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STATUTORY INSTRUMENTS

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**2016 No. 618**

**The Private Water Supplies (England) Regulations 2016**

**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.

(2) They apply in relation to England only.

**Interpretation**

2.—(1) In these Regulations—

“the 2009 Regulations” means the Private Water Supplies Regulations 2009<sup>(1)</sup>;

“the Act” means the Water Industry Act 1991;

“audit monitoring” has the meaning given in paragraph 3(2) of Part 2 of Schedule 2;

“check monitoring” has the meaning given in paragraph 1(2) of Part 1 of Schedule 2;

“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;

“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 the Tables in Schedule 1 as measured by reference to the unit of measurement so specified, and as read, where appropriate, with the notes to that Schedule and those Tables;

“private water supply” or “private supply of water” means a supply of water other than a supply provided directly by a water undertaker<sup>(2)</sup> or licensed water supplier<sup>(3)</sup>, 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.

## 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<sup>(4)</sup>, the competent authority<sup>(5)</sup>, 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<sup>(6)</sup>;
- (b) water that is a medicinal product within the meaning of the Medicines Act 1968<sup>(7)</sup> or a product in which any provision of that Act has effect as if it were such a medicinal product.

(2) See section 6 of the Act for the meaning of “water undertaker”.

(3) See sections 17A and 219(1) of the Act for the meaning of “licensed water supplier”. This definition is prospectively repealed by paragraph 120 of Schedule 7 to the Water Act 2014 from a date to be appointed.

(4) 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).

(5) The competent authority for the purpose of this Regulation is the Food Standards Agency (see S.I. 2013/2996).

(6) S.I. 2007/2785, to which there are amendments not relevant to these Regulations.

(7) 1968 c. 67.