

Information note on Regulations 15 and 16



Investigation (Regulation 15)

Regulations 15 requires a local authority to carry out an investigation where it suspects, or has evidence that a supply is unwholesome by virtue of a breach of a standard, or when an indicator parameter exceeds the prescribed concentration or value specified in Part 2 or Part 3 of Schedule 1. The purpose of the investigation is to determine the cause of the supply being unwholesome and to subsequently take the necessary action to remediate the cause.

An investigation would normally require a site inspection of the supply and strategic sampling of it to locate the likely cause and extent of any contamination. For example, ingress risks in stored water tanks and chambers, or other hazards that may have developed or changed since the last risk assessment was undertaken.

Procedure following investigation (Regulation 16)

If the local authority is satisfied from its investigations that the cause of the water being unwholesome or exceeding the indicator parameter concentration or value is due to the pipework (or fittings) within a single dwelling (where the water supply is used for drinking, food preparation, cooking or washing, and is not provided to the public or used for a commercial activity), the local authority must promptly inform the people concerned and offer them advice on measures necessary for the protection of human health and/or good hygiene practises.

In premises where water is provided to the public, the local authority must, in addition to this, require the appropriate relevant persons to ensure that the cause of the unwholesome water or indicator parameter exceedance is remediated.

Although Regulation 16(3)(a) gives local authorities the option of granting an authorisation, this is only possible under exceptional circumstances, as explained in the information note on Regulation 17 and Information Letter 21 June 2013. The Regulations therefore require formal action to be taken to ensure that private water supplies meet the standards and other requirements of the Directive by requiring local authorities to serve Notices under Section 80 of the 1991 Act if informal negotiations with relevant persons fail to secure improvements.

If the cause of the water being unwholesome is a potential risk to human health, irrespective of whether it was due to the pipework within the domestic distribution system or not, then if the local authority cannot solve the problem informally then they must serve a Notice under Regulation 18 on the appropriate relevant persons requiring action to be taken.

In certain circumstances the local authority may choose to serve both a Section 80 Notice and a Regulation 18 notice. Examples of such circumstances include when a

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potential danger to human health is identified, but the local authority believes that the relevant person will not carry out the required remedial works. Serving a Section 80 Notice will allow the local authority to do the work in default (under Section 81 of the WIA). Another situation might be where different actions are required for different reasons. For example, a Regulation 18 Notice can be served to specify certain actions necessary for the protection of human health and a Section 80 Notice can be used for other actions in relation to ensuring wholesomeness or sufficiency of a supply. Alternatively a risk assessment and/or monitoring may identify both a risk to health and other failures/potential failures. The local authority may wish to serve a Regulation 18 Notice to secure short-term restrictions to the supply and if necessary an investigation to be carried out. A Section 80 Notice may be served concurrently or shortly afterwards to require any remedial work identified by the investigation to be completed, or other actions to secure non-health related wholesomeness breaches.