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## 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 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](http://www.legislation.gov.uk).

**Changes to legislation:**

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