



## **GUIDANCE ON THE IMPLEMENTATION OF THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2016 IN ENGLAND AND THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2010 (as amended) IN WALES**

### **Section B – The Regulations**

#### **Part 8 – Water Treatment**

#### **Section 3 – Materials and Products in Contact with Drinking Water and Offences under the Regulations**

## PART 8 – WATER TREATMENT

### B31. Regulation 31 – Application and introduction of substances and products

- 31.1 The purpose of this regulation is to provide control over the use by water suppliers of substances and products that come into contact with drinking water to ensure that they do not cause the water supply to be unwholesome.
- 31.2 Regulation 31(1) prohibits, with certain exceptions, the introduction by water suppliers of any substance or product to water that is intended for domestic purposes as defined in regulation 4(1). The exceptions are that the product or substance, at the time of its introduction, satisfies one of the conditions in regulation 31(4) or conforms with the conditions set out in regulation 31(3).
- 31.3 Regulation 31 also covers materials used in the construction of treatment and storage tanks, service reservoirs, pipes, pumps, valves and other assets where there is surface contact with water supplied for Regulation 4(1) purposes. This includes transportable tanks and bowsers used for providing temporary supplies, and vehicle tankers used to transport drinking water for topping up service reservoirs and injecting directly into distribution systems. Manufacturers' instructions for use must be followed.
- 31.4 [The List of Approved Products for Use in Public Water Supply in the United Kingdom](#) is published and updated regularly on the Inspectorate's web site. It represents the definitive list of all substances and products for which approval has been granted under regulation 31(4)(a) (and so may be introduced into a water supply system), refused, modified, revoked or prohibited. The list also makes clear any restrictions or conditions applied to the use of such products that must be observed.
- 31.5 The list additionally identifies those products (currently some treatment chemicals and filter media) which may be introduced by water companies because they conform to a European Standard (BS:EN), subject to any national conditions of use to protect public health imposed under regulation 31(3).
- 31.6 It is the responsibility of the water supplier to ensure that products used in the production, supply and distribution of drinking water are appropriately approved, under regulation 31(4)(a), or meet the requirements of regulation 31(4)(b) or (c) before introducing them into the water supply.
- 31.7 It is the responsibility of water suppliers to ensure that any product conforming to a BSEN, which may be used under regulation 31(3), conforms to the relevant BSEN standard. Water suppliers should ensure that procurement arrangements and purchasing contracts are sufficiently robust to require suppliers to meet the specifications at all times, and to provide evidence of conformity as appropriate, for example certification with batches of treatment chemicals. Companies should also have arrangements in place to audit suppliers, if appropriate, and the facility to verify supplier's arrangements for ensuring conformity through visiting production facilities and carrying out checks on suppliers' laboratories.
- 31.8 Water companies should note that BSEN standards for drinking water treatment chemicals and products do not contain mandatory requirements for attestation of conformity.
- 31.9 Full guidance on regulation 31 matters is available separately on the Inspectorate's website <http://www.dwi.gov.uk>. This also gives additional guidance on when approval is not required before introduction of a product because it is likely to satisfy regulation

31(4)(b), or when it may be introduced for research purposes (with prior notification and for a limited period) under regulation 31(4)(c).

### **B32. Regulation 32 – Use of processes**

32.1 Under regulation 32 the Inspectorate may give notice to a water supplier requiring it to make an application for approval of any process. The notice may also prohibit use of the process for a specified period. Regulation 32 also provides for attaching conditions to an approval and for revocation of approval and modification of conditions of approval and publication of a list of approved processes. Provisions equivalent to those prescribed in regulation 31 in respect of giving notice apply to regulation 32.

### **B33. Regulation 33 – Offences**

33.1 Under regulation 33, a water supplier who contravenes regulation 26(1) [27(1)], 26(4) [27(3)] relating to disinfection and treatment arrangements, or any regulation 28(4)(d) [29(4)(d)] notice conditions is guilty of an offence. Water suppliers have a statutory defence if they are able to show that it took all reasonable steps and exercised all due diligence to avoid committing the offence.

33.2 Regulation 33(3) creates a criminal offence for the following contraventions of regulation 31:

- 31(1) [31(2)] (Introduction or application of products/substances not permitted by the regulation)
- 31(8) (contravention of a prohibition notice)
- 32(1) (use of a process in contravention of a prohibition notice)
- 32(2) (failure to observe conditions of approval of a process)

33.3 Regulation 33(4) provides for prosecution of anyone providing false information in support of an application under regulation 31 or 32. Proceedings for the offence providing false information in this manner can only be instigated with the consent of the Secretary of State or Welsh Ministers (in practice the Chief Inspector of Drinking Water) or the Director of Public Prosecutions.