



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

Introduction to the Public Water Supply Regulations in England and Wales

1. Purpose

1.1. This series of documents provides guidance on the implementation of:

- i. the **Water Supply (Water Quality) Regulations 2016** (S.I. 2016/614)

which apply to water suppliers¹ whose areas of supply are wholly or mainly in England, and

- ii. the **Water Supply (Water Quality) Regulations 2010** (S.I. 2010/994 (W.99)) and the **Water Supply (Water Quality) (Amendment) Regulations 2016** (S.I. 2016/410 (W.128))

which apply to water suppliers whose areas of supply are wholly or mainly in Wales.

1.2. In line with common practice, water undertakers, inset appointees and holders of water supply licence authorisations are referred to interchangeably as water companies and water suppliers throughout this Guidance document, and the requirements apply to all, unless stated otherwise. Holders of retail-only authorisations issued under the provisions of the Water Act 2014 are referred to specifically where there are regulatory requirements that apply to these companies. The collective term that includes each type of company is “Relevant Supplier”, and where this term is used in the regulations and in this Guidance, the requirement may apply equally to retail-only companies.

1.3. The Drinking Water Inspectorate (DWI) exercises the powers and duties of the Secretary of State for Environment, Food and Rural Affairs in England and Welsh Ministers in Wales, therefore references to DWI or “the Inspectorate” in this document mean on behalf of the Secretary of State and/or Welsh Ministers.

1.4. This Guidance document replaces previous versions of the Guidance on the English and Welsh regulations and amendments. It does not purport to offer an authoritative interpretation of the regulations. We recognise that it may contain omissions and that some of the advice contained may need to be modified or updated in light of experience gained with implementing the regulations or as and when further guidance on interpretation of the Drinking Water Directive is published by the European Commission.

1.5. Guidance to water suppliers on implementing the regulations is published in sections on the Inspectorate’s website, and will be updated from time to time as the need arises. Companies will be consulted in advance about significant changes. Information Letters will continue to be used to communicate new information and requirements to companies as necessary, which may result in a change to this Guidance, depending on the issue.

1.6. The master copy of the Guidance is the version on the Drinking Water Inspectorate website (<http://www.dwi.gov.uk>). It is the intention to review the Guidance on a regular basis. Water companies will be notified of any changes to the Guidance by e-mail. Companies are welcome to comment on all aspects of the Guidance.

¹ For the purposes of this guidance document the term “water supplier” is a collective term which includes undertakers (wholesalers), inset appointees and holders of water supply licence (wholesale and supplementary) authorisations. Responsible persons under the English and Welsh Private Supplies Regulations are included within the definition of “relevant supplier”. Note: Ofwat has revoked all Combined Licenses as of 1 April 2017.

2. The regulatory framework in England and Wales

2.1 The following legal instruments and associated documents provide the regulatory framework for the quality of drinking water supplies in England. Copies of all these documents are available on the Inspectorate's website.

- i. **Council Directive 98/83/EC of 3 November 1998** - on the quality of water intended for human consumption (the European Drinking Water Directive) – sets standards for drinking water quality to apply in all member states, implemented in England through the drinking water regulations cited below. Referred to throughout as the Directive.
- ii. **The Water Industry Act 1991** (the Act) – the primary legislation which enables regulations to be made and contains the duties of water companies and the powers used by the Inspectorate.
- iii. **The Water Act 2003** – primary legislation which, *inter alia*, designates the post of Chief Inspector of Drinking Water, gives greater autonomy to the Inspectorate and contains amended provisions in respect of fluoridation
- iv. **The Water Act 2014** – introduced a number of changes to prepare for market reform, and changes to the abstraction licensing process, and imposes a primary duty on the economic regulator (Ofwat) to secure resilience in the water sector. Section 40 of this Act introduces the provision for the Inspectorate to charge fees for the exercise of its functions.
- v. **Council Directive 2013/51/Euratom of 22 October 2013** - sets out the requirements for the protection of public health with regard to radioactive substances in drinking water, including monitoring requirements.
- vi. **Drinking Water Quality Regulations applying in England:**
 - **The Water Supply (Water Quality) Regulations 2016** (SI 2016/614)
These regulations consolidate all amendments to the previous Water Supply (Water Quality) Regulations 2000 and introduce some new requirements, in particular to transpose the requirements of Council Directive 2013/51/Euratom of 22 October 2013 (referred to throughout as the Euratom Directive). In particular, a standard for radon in drinking water and associated radioactivity monitoring requirements are introduced.
- vii. **Drinking Water Quality Regulations applying in Wales:**
 - **The Water Supply (Water Quality) Regulations 2010** (S.I. 2010/994 (W.99))
These regulations consolidate all amendments to the previous Water Supply (Water Quality) Regulations and apply only to companies based wholly or mainly in Wales.
 - **The Water Supply (Water Quality) (Amendment) Regulations 2016** (S.I. 2016/410 (W.128))
The purpose of the 2016 amendment regulations is to transpose the requirements of the Euratom Directive into the Welsh drinking water quality regulations.

2.2 Other legal instruments applying in England and Wales:

- i. **The Water Industry (Suppliers' Information) Direction 2017** – made under provisions in the Act. Specifies the format and timing of water companies' and retailers' provision of information to the Inspectorate.
- ii. **The Drinking Water (Undertakings) (England and Wales) Regulations 2000** (SI 2000/1297) **as amended by the Water Supply (Miscellaneous Amendments) (England and Wales) Regulations 2010** (SI 2010/996) – relates to legally binding water quality programmes of work required to meet drinking water standards
- iii. **The General Food Regulations 2004** (SI 2004 / 3279 as amended) and **Council Regulation 178/2002**.
- iv. **Council Directive 98/34/EC The Technical Standards and Regulations Directive** - requires member states to notify all new technical regulations when they are at the draft stage
- v. **Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998**
- vi. **The Security and Emergency Measures (Water Undertakers) Direction 2006** – this updates the 1998 Direction in light of Water Act 2003 and provisions for licensees
- vii. **The Water Supply (Water Fittings) Regulations 1999** (SI 1999 / 1148) – set out requirements for water fittings and pipework installed or used in premises receiving a public water supply from a water company, to prevent contamination, waste, misuse and undue consumption. Compliance with the Water Fittings Regulations is enforced by water undertakers, under section 74 of the Act.
- viii. **The Water Quality and Supply Fees Order 2016 (SI 2016 / 303)** – allows the Inspectorate to recover costs from water companies based wholly or mainly in England. A corresponding Order for Wales is in preparation.

2.3 There are a wide range of other useful documents on the science and practice of drinking water quality regulation from research reports through to industry good practice documents. All of these may be of assistance to water companies. The Inspectorate makes many of these available through its website (<http://www.dwi.gov.uk>) either directly or by links to other websites. Examples include:

- i. Drinking water safety - Guidance to health and water professionals - http://www.dwi.gov.uk/stakeholders/information-letters/2009/09_2009Annex.pdf
- ii. World Health Organisation (WHO) Guidelines for drinking-water quality 4th edition - [WHO | Guidelines for drinking-water quality, fourth edition](#)
- iii. The Government's response to the consultation on the amendment of the Water Supply (Water Quality Regulations) 2016 held between 1 February 2016 and 14 March 2016. This document updates Government's policy on drinking water quality.

- iv. [The Principles of Water Supply Hygiene](#) published by Water UK (October 2015).
- v. [The Standing Committee of Analysts \(SCA\) Blue Book methods](#) – for analysis of chemical and microbiological parameters, sampling procedures and other relevant methods.
- vi. BS ISO 5667 Series – Water Quality Sampling – covers various aspects of water quality sampling methods and techniques. There are also BS_ISO standard methods available for microbiological and chemical analysis of water.
- vii. Water Regulations Advisory Service (WRAS) Directory at www.wras.co.uk.
- viii. *Cryptosporidium* in Water Supplies – reports of the group of experts, published in July 1990, October 1995 and November 1998
- ix. [DWI 70/2/301 Understanding the implication of the EC's proposals relating to Radon in drinking water for the UK](#)
- x. [The List of Approved Products for Use in Public Water Supply in the United Kingdom](#) – this is updated regularly throughout the year by the Inspectorate.