

**EXPLANATORY MEMORANDUM TO THE WATER SUPPLY (WATER
QUALITY) (AMENDMENT) REGULATIONS 2011 No. 14 (W.7)**

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 To amend the Water Supply (Water Quality) Regulations 2010 (“the Principal Regulations”) to clarify the sampling requirements in Regulation 6, which deals with monitoring, to correct a typographical error affecting regulation 20 and the offence provisions in regulation 33.

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

- 3.1 In its Third Report of Session 2010-11 (HL Paper 42, HC 354-iii), the Joint Committee on Statutory Instruments (“JCSI”) drew special attention to the Principal Regulations on the ground of defective drafting, which had been acknowledged by the Welsh Assembly Government. These amendment Regulations aim to remedy the defects reported by the JCSI and correct a typographical error which has been identified by the Welsh Assembly Government.
- 3.2 This instrument applies to the operations of water companies providing drinking water operating wholly or mainly in Wales. As such they apply in both Wales and parts of England and are laid simultaneously in Parliament and the National Assembly for Wales.

4. **Legislative Context**

- 4.1 The Principal Regulations implement aspects of Council Directive 98/83/EC on the quality of drinking water intended for human consumption (“the Directive”).

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England and Wales (see paragraph 3.2).

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Principal Regulations consolidated the Water Supply (Water Quality) Regulations 2001 and a number of subsequent amendments. The Principal Regulations also introduced amendments to the 2001 Regulations to address concerns raised by the European Commission over the implementation of aspects of the Directive.

7.2 The JCSI identified a number of concerns with the Principal Regulations. These relate to errors in cross references in Regulation 6(4) and 6(5) and to the enforcement provisions in Regulation 33(1) applying to Regulation 27(3) instead of 27(4). These amending Regulations aim to address JCSI's concerns and to correct a typographical error. They do not make any change to the policy.

8. Consultation outcome

8.1 These amendments correct defects in the Principal Regulations to ensure that they operate as intended. Therefore no additional consultation has been undertaken. Full consultations were undertaken for the 2001 Regulations. For the Principal Regulations, as the changes were a requirement of the Drinking Water Directive affecting only those companies providing public water supplies, a limited engagement exercise was undertaken, in accordance to Welsh Assembly Government consultation guidelines. The Drinking Water Inspectorate, on behalf of Welsh Assembly Government, met with WaterUK and officials discussed the proposals directly with DCWW and Dee Valley Water Company. The water companies were content with the draft regulations. The amendments had no impact on the general public and little practical impact on key stakeholders.

9. Guidance

9.1 Guidance on the Principal Regulations is published on the Drinking Water Inspectorate's website (<http://www.dwi.gov.uk/>).

10. Impact

10.1 There is no impact on business, charities or voluntary bodies as a result of these amendments.

10.2 There is no impact on the public sector as a result of these amendments.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There are no plans to review the operation of this instrument. The operation of the Principal Regulations will be reviewed if amendments are made to the Directive.

13. Contact

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