

[name] District Council  
The Private Water Supplies (Wales) Regulations 2017 (SI 2017/1041)  
Regulation 20 Notice

Insert Local Authority Name.

The Notice should be given a unique reference number.

Reference.

Insert the name and address of the relevant person or organisation the Notice is served on.

1. To Name of relevant person  
Of:

Introduction

Insert Local Authority name and address.

2. This Notice by [Name] District Council [Address] ("the Council") is made under the power in regulation 20 of the Private Water Supplies (Wales) Regulations 2017 ("the 2017 Regulations"). It takes effect from [insert date] [and amends Notice (ref. XXXX)/supersedes all previous Notices served on you under regulation 20 of the 2017 Regulations].

Insert the date of the Notice and whether this Notice replaces any previously served Notices. If not remove last sentence.

3. This Notice is served on you as the relevant person under Regulation 2(1) of the 2017 Regulations, in relation to the private water supply known as [Name of supply], [address in here] ("the Supply").

Insert the name and address of the supply this Notice refers to.

4. The Council is of the understanding that the Supply provides water intended for human consumption (as defined at Regulation 3 of the 2017 Regulations) to the properties below [OR], which are attached to this Notice [either list below the properties which are affected or attach list of properties at end of notice].

Append a list of the properties which are covered by this Notice. Or you can provide details in the text immediately below if this is more appropriate, however change the wording to: *The Council is of the understanding that the supply provides water for human consumption or part of a food undertaking to the following properties:*

5. In the Council's opinion, the Supply constitutes a potential danger to human health on the grounds that the Supply [amend as necessary]:

Amend section 5 as necessary. The Notice must be served when it is identified the supply constitutes a potential danger to human health. This could be following a failed sample result of a health based parameter or due to unacceptable risks identified from the risk assessment, or both.

- a) contains, from time to time, [state the parameter] in excess of Part [1 or 3] of Schedule 1 to the 2017 Regulations; and/or
- b) has been identified by a regulation 6 risk assessment as a significant risk that would constitute a potential danger to human health through [state here the reason, e.g. grazing animals at the source, ingress to tanks, contamination of source].

Amend as appropriate

[Restriction/Prohibition] of the Supply

6. The Council requires you, [Name of relevant person], within [state the number] days of service of this Notice to [restrict/prohibit] the Supply.

Insert name or relevant person and detail within how many days should they restrict or prohibit the supply. This should be a short (but reasonable) time period as the supply constitutes a potential danger to human health (i.e. days, not weeks).

7. For that purpose, you are required to [restrict/prohibit – amend this part of the notice as appropriate] the Supply by:

- a) advising consumers of the Supply to boil the water/not to drink the water [amend as necessary] intended for human consumption (as defined at Regulation 3 of the 2017 Regulations); or
- b) provide all consumers of the Supply with an alternative wholesome water supply.

Amend this section as appropriate. Typically boil advice is applicable where microbiological standards (notably faecal indicators) have been breached, or microbiological contamination is suspected. "Do not drink" notices, in general are relevant where chemical contamination is suspected or certain chemical standards have been breached depending on their toxicity. Advice in these cases should be sought from PHW. If the advice is to not drink then an alternative supply should also be provided in most cases. Cooled boiled water is generally safe to consume, so provision of an alternative supply is unlikely to be necessary in these instances. Prohibition should be considered if the supply is of such quality that it shouldn't be used for any purposes or come into contact with skin. If the supply is prohibited an alternative supply will, in most cases, be required.

8. The Supply must remain [restricted/prohibited] until the Council is satisfied that the Supply is no longer a potential danger to human health. As soon as the Council becomes aware the Supply is no longer a potential danger to human health this notice must be revoked in writing.

Amend as appropriate

Further actions

Insert name of relevant person

9. The Council also requires you, [Name of relevant person], to comply - within the timeframes stated - with the following conditions which, in the Council's opinion, are necessary to protect human health and to restore the wholesomeness of the Supply:

Insert reasonable time period for the relevant person to notify other users of the contents of the restriction of use advice. This should be a short (but reasonable) time period as the supply constitutes a potential danger to human health (i.e. days, not weeks).

a) Within [state the number] days of service of this Notice take all reasonable steps to ensure that all consumers of the Supply are made aware of the contents and advice in this Notice. Such reasonable steps include, as a minimum:

Insert time period; this should be a short (but reasonable) time period as the supply constitutes a potential danger to human health (i.e. days, not weeks).

i. Displaying this Notice in a prominent place, such as the Parish Notice Board, so that its contents and advice can be seen by all consumers of the Supply until the Council considers that there is no longer a potential danger to human health. You, as the relevant person, must inform the Council when and where the Notice is displayed within [state the number, for example 7] days of the date of this Notice.

ii. Providing the Council with the addresses of any property served by the Supply, to assist the Council in discharging its obligations under the 2017 Regulations.

The longer term actions should be stated here and text amended accordingly. Regulation 20 notices should have long term actions listed. It is not appropriate to list the restriction of use advice and have no longer term mitigation measures to improve the supply and make safe again. It is often better to give high level actions (such as the examples given in the text) rather than be too prescriptive. The actions should follow the multi-barrier approach and seek to eradicate the issue at source as well as installing appropriate treatment stages.

b) [Delete/amend as appropriate] Within [state the number of days] [Install an appropriate treatment system to remove or reduce the [parameter] to within the limits in the 2017 Regulations] [implement source protection measures (specify if possible)] [repair tanks, pipework, equipment etc]/connect the properties on the Supply to the public mains water supply].

A report of the proposed mitigation should be requested so this can be reviewed for appropriateness prior to installation.

c) Within 21 days of service of this notice demonstrate to the Council how you will mitigate the potential danger to human health by providing:

i. A report from a suitably and properly qualified competent person, whose competency has been agreed by the Council. The report must: (a) identify the treatment process; and (b) demonstrate the capability of the treatment system to achieve a wholesome supply of water in accordance with regulation 4 of the 2017 Regulations.

ii. A schedule of works within the report detailing the precise nature of the works to be carried out [to the reservoir] ("the Schedule of Works").

Amend as appropriate

d) Upon submission of the Schedule of Works and the report referred to in paragraph (c) above, and subject to the Council's agreement, you must complete the remedial works in accordance with the Schedule of Works within [state the number of days, of the service of this notice].

Insert time period; this will vary and should be appropriate (and reasonable) for the level of risk and the required mitigation. Typically 30 or 60 days for installation of treatment or other improvement works.

10. [Any product or substance used in a private supply must be a product or substance that would be permitted to be used in a water supply under regulation 5 of the 2017 Regulations and in accordance with the Drinking Water Inspectorate Guidance. [this paragraph should be omitted where it is not relevant]]

This paragraph should be included if the required remedial works require any new products or substances to be installed etc. which will come into contact with the water. If not relevant, remove.

11. The Council has the power to amend this Notice, including extending the deadline(s) specified herein. If you wish to request that a deadline(s) be extended, you must contact the Council's Authorised Officer at least 10 working days before the relevant specified deadline. Contact details for the Council's Authorised Officer can be found at the end of this Notice. A request to extend the deadline does not constitute an appeal against this Notice.

#### Offence and penalty

12. If you fail to comply with the terms of this Notice you are committing a criminal offence under Regulation 22 of the 2017 Regulations and are liable to either:

- a. on summary conviction, a fine not exceeding the statutory maximum or a term of imprisonment not exceeding 3 months or both; or
- b. on conviction on indictment, a fine or a term of imprisonment not exceeding 2 years or both.

#### Appeal

13. Any person who is aggrieved by this Notice may appeal to the Magistrates' Court under Regulation 21 of the 2017 Regulations. On an appeal, the Court may either cancel the Notice or confirm it, with or without modification. If you wish to appeal, you must appeal within 28 days of service of this Notice.

14. If you decide to appeal against the Notice, the Notice will remain in force unless suspended by the Court.

15. Appeals should be made to the Magistrates' Court, [the Courthouse address].

Insert local magistrate court details where the appeal any will be heard.

16. If you are unclear about your obligations under this Notice and/or your right to appeal, you may wish to seek independent legal advice. For all other queries, please contact the Council's Authorised Officer on the details below.

The Notice should be signed by an appropriate authorised officer and details completed. The Notice must be dated.

Signature:

Date:

Name in capitals:

Designation:

Address

Telephone:

Email: