

## WELSH STATUTORY INSTRUMENTS

# 2017 No. 1041

## The Private Water Supplies (Wales) Regulations 2017

### PART 2

#### Monitoring

##### Monitoring

7.—(1) A local authority must monitor all private water supplies in its area 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).

(2) The local authority must discharge the obligation in paragraph (1) by establishing a monitoring programme which consists of either—

- (a) the collection and analysis of discrete water samples;
- (b) measurement recorded by a continuous monitoring process; or
- (c) a combination of the methods in sub-paragraphs (a) and (b).

(3) Monitoring programmes may include either or both of—

- (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.

##### Commencement Information

**11** Reg. 7 in force at 20.11.2017, see [reg. 1](#)

##### Further distribution of supplies from water undertakers or water supply licensees

8. Where water is supplied by a water undertaker or a water supply licensee and is then further distributed by a person other than a water undertaker or a water supply licensee, the local authority must carry out any monitoring which the risk assessment shows to be necessary.

##### Commencement Information

**12** Reg. 8 in force at 20.11.2017, see [reg. 1](#)

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

9.—(1) This regulation applies to a private water supply, other than that specified in regulation 8, that—

- (a) supplies an average daily volume of water of 10m<sup>3</sup> or more; or

(b) supplies water as part of a commercial or public activity.

(2) The local authority must monitor a private water supply falling within this regulation in accordance with Schedule 2 and carry out any additional monitoring that the risk assessment shows to be necessary.

**Commencement Information**

**I3** Reg. 9 in force at 20.11.2017, see [reg. 1](#)

**Supplies to a single dwelling**

**10.**—(1) This regulation applies to a private water supply to a single dwelling not used as part of a commercial or public activity (in which case regulation 9 applies) or as part of a domestic tenancy (in which case regulation 11 applies).

(2) Where this regulation applies, the local authority—

- (a) may monitor the supply in accordance with the requirements in regulation 11(1); and
- (b) must do so if requested to do so by the owner or occupier of that dwelling.

**Commencement Information**

**I4** Reg. 10 in force at 20.11.2017, see [reg. 1](#)

**Other private supplies including supplies as part of a domestic tenancy**

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

- (a) conductivity;
- (b) enterococci;
- (c) *Escherichia coli* (*E. coli*);
- (d) hydrogen ion concentration;
- (e) turbidity;
- (f) any parameter in Part 1 or 2 of Schedule 1 identified in the risk assessment as being at risk of not complying with the concentrations or values in those Parts of 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 this regulation at least every 5 years and more frequently if the risk assessment shows this to be necessary.

**Commencement Information**

**I5** Reg. 11 in force at 20.11.2017, see [reg. 1](#)

**Monitoring of radioactive substances: general**

**12.**—(1) A local authority must monitor each private water supply in its area (other than a supply to which regulation 13 applies) for the parameters contained in the radioactive substances parameters table in accordance with this regulation and Schedule 3.

(2) In this regulation and Schedule 3, “the radioactive substances parameters table” means Table D in Part 3 of Schedule 1.

(3) Where a local authority is satisfied that a parameter in the radioactive substances parameters table is not likely to be present in a private water supply in its area in concentrations which could exceed the prescribed concentration or value for the relevant parameter in that table, the local authority may, for such a time as it sees appropriate, decide to exclude the parameter in question from the monitoring duty in paragraph (1).

(4) A decision under paragraph (3) must be made—

- (a) on the basis of representative surveys, monitoring data or other reliable information (including any risk assessment carried out in accordance with regulation 6); and
- (b) taking into account any guidance issued by the Welsh Ministers.

(5) The local authority must provide the Welsh Ministers with the grounds for its decision under paragraph (3) and the necessary documentation supporting the decision (including the findings of any surveys, monitoring or assessments carried out in accordance with paragraph (4)(a)).

[<sup>F1</sup>(6) The Welsh Ministers must publish, in such a manner as they consider appropriate, the grounds for a decision under paragraph (3) and the documentation provided under paragraph (5) supporting the decision.]

(7) Where—

- (a) a decision has previously been made under paragraph (3), and
- (b) the local authority is no longer satisfied that the basis for the decision exists,

the exclusion from monitoring under paragraph (3) will no longer apply and the local authority must inform the Welsh Ministers in writing accordingly.

(8) In case of naturally occurring radionuclides, where previous results (including representative surveys, monitoring data or other reliable information) show that the concentration of radionuclides in a supply within a local authority’s area is stable, the minimum sampling and analysis frequencies are to be decided by the local authority, and confirmed by notice in writing to the Welsh Ministers, taking into consideration the risk to human health.

#### Textual Amendments

**F1** Reg. 12(6) substituted (31.12.2020) by [The Flood and Water \(Amendments\) \(England and Wales\) \(EU Exit\) Regulations 2019 \(S.I. 2019/460\)](#), regs. 1(1), **6(4)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Commencement Information

**I6** Reg. 12 in force at 20.11.2017, see [reg. 1](#)

### Monitoring of radioactive substances: supplies to specified single dwellings

**13.—**(1) This regulation applies to a private water supply to a single dwelling not provided as part of a commercial or public activity or as part of a domestic tenancy.

(2) A local authority may monitor a supply falling within paragraph (1) for the parameters contained in Table D in Part 3 of Schedule 1 in accordance with Schedule 3 and Part 3 of Schedule 4, and must do so if requested to do so by the owner or occupier.

#### Commencement Information

**I7** Reg. 13 in force at 20.11.2017, see [reg. 1](#)

## Sampling and analysis

- 14.—(1) When a local authority monitors a private water supply 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) A random daytime sample of one litre volume must be taken from a consumer's tap without prior flushing for the purpose of sampling for the copper, lead and nickel parameters.
- (3) Sampling under this regulation—
- (a) for chemical parameters in the distribution network must be undertaken in accordance with ISO 5667-5, other than where the sample is taken from a consumer's tap;
  - (b) for microbiological parameters must be undertaken in accordance with—
    - (i) EN ISO 19458 sampling purpose A in the distribution network; and
    - (ii) EN ISO 19458 sampling purpose B at the consumer's tap.
- (4) The local authority must ensure that the sample is analysed in accordance with Schedule 4.

### Commencement Information

**18** Reg. 14 in force at 20.11.2017, see [reg. 1](#)

## New supplies

15.—(1) Where a local authority becomes aware of a private water supply that is to be, or is being, 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 regulation 6 to 14 and 16 to 19 must be complied with as soon as 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.

### Commencement Information

**19** Reg. 15 in force at 20.11.2017, see [reg. 1](#)

## Records

16.—(1) A local authority must make and keep records in respect of every private water supply in its area in accordance with Schedule 5.

- (2) By 31 January of every year, a local authority must—
- (a) send the Chief Inspector of Drinking Water a copy of the records referred to in paragraph (1); and
  - (b) upon request, send the Welsh Ministers a copy of those records.

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**Changes to legislation:** There are currently no known outstanding effects for the The Private Water Supplies (Wales) Regulations 2017, PART 2. (See end of Document for details)

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**Commencement Information**

**I10** Reg. 16 in force at 20.11.2017, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Water Supplies (Wales) Regulations 2017, PART 2.