

Information note on Regulation 16



Regulation 16 (Investigations) requires a local authority to carry out an investigation where it suspects or has evidence that, a water supply is unwholesome i.e. has or is likely to breach a prescribed concentration or value (PCV) for any water quality parameter specified in the Regulations. The purpose of the investigation is to determine the cause of the supply being or likely to be unwholesome and to identify the necessary remedial action(s).

An investigation would usually require a site inspection of the supply and possibly water quality sampling, for example where there are ingress risks in stored water tanks from animal faeces local to the source collection grounds. Other hazards may have developed or changed since the last risk assessment was undertaken and these must be considered too.

If the local authority is satisfied that the cause is due to the pipework (or fittings) within a domestic premise, they must then inform the people concerned promptly. They should give advice on measures necessary steps to restore wholesomeness. Where water is provided to the public, the local authority must, also inform the appropriate relevant persons that the cause of the unwholesome water is remediated as soon as practicable.

If, after 28 days of the local authority becoming aware of the cause of the unwholesome water, the risks that they present have not been mitigated, or a suitable plan to do so has not been agreed, the local authority **must** act in accordance with section 80 of The Water Industry Act 1991. This gives the local authority discretionary powers to serve a section 80 notice, (regulation 16(4)(b)) on one or more relevant person to ensure the improvements are made. Where any relevant person fails to take any remedial steps specified period in the section 80 notice, the local authority **may** take that step itself and recover expenses reasonably incurred by this action.

If the cause of the water being unwholesome presents a potential danger to human health and the cause is not due to the pipework/distribution system within a domestic premise, the local authority must serve a **notice under regulation 18** on one or more relevant person(s), as the local authority deems appropriate, requiring action to be taken.

Where any relevant person specified in a regulation 18 notice fails to take the remedial steps set out in the notice, the local authority may take that step(s) itself. The local authority may recover any expense reasonably incurred by this action.

Regulation 16(6) also requires that where a parameter that is being monitored on a reduced frequency or is otherwise varied, has breached a PCV, the frequency of monitoring must immediately return to normal frequency following the breach. **See guidance note on regulation 7.**