

EXPLANATORY MEMORANDUM TO
THE WATER SUPPLY (WATER QUALITY) REGULATIONS 2010.
2010 No. 994 (W.99)

1. This explanatory memorandum has been prepared by the Welsh Assembly Government and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To amend and consolidate the Water Supply (Water Quality) Regulations 2001 to implement aspects of Council Directive 98/83/EC on the quality of water intended for human consumption (“the Directive”). These Regulations introduce amendments to the 2001 Regulations to address concerns raised by the European Commission. The 2001 Regulations have already been the subject of a number of amendments, mainly the Water Supply (Water Quality) Regulations 2001 (Amendment) Regulations 2007/ The opportunity has therefore been taken to consolidate the 2001 Regulations with all the amending Regulations into a single. These Regulations now comply with the requirements of the EU directive of the quality of drinking water (The “Drinking Water Directive”) and deal more specifically with the effectiveness of disinfection and the production of disinfection by-products, actions on failures and sampling requirements

2.2 The objective of the Directive is to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 These Regulations apply to the operations of water companies providing drinking water operating wholly or mainly in Wales. As such they apply in that parts of England and are laid simultaneously in Parliament and the National Assembly the Wales.

4. Legislative Context

4.1 The Water Supply (Water Quality) Regulations 2010 will implement aspects of the Directive in respect of public drinking water supplies.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

Jane Davidson, Minister for Environment, Sustainability and Housing has made the following statement regarding Human Rights:

“In my view the provisions of the Water Supply (Water Quality) Regulations 2010 are compatible with the Convention rights.”

7. Policy background

- *What is being done and why*

7.1 The objective of the Directive is to protect human health from the adverse effects of contamination of water intended for human consumption by ensuring that it is wholesome and clean. To achieve this, the Directive sets new and revised standards for drinking water quality and specifies new monitoring (sampling and analysis) requirements.

7.2 Implementation of the Directive by administrative or non-regulatory means, such as guidance or a code of practice, would not transpose the Directive into national law and would not achieve the controls and measures needed to monitor and enforce the Directive's standards and other wholesomeness requirements.

7.3 The Water Supply (Water Quality) Regulations 2010 clarify the regulatory requirements in respect of the aspects relating to public water supplies provided by water companies operating wholly or mainly in Wales. As such, they apply to Wales and those parts of England supplied by such companies.

8. Consultation outcome

8.1 Full consultations were undertaken for the original Regulations, but for these Regulations the Drinking Water Inspectorate, on behalf of Welsh Assembly Government, undertook a limited consultation lasting one month which involved key stakeholders such as water undertakers, licensed water suppliers, LACORS (Local Authorities Co-ordinators Of Regulatory Services) and local authorities. The amendments will have no impact on the general public and little practical impact on key stakeholders.

9. Guidance

9.1 Guidance on the original Regulations and the amendments will be published on the Drinking Water Inspectorate's website (<http://www.dwi.gov.uk/>).

10. Impact

10.1 A Regulatory Impact Assessment (RIA) has not been prepared as the amendments have no impact on the costs of businesses.

11. Regulating small business

11.1 The original legislation applies to small business and these amendments do not change this.

12. Monitoring & review

12.1 There are no plans to review the policy unless amendments are made to the Directive.

13. Contact

Phil Chatfield at Welsh Assembly Government, Tel 02920 826218 or e-mail:
phil.chatfield@wales.gsi.gov.uk, can answer any queries regarding the instrument.