatment.

² Enforcement action by a local authority is deemed justified on radiological protection grounds without further consideration where radon concentrates exceed 1,000 Bq/l.

³ If tritium concentration exceeds its parametric value, an investigation (which may include analysis) of the presence of artificial radionuclides must be carried out.

SCHEDULE 2

Regulation 9

Monitoring

[²⁵F]PART 1

Monitoring for Group A parameters

Textual Amendments

F25 Sch. 2 Pts. 1-2A substituted for Sch. 2 Pts. 1-2 (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(10)(a)** (with reg. 3)

Monitoring for Group A parameters

1.—(1) A local authority must monitor for a Group A parameter in accordance with this Part and Part 2A.

(2) In this Schedule, “monitoring for a Group A parameter” means sampling for each parameter listed in Column 1 of Table 1 in the circumstances listed in the entry which corresponds with that parameter in Column 2 of Table 1 in order to—

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

- (a) determine whether or not the water complies with the concentrations or values in Schedule 1;
- (b) provide information on the organoleptic and microbiological quality of the water; and
- (c) establish the effectiveness of the treatment of the water, including disinfection.

Table 1

Group A parameters

<i>Parameter</i>	<i>Circumstances</i>
Aluminium	Where used as a water treatment chemical or where the water originates from, or is influenced by, surface waters
Ammonium	Where chloramination is practised
Coliform bacteria	In all supplies
Colony counts 22°C	In all supplies
Colour	In all supplies
Conductivity	In all supplies
<i>E. coli</i>	In all supplies
Hydrogen ion	In all supplies
Iron	Where used as a water treatment chemical or where the water originates from, or is influenced by, surface waters
Manganese	Where the water originates from, or is influenced by, surface waters
Nitrate	Where chloramination is practised
Nitrite	Where chloramination is practised
Odour	In all supplies
Taste	In all supplies
Turbidity	In all supplies

Frequency of sampling for Group A parameters

2. Monitoring for a Group A parameter must be undertaken at the frequencies specified in Table 2.

Table 2

Sampling frequency for Group A parameters

<i>Volume m³/day</i>	<i>Sampling frequency per year</i>
≤ 10	1
> 10 ≤ 100	2

<i>Volume m³/day</i>	<i>Sampling frequency per year</i>
> 100 ≤ 1,000	4
> 1,000 ≤ 2,000	10
> 2,000 ≤ 3,000	13
> 3,000 ≤ 4,000	16
> 4,000 ≤ 5,000	19
> 5,000 ≤ 6,000	22
> 6,000 ≤ 7,000	25
> 7,000 ≤ 8,000	28
> 8,000 ≤ 9,000	31
> 9,000 ≤ 10,000	34
> 10,000	4 + 3 for each 1,000m ³ /day of the total volume (rounding up to the nearest multiple of 1,000m ³ /day)

PART 2

Monitoring for Group B parameters

Monitoring for Group B parameters

3.—(1) A local authority must monitor for a Group B parameter in accordance with this Part and Part 2A.

(2) In this Schedule, “monitoring for a Group B parameter” means sampling for each parameter listed in Parts 1 and 2 of Schedule 1 (other than Group A parameters already being sampled under Part 1 of this Schedule)—

- (a) in order to provide information necessary to determine whether or not the private water supply satisfies each concentration, value or state prescribed in those Parts of that Schedule; and
- (b) if disinfection is used, in order to check that disinfection by-products are kept as low as possible without compromising the effectiveness of disinfection.

Frequency of sampling for Group B parameters

4. Monitoring for a Group B parameter must be undertaken at the frequencies specified in Table 3.

Table 3

Sampling frequencies for a Group B parameter

<i>Volume m³/day</i>	<i>Sampling frequency per year</i>
≤ 10	1
> 10 ≤ 3,300	2

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

<i>Volume m³/day</i>	<i>Sampling frequency per year</i>
> 3,300 ≤ 6,600	3
> 6,600 ≤ 10,000	4
> 10,000 ≤ 100,000	3 + 1 for each 10,000m ³ /day of the total volume (rounding up to the nearest multiple of 10,000m ³ /day)
> 100,000	12 + 1 for each 25,000m ³ /day of the total volume (rounding up to the nearest multiple of 25,000m ³ /day)

PART 2A

Variation of monitoring for Group A and Group B parameters

Variation of monitoring requirements

5.—(1) When monitoring for a Group A or Group B parameter, a local authority may reduce the sampling frequency in respect of any parameter in Group A or Group B other than *E. coli* provided that—

- (a) the results from samples taken in respect of that parameter collected at regular intervals over a period of at least three years are all at less than 60% of the parametric value;
- (b) the results of a risk assessment described in regulation 6(1) are considered, and that risk assessment indicates that no factor can be reasonably anticipated to be likely to cause deterioration of the quality of the water;
- (c) data collected in the course of discharging its monitoring obligations under this Part are taken into account; and
- (d) at least one sample is taken per year.

(2) A local authority may cease to monitor for a Group A or Group B parameter other than *E. coli* provided that—

- (a) the results from samples taken in respect of that parameter collected at regular intervals over a period of at least three years are all at less than 30% of the parametric value;
- (b) the results of a risk assessment described in regulation 6(1) are considered, and that risk assessment indicates that no factor can be reasonably anticipated to be likely to cause deterioration of the quality of the water; and
- (c) data collected in the course of discharging its monitoring obligations under this Part are taken into account.

(3) A local authority may set a higher frequency for any parameter if it considers it appropriate, taking into account the findings of any risk assessment, and may monitor anything else identified in the risk assessment.]

PART 3

Minimum frequency for [^{F26}Monitoring Group A and Group B Parameters] for water put into bottles or containers not intended for sale

Textual Amendments

- F26** Words in Sch. 2 Pt. 3 heading substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(10)(b)(i)** (with reg. 3)

<i>Volume¹ of water produced in bottles or containers each day (m³)</i>	<i>[^{F27}Number of samples to be taken per year when monitoring for a Group A parameter]</i>	<i>[^{F28}Number of samples to be taken per year when monitoring for a Group B parameter]</i>
≤10	1	1
>10≤ 60	12	1
>60	1 for each 5m ³ /day of the total volume (rounding up to the nearest multiple of 5m ³ /day)	1 for each 100 m ³ /day of the total volume (rounding up to the nearest multiple of 100 m ³ /day)

¹ The volumes are calculated as averages taken over a calendar year.

Textual Amendments

- F27** Words in Sch. 2 Pt. 3 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(10)(b)(ii)(aa)** (with reg. 3)
- F28** Words in Sch. 2 Pt. 3 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(10)(b)(ii)(bb)** (with reg. 3)

SCHEDULE 3

Regulation 12

Sampling and analysis

PART 1

General

[^{F29}Samples: general

1.—(1) A local authority 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 this Schedule, or causes any such sample to be taken, handled, transported, stored or analysed, it complies with the appropriate requirements.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

(2) A local authority must secure that a person accredited by the United Kingdom Accreditation Service checks from time to time the local authority’s compliance with the appropriate requirements.

(3) Additionally, when undertaking activity described in sub-paragraph (1) the local authority must demonstrate compliance with the following standards—

- (a) as regards any such activity, other than analysing samples, on or after 11th July 2020, European standard EN ISO/IEC 17024 entitled “*Conformity Assessment. General requirements for bodies operating certification of persons*”, 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;
- (b) as regards the activity of analysing samples, European standard EN ISO/IEC 17025 or another equivalent standard accepted at international level.

(4) In this paragraph, “appropriate requirements” means such of the following 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
 - (i) with the use of such equipment as is suitable for the purpose.]

Textual Amendments

F29 Sch. 3 Pt. 1 para. 1 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(a)** (with reg. 3)

Analysing samples

2.—(1) A local authority must ensure that each sample is analysed in accordance with this paragraph.

(2) For each parameter specified in the first column of Table 1 in Part 2 of this Schedule, the method of analysis is specified in the second column of that Table.

^{F30}(3)

^{F31}(4)

(5) The method of analysis used for odour and taste parameters must be capable of measuring values equal to the parametric value with a precision [^{F32}or uncertainty of measurement] of 1 dilution number at 25°C.

[^{F33}(6) For the parameters set out in Table 3 in Part 2 of this Schedule, the specified performance characteristics are that the method of analysis used must be capable of measuring concentrations equal to the parametric value with a limit of quantification, as defined in Article 2(2) of Commission [Directive 2009/90/EC](#) laying down technical specifications for chemical analysis and monitoring of water status, of 30% or less of the relevant parametric value and an uncertainty of measurement as specified in that Table.

(7) The result must be expressed using at least the same number of significant figures as for the parametric value quoted and in the same units laid down in these Regulations.

(8) The uncertainty of measurement laid down in Table 3 in Part 2 of this Schedule must not be used as an additional tolerance to the parametric values set out in Schedule 1.]

Textual Amendments

- F30** Sch. 3 Pt. 1 para. 2(3) omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(b)(i)** (with reg. 3)
- F31** Sch. 3 Pt. 1 para. 2(4) omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(b)(i)** (with reg. 3)
- F32** Words in Sch. 3 Pt. 1 para. 2(5) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(b)(ii)** (with reg. 3)
- F33** Sch. 3 Pt. 1 para. 2(6)-(8) substituted for Sch. 3 Pt. 1 para. 2(6) (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(b)(iii)** (with reg. 3)

Authorisation of alternative methods of analysis

3.—(1) The Secretary of State may authorise a method different from that set out in paragraph 2(2) if satisfied that it is at least as reliable.

(2) An authorisation may be time-limited and may be revoked at any time.

Sampling and analysis by persons other than local authorities

4.—(1) A local authority may enter into an arrangement for any person to take and analyse samples on its behalf.

(2) A local authority must not enter into an arrangement under sub-paragraph (1) unless—

- it is satisfied that the task will be carried out promptly by a person competent to perform it, and
- it has made arrangements that ensure that any breach of these Regulations is communicated to it immediately, and any other result is communicated to it within 28 days.

PART 2

Analytical methods

Table 1

Prescribed methods of analysis

<i>Parameter</i>	<i>Method</i>
Clostridium perfringens (including spores)	[^{F34} BS-EN ISO 14189]
Coliform bacteria and [^{F35} <i>E. coli</i>]	BS-EN ISO 9308-1 and BS-EN ISO 9308-2
Colony count 22°C-enumeration of culturable microorganisms	BS-EN ISO 6222
Colony count 37°C-enumeration of culturable microorganisms	BS-EN ISO 6222

Status: Point in time view as at 27/03/2020.
Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

Enterococci

BS-EN ISO 7899-2

Pseudomonas aeruginosa

[^{F36}BS-EN ISO 16266]

Textual Amendments

- F34** Words in Sch. 3 Pt. 2 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(c)(i)** (with reg. 3)
- F35** Words in Sch. 3 Pt. 2 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(c)(ii)** (with reg. 3)
- F36** Words in Sch. 3 Pt. 2 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(c)(iii)** (with reg. 3)

F37

Textual Amendments

- F37** Sch. 3 Pt. 2 unnumbered table omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(d)(i)** (with reg. 3)

F38

Textual Amendments

- F38** Sch. 3 Pt. 2 Table 2 omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(d)(ii)** (with reg. 3)

[^{F39}Table 3

Minimum performance characteristic: uncertainty of measurement

<i>Parameters</i>	<i>Uncertainty of measurement % of the parametric value (except for pH) ⁽¹⁾</i>
Aluminium	25
Ammonium	40
Antimony	40
Arsenic	30
Benzene	40
Benzo(a)pyrene ⁽²⁾	50
Boron	25
Bromate	40
Cadmium	25
Chloride	15
Chromium	30

<i>Parameters</i>	<i>Uncertainty of measurement % of the parametric value (except for pH) ⁽¹⁾</i>
Colour	20
Conductivity	20
Copper	25
Cyanide ⁽³⁾	30
1,2-dichloroethane	40
Fluoride	20
Hydrogen ion concentration pH (expressed in pH units)	0.2
Iron	30
Lead	25
Manganese	30
Mercury	30
Nickel	25
Nitrate	15
Nitrite	20
Oxidisability ⁽⁴⁾	50
Pesticides ⁽⁵⁾	30
Polycyclic aromatic hydrocarbons ⁽⁶⁾	50
Selenium	40
Sodium	15
Sulphate	15
Tetracloroethene ⁽⁷⁾	30
Tetracloromethane	30
Trichloroethene ⁽⁷⁾	40
Trihalomethanes: total ⁽⁶⁾	40
Total organic carbon ⁽⁸⁾	30
Turbidity ⁽⁹⁾	30

(1) "Uncertainty of measurement" is a non-negative parameter characterising the dispersion of the quantity values being attributed to a measurement, based on the information used. The performance criterion for measurement uncertainty (k = 2) is the percentage of the parametric value stated in the table or better. Measurement uncertainty must be estimated at the level of the parametric value.

(2) If the value of uncertainty of measurement cannot be met, the best available technique must be selected (up to 60% of the parametric value).

(3) The method determines total cyanide in all forms.

(4) Reference method: European standard EN ISO 8467 entitled "Water quality - Determination of permanganate index (ISO 8467:1993).

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

- (5) The performance characteristics for individual pesticides are given as an indication. Values for the uncertainty of measurement as low as 30% can be achieved for several pesticides, higher values up to 80% may be allowed for a number of pesticides.
- (6) The performance characteristics apply to individual substances, specified at 25% of the parametric value in Part 1 of Table B in Part 1 of Schedule 1.
- (7) The performance characteristics apply to individual substances, specified at 50% of the parametric value in Part 1 of Table B in Part 1 of Schedule 1.
- (8) The uncertainty of measurement must be estimated at the level of 3 mg/l of the total organic carbon (TOC) in accordance with European standard EN 1484 entitled “*Water analysis - Guidelines for the determination of total organic carbon and dissolved organic carbon*” and dissolved organic carbon (DOC) must be used.
- (9) The uncertainty of measurement must be estimated at the level of 1.0 nephelometric turbidity units (NTU) in accordance with European standard EN ISO 7027-1 entitled “*Water quality - Determination of turbidity - Part 1: Quantitative methods (ISO 7027-1:2016)*”.]

Textual Amendments

F39 Sch. 3 Pt. 2 Table 3 inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(e)** (with reg. 3)

PART 3

Monitoring for indicative dose and analytical performance characteristics

Monitoring for compliance with the ID

5.—(1) A local authority may use various reliable screening strategies to indicate the presence of radioactivity in water intended for human consumption.

- (2) These strategies may include screening for—
 - (a) certain radionuclides, or screening for an individual radionuclide;
 - (b) gross alpha activity or gross beta activity screening.

Screening for certain radionuclides, or screening for an individual radionuclide

6.—(1) If one of the activity concentrations exceeds 20% of the corresponding derived value or the tritium concentration exceeds its parametric value specified in the radioactive parameters table, an analysis of additional radionuclides is required.

(2) A local authority must take into account, in deciding which radionuclides are required to be measured for each supply, all relevant information about likely sources of radioactivity.

Screening strategies for gross alpha activity and gross beta activity

- 7.—(1) Subject to paragraph 6(1), the recommended screening values are—
 - (a) 0.1 Bq/l for gross alpha activity, and
 - (b) 1.0 Bq/l for gross beta activity ^{M15}.

(2) If the gross alpha activity exceeds 0.1 Bq/l or the gross beta activity exceeds 1.0 Bq/l, analysis for specific radionuclides is required.

(3) The Secretary of State may set alternative screening levels for gross alpha activity and gross beta activity where it is demonstrated by the local authority that the alternative levels are in compliance with an ID of 0,1 mSv.

(4) The determination by the local authority of which radionuclides to measure must be based on all relevant information about likely sources of radioactivity.

Marginal Citations

M15 Where appropriate, gross beta activity may be replaced by residual beta activity after subtraction of the K-40 activity concentration.

Calculation of the ID

8.—(1) The ID must be calculated from—

- (a) the measured radionuclide concentrations and the dose coefficients [^{F40}referred to as “standard values and relationships” in Article 13, and recommended for the estimation of doses from internal exposure in the definition of “standard values and relationships” in Article 4(96), of Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, or]
- (b) more recent information recognised by the Secretary of State, on the basis of the annual intake of water (730 litres for adults).

(2) Where the following formula is satisfied, it can be assumed that the ID is less than the parametric value of 0,1mSv and no further investigation is required—

$$\sum_{i=1}^n \frac{C_i(\text{obs})}{C_i(\text{der})} \leq 1$$

Where—

“*C_i(obs)*” means the observed concentration of radionuclide *I*;

“*C_i(der)*” means the derived concentration of radionuclide *I*;

“*n*” means the number of radionuclides detected.

Derived concentrations for radioactivity in water intend for human consumption ^{M16}

<i>Origin</i>	<i>Nuclide</i>	<i>Derived concentration</i>
Natural	U-238 ¹	3,0 Bq/l
	U-234 ¹	2,8 Bq/l
	Ra-226	0,5 Bq/l
	Ra-228	0,2 Bq/l
	Pb-210	0,2 Bq/l
	Po-210	0,1 Bq/l
Artificial	C-14	240 Bq/l
	Sr-90	4,9 Bq/l

¹ This Table allows only for the radiological properties of uranium, not for its chemical toxicity.

Status: Point in time view as at 27/03/2020.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

Pu-239/Pu-240	0,6 Bq/l
Am-241	0,7 Bq/l
Co-60	40 Bq/l
Cs-134	7,2 Bq/l
Cs-137	11 Bq/l
I-131	6,2 Bq/l

¹ This Table allows only for the radiological properties of uranium, not for its chemical toxicity.

Textual Amendments

F40 Words in Sch. 3 Pt. 3 para. 8(1)(a) substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(11)(f)** (with reg. 3)

Marginal Citations

M16 This Table includes values for the most common natural and artificial radionuclides; these are precise values, calculated for a dose of 0,1 mSv, an annual intake of 730 litres and using the dose coefficients laid down in Annex III, Table A of Directive 96/29/Euratom. Derived concentrations for other radionuclides can be calculated on the same basis, and values can be updated on the basis of more recent information recognised by the Secretary of State.

Performance characteristics and methods of analysis

9. For the following parameters and radionuclides, the method of analysis used must, as a minimum, be capable of measuring activity concentrations with a limit of detection specified below—

<i>Parameters and radionuclides</i>	<i>Limit of detection (Notes 1,2)</i>	<i>Notes</i>
Tritium	10 Bq/l	Note 3
Radon	10 Bq/l	Note 3
gross alpha	0,04 Bq/l	Note 4
gross beta	0,4 Bq/l	Note 4
U-238	0,02 Bq/l	
U-234	0,02 Bq/l	
Ra-226	0,04 Bq/l	
Ra-228	0,02 Bq/l	Note 5
Pb-210	0,02 Bq/l	
Po-210	0,01 Bq/l	
C-14	20 Bq/l	
Sr-90	0,4 Bq/l	
Pu-239/Pu-240	0,04 Bq/l	
Am-241	0,06 Bq/l	

Co-60	0,5 Bq/l
Cs-134	0,5 Bq/l
Cs-137	0,5 Bq/l
I-131	0,5 Bq/l

Note 1: The limit of detection must be calculated according to the ISO standard 11929: Determination of the characteristic limits (decision threshold, detection limit, and limits of confidence interval) for measurements of ionising radiation – Fundamentals and application, with probabilities of errors of 1st and 2nd kind of 0,05 each ^{M17}.

Note 2: Measurement uncertainties must be calculated and reported as complete standard uncertainties, or as expanded uncertainties with an expansion factor of 1,96 according the ISO Guide for the Expression of Uncertainty in Measurement ^{M18}.

Note 3: The limit of detection for tritium and for radon is 10% of its parametric value of 100 Bq/l.

Note 4: The limit of detection for gross alpha activity and gross beta activities are 40% of the screening values of 0,1 and 1,0 Bq/l respectively.

Note 5: This limit of detection applies only to initial screening for ID for a new water source; if initial checking indicates that it is not plausible that Ra-228 exceeds 20% of the derived concentration, the limit of detection may be increased to 0,08 Bq/l for routine Ra-228 nuclide specific measurements, until a subsequent re-check is required.

Marginal Citations

M17 A copy may be obtained at www.iso.org or from the Drinking Water Inspectorate, Area 7E, 9 Millbank, c/o Nobel House, 17 Smith Square, London, SW1P 3JR.

M18 See previous footnote.

SCHEDULE 4

Regulation 14

Records

Initial records

1.—(1) A local authority must record the number of private supplies in its area, and for each supply must record—

- (a) the name of the supply, together with a unique identifier,
- (b) the type of source,
- (c) the geographical location using a grid reference,
- (d) an estimate of the number of people supplied,
- (e) an estimate of the average daily volume of water supplied in cubic metres,
- (f) the type of premises supplied,
- (g) detail of any treatment process, together with its location, and
- (h) the name of the region of Public Health England in whose area the supply is located.

(2) It must review and update the record at least once every 12 months.

Status: Point in time view as at 27/03/2020.
Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

(3) It must keep the record for at least 30 years.

Additional records

2.—(1) For each supply referred to in paragraph 1(1), the local authority must record each of the following within 28 days of the information being available—

- (a) a plan and description of the supply;
- (b) the monitoring programme for the supply;
- (c) the risk assessment;
- (d) the date, results and location of any sampling and analysis relating to that supply, and the reason for taking the sample;
- (e) the results of any investigation undertaken in accordance with these Regulations;
- (f) any authorisation;
- (g) any notices served under section 80 of the Act or regulation 18;
- (h) any action agreed to be taken by any person under these Regulations;
- (i) any request for the local authority to carry out sampling and analysis, undertake a risk assessment or give advice;
- (j) a summary of any advice given in relation to the supply.
- [^{F41}(k) a summary of any risk assessment;
- (l) a summary of the reasons for a decision to reduce or exempt altogether the monitoring of a particular parameter under regulation 11(10) and (10A).]

(2) It must keep the risk assessment and records of sampling and analysis for at least 30 years, and all other records referred to in this paragraph for at least 5 years.

Textual Amendments
F41 Sch. 4 para. 2(1)(k)(l) inserted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(12)** (with reg. 3)

SCHEDULE 5

Regulation 21

Fees

1. A local authority may charge a fee, payable on invoice, for the activities in the following Table, and the fee is the reasonable cost of providing the service^{F42}....

<i>Service</i>	<i>F43</i>
	...
Risk assessment (for each assessment)	F43
	...
Sampling (for each visit) ¹	F43
	...

¹ No fee is payable where a sample is taken and analysed solely to confirm or clarify the results of the analysis of a previous sample.

Investigation (for each investigation)	F43
	...
Granting an authorisation (for each authorisation)	F43
	...
Analysing a sample—	
taken under regulation 10 (for parameters referred to in paragraph (1)(a) to (e) of that regulation)	F43
	...
taken during [^{F44} monitoring of Group A parameters]	F43
	...
taken during [^{F45} monitoring of Group B parameters] and monitoring under regulation 11	F43
	...

¹ No fee is payable where a sample is taken and analysed solely to confirm or clarify the results of the analysis of a previous sample.

Textual Amendments

- F42** Words in Sch. 5 para. 1 omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(13)(a)** (with reg. 3)
- F43** Words in Sch. 5 omitted (11.7.2018) by virtue of [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(13)(b)(ii)** (with reg. 3)
- F44** Words in Sch. 5 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(13)(b)(i)(aa)** (with reg. 3)
- F45** Words in Sch. 5 substituted (11.7.2018) by [The Private Water Supplies \(England\) \(Amendment\) Regulations 2018 \(S.I. 2018/707\)](#), regs. 1(1), **2(13)(b)(i)(bb)** (with reg. 3)

Persons liable to pay

2.—(1) Any person requesting a local authority to carry out any of the activities specified in the Table in paragraph 1 is liable for the cost.

(2) Otherwise fees are payable, as specified in the invoice, by the relevant person.

(3) Where more than one person is liable for a fee, in determining who is required to make payment, the local authority—

- (a) must have regard to any agreement or other document produced to the local authority relating to the terms on which water is supplied, and
- (b) may apportion the charge between them.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in England, transpose requirements of Council Directive [98/83/EC](#) on the quality of water intended for human consumption (OJ No L 330, 5.12.1998, p 32) and

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Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016. (See end of Document for details)

Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption (OJ No L 296, 7.11.2013, p 12). They revoke and replace the Private Water Supplies Regulations 2009 (S.I. 2009/3101).

These Regulations apply to private supplies of water intended for human consumption, which mean supplies of water other than a supply provided directly by a water undertaker or licensed water supplier. They define “wholesomeness” in relation to private water supplies in regulation 4 and Part 1 of Schedule 1 and impose a duty on the local authority to carry out a risk assessment of the private water supply (regulation 6) to the monitor the supply in accordance with regulations 7 to 11 and Schedule 2.

Regulation 11 and Part 3 of Schedule 3 set out the specific monitoring requirements for radioactive substances (indicative dose, radon and tritium). The indicator parameters for radioactive substances are set out in Table D in Part 3 of Schedule 1.

Once monitored, the local authority must ensure the sample is analysed in the ways set out in Schedule 3 (regulation 12). Regulation 13 sets out the requirements for new private water supplies and private water supplies that have not recently been used. The local authority must make and maintain records in respect of every private water supply in its area and must send a copy of the records to the Secretary of State (regulation 14 and Schedule 4).

Part 4 of the Regulations sets out the procedures that apply if a private water supply is unwholesome or is a potential danger to human health. Regulation 15 requires a local authority to provide certain information and advice in the event that a private water supply is a potential danger to human health. Regulation 16 requires a local authority to carry out an investigation and to take certain steps where a private water supply is unwholesome. Regulation 17 provides that, in exceptional circumstances, a local authority may grant a time-limited authorisation of different standards in respect of private water supplies.

Part 5 sets out the notice procedures that apply where a private water supply constitutes a potential danger to human health (regulation 18). It also sets out the appeal procedures (regulation 19) and the relevant penalties (regulation 20) in respect of such notices.

Part 6 sets out miscellaneous provisions including charging for fees (regulation 21 and Schedule 5), review of the Regulations by the Secretary of State (regulation 22), revocations (regulation 23) and transitional provisions (regulation 24).

A validation impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Water Services Team, the Department for Environment, Food and Rural Affairs, Area 3D, Nobel House, 17 Smith Square, London SW1P 3JR. A transposition note is submitted with the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk.

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There are currently no known outstanding effects for the The Private Water Supplies (England) Regulations 2016.