
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Directive 98/83/EC on the quality of water intended for human consumption (OJ No. L 330, 5.12.1998, p. 32) in relation to private water supplies 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). These Regulations revoke and replace the Private Water Supplies (Wales) Regulations 2010 (S.I. 2010/66 (W. 16)).

These Regulations apply to private water supplies (as defined in regulation 2) intended for human consumption. Part 1 of the Regulations makes miscellaneous provision in relation to water standards for private water supplies. It defines the circumstances in which water is to be regarded as “wholesome” (regulation 4 and Part 1 of Schedule 1). It also sets out the requirements which apply where water is disinfected (regulation 5) and imposes a duty on each local authority to carry out a risk assessment of every private water supply in its area (regulation 6).

Part 2 of the Regulations places a duty on local authorities to monitor private water supplies (regulations 7 to 13 and Schedule 2) and to ensure that each sample taken is analysed in the ways set out in Schedule 4 (regulation 14). It sets out the specific monitoring requirements for radioactive substances (indicative dose, radon and tritium) (regulation 12 and 13 and Schedule 3). The indicator parameters for radioactive substances are set out in Table D in Part 3 of Schedule 1. It also requires the local authority to make and keep records for every private water supply in its area (regulation 16 and Schedule 5) and to send a copy of the records to the Drinking Water Inspectorate and upon request, to the Welsh Ministers (regulation 16).

Part 3 of the Regulations sets out the procedures to be followed if the water is not wholesome, or it constitutes a potential danger to human health. It requires local authorities to provide information to those people likely to consume the water (regulation 17) and to carry out an investigation (regulation 18). If the cause of the unwholesome water is in the pipework within a domestic premises, local authorities must offer advice on measures necessary for the protection of human health. Local authorities may, in defined circumstances, grant a time-limited authorisation of different standards (regulation 19).

Part 4 of the Regulations requires a notice to be served on the “relevant person” (as defined in regulation 2) if any supply constitutes a potential danger to human health (regulation 20) and makes provision for appeals and penalties in connection with such notices (regulations 21 and 22).

Part 5 of the Regulations makes provision for the payment of fees (regulation 23 and Schedule 6), revocations (regulation 24) and consequential amendments (regulation 25). It also contains transitional provisions (regulation 26).

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Private Water Supplies (Wales) Regulations 2017.