

## **Explanatory Memorandum to the Private Water Supplies (Wales) (Amendment) (No2) Regulations 2010.**

This explanatory memorandum has been prepared by the Department of Environment, Sustainability and Housing and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

### Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Private Water Supplies (Wales) (Amendment) (No2) Regulations 2010

*Jane Davidson*

Minister for Environment, Sustainability and Housing

1 May 2010

### **1. Description**

The Regulations introduce the provisions of the proposed regulation 5 in the consultation draft of the Private Water Supplies (Wales) Regulations 2010 (S.I. 2010/66 (W.16)). This regulation limits the products and substances that can be used in private supplies. Permitted products and substances are listed in regulation 31 of the Water Supply (Water Quality) Regulations 2010 (the public water supply regulations). This regulation contains technical standards and so has been notified to the Commission under Directive 98/34 ("the Technical Standards Directive"). In addition, following discussions with the Drinking Water Inspectorate, the wording of regulation 5(1) has been revised to improve clarity and compatibility with the wording in the European Council Directive 98/83/EC on the quality of water intended for human consumption.

### **2. Matters of special interest to the Constitutional Affairs Committee**

None.

### **3. Legislative background**

These Regulations are made using the powers of the Welsh Ministers under Sections 67, 77(3) & (4) and 213 of the Water Industry Act 1991 and under section 2(2) of the European Communities Act 1972. They follow the negative resolution procedure.

#### **4. Purpose & intended effect of the legislation**

The original Regulations transposed the European Directive 98/83/EC on the quality of water intended for human consumption (“the Drinking Water Directive”) in respect of private water supplies in Wales.

The new regulation 4A limits the products and substances that can be used in private supplies. Permitted products and substances are listed in regulation 31 of the Water Supply (Water Quality) Regulations 2010 (the public water supply regulations).

In addition, following discussions with the Drinking Water Inspectorate, the wording of regulation 5(1) has been revised to improve clarity and compatibility with the wording of the Drinking Water Directive.

#### **5. Consultation**

Regulation 4A was included in the public consultation undertaken in 2009. Further consultation is not required on the amendments to regulation 5 as the minor changes required will not affect stakeholders.

#### **6. Implementation**

The Welsh Assembly Government is working with the Drinking Water Inspectorate (DWI) on comprehensive guidance for local authorities, owners and users of such private water supplies. The regulatory requirements are set out in detail in the guidance published on the DWI web site in April, which will be updated to include these amendments.

#### **7. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment (RIA) has not been prepared for this amendment as it has no impact on the costs of businesses. An RIA was prepared for the original consultation on the full Regulations which did include the new regulation 4A.

#### **8. Monitoring & review**

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