
WELSH STATUTORY INSTRUMENTS

2018 No. 647

The Water Supply (Water Quality) Regulations 2018

PART 7

Investigations, Authorisation of Departures and Remedial Action

Authorisation of temporary supply of water that is not wholesome

22.—(1) Subject to paragraph (2), the Welsh Ministers may, upon the written application of a relevant supplier, authorise in accordance with regulation 23 a departure from the provisions of Part 3 of these Regulations in so far as they relate to—

- (a) a parameter specified in Table B in Schedule 1; and
- (b) the supply of water by a relevant supplier in any of the water supply zones which it uses for the purposes of supplying water to consumers.

(2) The Welsh Ministers must not authorise a departure under paragraph (1) unless they are satisfied—

- (a) that the authorisation is necessary to maintain in that zone a supply of water for regulation 4(1) purposes;
- (b) that a supply of water for those purposes cannot be maintained in that zone by any other reasonable means; and
- (c) that the supply of water in accordance with the authorisation does not constitute a potential danger to human health.

(3) Every water undertaker or supplementary licensee must provide with its application—

- (a) a statement—
 - (i) of the grounds on which the authorisation is sought;
 - (ii) of the water supply zone in respect of which the authorisation is sought;
 - (iii) of the parameters in respect of which the prescribed concentration or value cannot be met;
 - (iv) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;
 - (v) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples (if any) taken in the water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;
 - (vi) of the average daily quantity of water supplied to that zone or, if that quantity cannot readily be ascertained, of the average daily quantity of water supplied from the treatment works that supplies water to that zone;
 - (vii) of the estimated population of that zone;

- (viii) as to whether, if a departure were authorised in the terms sought, any relevant food-production undertaking would be affected;
 - (ix) of the period for which the authorisation is sought; and
 - (x) of the reasons why the supply cannot be maintained by other reasonable means;
- (b) a scheme for monitoring the quality of water supplied in the zone during the period for which the authorisation is sought; and
- (c) a summary of the steps that it proposes to take, either alone or together with other relevant suppliers, in order to secure that the supply fully satisfies the requirements of Part 3, including—
- (i) a timetable for the work;
 - (ii) an estimate of the cost of the work; and
 - (iii) provisions for reviewing the progress of the work and for reporting the result of the review to the Welsh Ministers.
- (4) At the same time as it makes an application for an authorisation under paragraph (1), the water undertaker or supplementary licensee must serve a copy of the application and of the statement, scheme and summary referred to in paragraph (3) on—
- (a) every appropriate local authority;
 - (b) the Public Health Wales National Health Service Trust;
 - (c) where the water supply zone is wholly or partly in England, Public Health England; and
 - (d) the Council⁽¹⁾.
- (5) A body on whom documents have been served in accordance with paragraph (4) may make representations to the Welsh Ministers in connection with the application; and any such representations must be made not later than the end of the period of 30 days beginning with the date on which the application for the authorisation is made.

(1) See section 219(1) of the Act (as amended by section 56 of, and paragraph 27(7)(b) of Schedule 7 to, the Water Act 2014) which defines “the Council” as the Consumer Council for Water.