

## Advice Sheet 8 - The Law



### Relaxation Of Standards

In certain circumstances, Local Authorities may authorise the relaxation of one or more of the legal standards for private water supplies laid down by Part II of the Regulations, however, it should be satisfied:

- that the authorisation is necessary, as an emergency measure, to maintain a supply of water for human consumption. These should only be considered in very exceptional circumstances and for a limited period in which it is essential to maintain a supply of water. Authorisations given in these circumstances must not relax the legal standards so as to give rise to a public health risk which the local authority considers unacceptable.
- that the authorisation is called for by reason of exceptional meteorological conditions. These should be needed only infrequently to deal with short-term situations. They must not relax the standards for toxic or microbiological parameters and they must not give rise to a public health hazard.
- that the authorisation is called for by reason of the nature and structure of the ground in the area from which the supply emanates. These relaxations must specify the extent to which the prescribed concentration or value of any parameter is authorised to be contravened. They can either be permanent or include a date when they will cease to have effect. They cannot be used to relax the standards for toxic or microbiological parameters and they must not give rise to a public health hazard.
- that the supply is, or is to be used, solely for food production purposes. Relaxations are permitted to be authorised for supplies used solely for food production purposes, provided that the relaxation will not affect the fitness for human consumption of the food or drink in its finished form.

In respect of large supplies, Local Authorities are required to notify the Secretary of State of all relaxations authorised. However, this does not apply to private supplies, which serve a population of less than 5,000 or supply less than 1,000m<sup>3</sup> of water per day.

## **Unwholesome Or Insufficient Supplies**

Where a private water supply is either unwholesome or inadequate, the Council has the power to serve a statutory notice requiring the person(s) responsible for the supply to remedy the problem. The Council in considering what action is appropriate will take into account local agreements, covenants and in particular any charges made for the supply of the water. In the case of category 1 supplies i.e. those serving purely domestic premises, which are owner-occupied and where no party is deriving monetary benefit, advice will be given to the householder(s) on the risks to health and methods of remediation. In all other cases consideration will be given to the risks to health posed by the supply and, where those risks are significant, it is expected that the responsible person(s) will carry out remediation. As well as the Water Industry Act 1991, there are a variety of statutory instruments, including the Housing Act 1985, Health and Safety at Work etc Act 1974 and the Food Safety Act 1990 available to the Council to pursue formal action where remediation is not carried out voluntarily.

## **Pollution of a Water Supply**

It is an offence under the Water Industry Act 1991 to pollute a water supply, used for domestic or food manufacturing purposes. A person, who is guilty, shall be liable for a fine or imprisonment or both.

For further advice or information, please contact:

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