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WELSH STATUTORY INSTRUMENTS

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**2007 No. 3374**

**The Water Supply (Water Quality) Regulations  
2001 (Amendment) Regulations 2007**

**Title, commencement, application and interpretation**

- 1.—(1) The title of these Regulations is the Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007.
- (2) These Regulations come into force on 22 December 2007.
- (3) These Regulations apply to England and Wales.
- (4) In these Regulations, “the Principal Regulations” means the Water Supply (Water Quality) Regulations 2001(1).

**Amendments to the Principal Regulations**

- 2.—(1) The Principal Regulations are amended as follows.
- (2) In regulation 1 (citation, commencement and application)—
- (a) in paragraph (2), for the words before “come” substitute “This regulation, regulations 2, 40, 41 and 43(1)”;
- (b) for paragraphs (6) and (7) substitute—
- “ (6) Parts I to VIII, X and XI of these Regulations apply in relation to the supply of water by every—
- (a) water undertaker whose area is wholly or mainly in Wales; and
- (b) licensed water supplier so far as relating to licensed activities using the supply system of any water undertaker whose area is wholly or mainly in Wales.
- (7) Part IX of these Regulations applies to local authorities in Wales, as regards the discharge of functions under that Part, in relation to every—
- (a) water undertaker whose area is wholly in Wales;
- (b) water undertaker whose area is partly in Wales and partly in England, but only in respect of the part in Wales; and
- (c) licensed water supplier so far as relating to licensed activities using the supply system situated in Wales of any water undertaker.”.
- (3) In regulation 2 (interpretation), in paragraph (1)—
- (a) for the definition of “appropriate local authority” and “appropriate health authority” substitute—
- ““appropriate local authority”, in relation to—
- (a) a departure authorised under regulation 20;
- (b) an application for any such authorisation; or

- (c) an event specified in regulation 35(6),  
means a local authority whose area contains any part of the water supply zone to which the authorisation relates or, in the case of an application, would relate if a departure were authorised in the terms sought, or whose area is affected or is likely to be affected by the event;”;
- (b) for the definition of “disinfection” substitute—  
““disinfection” means a process of water treatment to—  
(a) remove; or  
(b) render harmless to human health,  
every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and “disinfected” shall be construed accordingly;”;
- (c) in their appropriate places, insert new definitions as follows—  
““Health Protection Agency” means the body established under section 1 of the Health Protection Agency Act 2004(2);” and  
““National Public Health Service for Wales” means an NHS trust within the meaning of the National Health Service (Wales) Act 2006(3) if, and in so far as, it has the function of providing services in relation to public health in Wales;”.
- (4) In regulation 3 (water supply zones), after paragraph (2) insert—  
“(2A) The water quality within a water supply zone shall be approximately uniform.”.
- (5) In regulation 4 (wholesomeness), after paragraph (3)(a) insert—  
“(aa) in the case of water supplied in bottles or containers, the point at which the water first emerges from any bottle or container collected from a local distribution point;”.
- (6) In regulation 8 (authorisation of supply points)—  
(a) in paragraph (1)—  
(i) at the beginning, for “The” substitute “Subject to paragraph (1A), the”,  
(ii) for “items 7, 8 and 9 to 25” substitute “items 7, 8, 9 to 15 and 17 to 25”;
- (b) after paragraph (1), insert—  
“(1A) In respect of any water supply zone, the taking of samples from a supply point is not authorised by paragraph (1) where a combined licensee introduces water into the water supply zone unless the water quality within the water supply zone remains approximately uniform.”; and
- (c) in paragraph (2), for “in relation to any parameter other than a parameter referred to in paragraph (1)” substitute “in relation to any parameter not covered by the authorisation in paragraph (1)”.
- (7) In regulation 9 (numbers of samples), omit paragraph (3).
- (8) In regulation 13 (sampling at treatment works), omit paragraph (3).
- (9) In regulation 15 (sampling: new sources), at the end add—  
“(4) Unless the conditions in paragraph (5) are satisfied, a water undertaker or combined licensee shall not supply water from a source mentioned in paragraph (1)(a) for regulation 4(1) purposes until three months have passed following the day on which the water undertaker or combined licensee complied with regulation 28(1) with respect to that source.

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(2) 2004 c. 17.

(3) 2006 c. 42.

- (5) The conditions are that the water undertaker or combined 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 the source.
- (6) For the purposes of paragraph (5)(b), regulation 27 shall apply to supplies made as a matter of urgency as if “treatment works” includes a source from which untreated water is supplied.”.
- (10) After regulation 16 (collection and analysis of samples) insert—

## “PART VA

### DRINKING WATER PROTECTED AREAS

#### **Drinking water abstraction points: monitoring sites**

**16A.**—(1) Every water undertaker or combined licensee shall identify every point from which it abstracts water for supply for regulation 4(1) purposes.

(2) At every abstraction point, the relevant water undertaker or combined licensee shall take, or cause to be taken, such samples, and analyse, or cause to be analysed, those samples for such properties, organisms and substances as it considers necessary in order to comply with regulations 26 to 28.

(3) In relation to any abstraction point, the Welsh Ministers may, by notice served on the relevant water undertaker or combined licensee, require the relevant water undertaker or combined licensee—

- (a) to take, or cause to be taken, such numbers of samples of water per year as may be specified; and
- (b) to analyse, or cause to be analysed, those samples for such concentrations or values of such properties, organisms and substances, and at such frequencies, as may be specified.

(4) The Welsh Ministers may, by notice served on the relevant water undertaker or combined licensee, revoke or amend a notice served under paragraph (3).

(5) Every analysis required under—

- (a) paragraph (2), in relation to every body of surface water which provides more than 100 cubic metres of water per day as an average, shall be carried out at no less than the following frequencies—
  - (i) 4 per year, where the population served by the body of surface water is less than 10,000 people,
  - (ii) 8 per year, where the population so served is 10,000 to 30,000 people, and
  - (iii) 12 per year, where the population so served is greater than 30,000 people; and
- (b) paragraphs (2) and (3) shall be in accordance with such relevant standards as may be specified by the Welsh Ministers by notice served on the water undertaker or combined licensee.

(6) For the purposes of—

- (a) paragraphs (2) and (3)—

- (i) “abstraction point” means an abstraction point identified under paragraph (1), and
  - (ii) “relevant water undertaker or combined licensee” means the water undertaker or combined licensee which identified the abstraction point;
  - (b) paragraph (3), “specified” means specified in the notice served under that paragraph; and
  - (c) paragraph (5), “body of surface water” has the meaning given in Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy(4).”.
- (11) In regulation 17 (investigations : Schedule 1 parameters), in paragraph (7), for “regulation 35(9)” substitute “regulation 35(6)(a)(iv)”.
- (12) In regulation 20 (authorisation of temporary supply of water that is not wholesome), in paragraph (4)—
- (a) for sub-paragraph (b), substitute—
    - “(b) the National Public Health Service for Wales;”;
  - (b) after sub-paragraph (b), insert—
    - “(ba) where the water supply zone is wholly or partly in England, the Health Protection Agency; and”.
- (13) In regulation 23 (publicity for authorisations), for paragraph (1) substitute—
- “(1) As soon as reasonably practicable after a departure has been authorised, the specified relevant suppliers shall—
- (a) separately publish, by making accessible, free of charge, on their websites via a hyperlink maintained on their respective homepages for at least 14 days—
    - (i) except in a case to which paragraph (4) of regulation 21 applies, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii), (viii) and (ix) of that regulation, and
    - (ii) in a case to which paragraph (4) of regulation 21 applies, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii) and (ix) of that regulation; and
  - (b) jointly give such other public notice of the authorisation and of its terms and conditions as the Welsh Ministers may, by notice served on the specified relevant suppliers, reasonably require.”.
- (14) In regulation 24 (revocation and modification of authorisations), in paragraph (2)—
- (a) for sub-paragraph (b), substitute “every appropriate local authority;”;
  - (b) for sub-paragraph (c), substitute “the National Public Health Service for Wales;”;
  - (c) after sub-paragraph (c), insert—
    - “(ca) where the authorisation relates to a water supply zone which is wholly or partly in England, the Health Protection Agency; and”.
- (15) Omit regulation 25 (interpretation).
- (16) For regulation 26 (treatment of raw water) substitute—

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(4) OJ No L327, 22.12.2000, p.1, as amended.

### **“Disinfection and other treatment arrangements**

**26.**—(1) Unless the conditions in paragraph (4) are satisfied, before supplying water for regulation 4(1) purposes, a water undertaker or combined licensee shall—

- (a) disinfect the water; and
- (b) where necessary, subject the water to sufficient preliminary treatment to prepare it for disinfection.

(2) Paragraph (3) applies when any property, organism or substance is present in a water source at a level that may constitute a potential danger to human health.

(3) Unless the conditions in paragraph (4) are satisfied, before supplying water for regulation 4(1) purposes using water from any source, a water undertaker or combined licensee shall design and continuously operate an adequate treatment process for water from the source.

(4) The conditions are that the water undertaker or combined licensee—

- (a) must supply water from the treatment works 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 taken all necessary steps to inform consumers that the water is not disinfected or adequately treated.

(5) For the purposes of this regulation—

(a) “adequate treatment process” means a process of blending or purification treatment which—

- (i) removes, or
- (ii) renders harmless the value or concentration of,

any property of, organism or substance in, water, so that supplies do not constitute a potential danger to human health;

(b) “sufficient preliminary treatment” means the treatment necessary—

- (i) to remove, or to reduce the value or concentration of, any property or substance which would interfere with disinfection, and
- (ii) to reduce turbidity to less than one Nephelometric Turbidity Unit, and
- (iii) water is supplied for regulation 4(1) purposes when it leaves a treatment works.”.

(17) For regulation 27 (risk assessment for cryptosporidium) substitute—

### **“Risk assessment**

**27.**—(1) This regulation applies to every treatment works and supply system from which water is supplied for regulation 4(1) purposes.

(2) Every water undertaker or combined licensee shall carry out a risk assessment of each of its treatment works and connected supply system in order to establish whether there is a significant risk of supplying water from those works or supply system that would constitute a potential danger to human health.

(3) Pursuant to paragraph (2), every water undertaker or combined licensee shall carry out a risk assessment in respect of—

(a) each of its treatment works and connected supply systems which—

- (i) is in use on 22 December 2007, and
- (ii) it expects to use after 1 October 2008, before 1 October 2008; and

- (b) any other treatment works and connected supply system, before supplying water from them.
- (4) Every water undertaker or combined licensee shall keep its risk assessments under review.
- (5) The Welsh Ministers may by notice served on a water undertaker or combined licensee require a risk assessment or review to be carried out by a date specified in the notice.
- (6) Where a water undertaker or combined licensee becomes aware of any factors which make it likely that a risk assessment under this regulation would establish that there is a significant risk of supplying water that would constitute a potential danger to human health, it shall serve a notice on the Welsh Ministers specifying the relevant factors.”.
- (18) For regulation 28 (procedure following risk assessment, and prohibition of supply) substitute-

**“Procedure following risk assessment and prohibition of supply**

**28.**—(1) As soon as reasonably practicable after a water undertaker or combined licensee has carried out a risk assessment or review of such assessment under regulation 27, it shall submit to the Welsh Ministers a report of the assessment or review.

(2) The report shall contain—

- (a) a description of the methods used to carry out the assessment or review;
- (b) where the assessment or review establishes that there is no significant risk of supplying water that would constitute a potential danger to human health, a statement confirming this; and
- (c) where the assessment or review establishes that measures have been taken to remove a significant risk of supplying water that would constitute a potential danger to human health—
  - (i) monitoring data which verifies this, and
  - (ii) details of those measures.

(3) Where the assessment or review establishes that there is a significant risk of supplying water that would constitute a potential danger to human health, the report shall—

- (a) contain a full explanation including details of every property, organism or substance that has been identified as contributing to the risk; and
- (b) specify the measures that the water undertaker or combined licensee—
  - (i) has made operational as at the date of the report, and
  - (ii) intends to make operational,
    - to mitigate the risk.

(4) Where the Welsh Ministers have received a report which states that there is or has been a significant risk of supplying water that would constitute a potential danger to human health, they may, by notice served on the water undertaker or combined licensee, require the water undertaker or combined licensee—

- (a) to maintain such specified measures for such period of time as the Welsh Ministers consider appropriate to mitigate the risk;
- (b) to review, revise or make operational such specified measures by such date as the Welsh Ministers consider appropriate to mitigate the risk;
- (c) to audit whether the measures have been effective by such means as may be specified;

- (d) not to supply water for regulation 4(1) purposes from specified treatment works or supply systems, or not to so supply unless specified conditions are satisfied; and
  - (e) to give the Welsh Ministers such information as they may require to monitor progress towards mitigation of that risk.
- (5) In paragraph (4), “specified” means specified in the notice served under that paragraph.
- (6) The Welsh Ministers may, by notice served on the relevant water undertaker or combined licensee, revoke or amend a notice served under paragraph (4).”.
- (19) Omit regulation 29 (treatment for cryptosporidium).
- (20) In regulation 31 (application and introduction of substances and products)—
- (a) in paragraph (1)—
    - (i) for the definition of “the Directive” substitute—

““the Directive” means Council Directive [89/106/EEC](#)(<sup>5</sup>) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, as amended from time to time;”;
    - (ii) in the definition of “European technical approval”—
      - (aa) for “EEA State” substitute “relevant State”, and
      - (bb) at the end, omit “and”, and
    - (iii) at the end, insert—

“and

“relevant State” means a state which is a Member State or any other state which is an EEA State.”;
  - (b) in paragraph (3)—
    - (i) in sub-paragraph (b), for “EEA State” substitute “relevant State”, and
    - (ii) in paragraph (ii), for “Council Directive [98/34/EC](#), as amended (which lays down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services)” substitute “Directive [98/34/EC](#) of the European Parliament and of the Council(<sup>6</sup>) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society Services, as amended from time to time”;
  - (c) at the end, add—

“(13) The Welsh Ministers may—

    - (a) by notice served on the person who makes an application for approval under paragraph (4)(a), require the person to pay the Welsh Ministers a charge which reflects the administrative expenses incurred or likely to be incurred by the Welsh Ministers in connection with the application; and
    - (b) in determining the amount of any such charge, adopt such methods and principles for its calculation as appear to the Welsh Ministers to be appropriate.”.
- (21) In regulation 33 (offences)—
- (a) for paragraphs (1) and (2) substitute—

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(5) OJ No L40, 11.2.1989, p.12, as amended.

(6) OJ No L204, 21.7.1998, p.37, as amended.

“(1) A water undertaker or combined licensee which contravenes regulation 26(1) or (3) or the terms of a notice served under regulation 28(4)(d) shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(2) In any proceedings against a water undertaker or combined licensee for an offence under paragraph (1), it shall be a defence for that water undertaker or combined licensee to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.”;

- (b) omit paragraph (4); and
- (c) in paragraph (5), omit “certifying the results of an analysis pursuant to regulation 29(15) or”.

(22) In regulation 34 (maintenance of records), in paragraph (1)(f) for “and 29” substitute “, 16A and 28”.

(23) For regulation 35 (provision of information) substitute—

**“Provision of information**

**35.**—(1) Subject to paragraphs (2), (3) and (4), any person may request a relevant supplier to send to the person making the request a copy of any record maintained by the relevant supplier under regulation 34 and the relevant supplier shall, within seven days of the receipt of the request, send a copy of the record requested to the person who requested it.

(2) A relevant supplier shall comply with a request under paragraph (1)—

- (a) in the case of a request relating to a water supply zone, free of charge if the person receives a supply of water in the zone; or
- (b) in any other case, on payment of such reasonable charge as the relevant supplier may determine.

(3) Paragraph (1) does not oblige a relevant supplier to comply with a request which is vexatious.

(4) Where a relevant supplier has previously complied with a request which was made by any person, paragraph (1) does not oblige it to comply with a subsequent identical or substantially similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the subsequent request.

(5) A water undertaker shall include in, or append to, at least one of the accounts sent to each customer in any year a statement informing customers of their rights under paragraph (1).

(6) As soon as possible after an event which, by reason of its effect or likely effect on the water supplied by a relevant supplier, gives rise or is likely to give rise to a significant risk to human health, the relevant supplier shall notify—

- (a) in every case—
  - (i) every appropriate local authority,
  - (ii) the National Public Health Service for Wales,
  - (iii) the Council, and
  - (iv) the Welsh Ministers, and
- (b) in any case where the event gives rise or is likely to give rise to a significant risk to human health in England—
  - (i) the Health Protection Agency, and



(ii) the Secretary of State.

(7) Where a person has received a notification under paragraph (6), that person may require the relevant supplier to provide such further information relating to the event and its consequences as that person may reasonably require.”.

(24) Omit regulation 36 (publication of information).

(25) In regulation 38 (duties of local authorities : supplementary provision), in paragraph (1)(a) for “regulation 35(8)” substitute “regulation 35(6)(a)(i)”.

(26) In regulation 43 (revocations of regulations and savings), after paragraph (5) insert—

“(6) No amendments to these Regulations made by the Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007 shall affect any duty on a water undertaker or combined licensee under earlier enactments to compile or maintain records or to make information available on request in respect of any period ending immediately before 22 December 2007.”.

### **Further amendments to the Principal Regulations**

3. The Schedule has effect.

### **Transitional provisions**

4.—(1) Where, immediately before these Regulations come into force, any water undertaker or combined licensee is—

- (a) under a duty to carry out a risk assessment under old regulation 27, for the relevant period that duty shall take effect as if it were a duty to carry out a risk assessment under new regulation 27;
- (b) under a duty to comply with a requirement in a notice issued under paragraph (3) of old regulation 28, for the relevant period that duty shall take effect as if the notice had been issued under paragraph (5) of new regulation 27;
- (c) under a duty—
  - (i) to provide a time estimate or to comply with regulation 29 requirements by a certain date under paragraphs (5) to (7) of old regulation 28,
  - (ii) not to supply water or only to supply if taking steps to comply with regulation 29 requirements under paragraph (9) of old regulation 28,
  - (iii) to use the treatment process specified in paragraph (2) of old regulation 29, or
  - (iv) to monitor effectiveness under paragraph (4) of old regulation 29,

for the relevant period that duty shall take effect as if imposed by notice under paragraph (4) of new regulation 28.

(2) If, immediately before these Regulations come into force, the Welsh Ministers have functions under old regulation 28 with respect to a report of a risk assessment carried out under old regulation 27, their functions under new regulation 28 shall apply with respect to the report as if it had been produced under new regulation 27.

(3) For the purposes of this regulation—

- (a) “old regulation 27”, “old regulation 28” and “old regulation 29” mean the regulations numbered 27, 28 and 29 respectively in the Principal Regulations which are in force immediately before these Regulations come into force;
- (b) “new regulation 27” and “new regulation 28” mean the regulations numbered 27 and 28 respectively which are inserted into the Principal Regulations by regulation 2(17) and (18);

- (c) “regulation 29 requirements” has the meaning given in Part VII of the Principal Regulations immediately before these Regulations come into force; and
- (d) “the relevant period” means the period beginning on the day these Regulations come into force and ending on 1 January 2009.

**Revocation of spent provisions in the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002**

5.—(1) The National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc Provisions) Regulations 2002(7) are amended as follows.

(2) In Schedule 1 (amendments consequential on Part 1 of the National Health Service Reform and Health Care Professions Act 2002), omit paragraph 47 (Water Supply (Water Quality) Regulations 1989).

**Revocation of spent provisions in the Water Act 2003 (Consequential and Supplementary Provisions) Regulations 2005**

6.—(1) The Water Act 2003 (Consequential and Supplementary Provisions) Regulations 2005(8) are amended as follows.

(2) In regulation 4 (amendments to the Principal Regulations in relation to the Consumer Council for Water), omit paragraph (5).

(3) In regulation 11 (amendments to the Principal Regulations in relation to water supply licensing)—

- (a) omit paragraphs (2), (18)(a) and (b), (20) to (23), (29) and (30); and
- (b) in paragraph (27), omit “(1),”.

28 November 2007

*Jane Davidson*  
Minister for Environment, Sustainability and  
Housing, one of the Welsh Ministers

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(7) [S.I. 2002/2469](#), to which there are amendments not relevant to these Regulations.  
(8) [S.I. 2005/2035](#).