

STATUTORY INSTRUMENTS

S.I. No. 259 of 2003

EUROPEAN COMMUNITIES (QUALITY OF WATER INTENDED FOR HUMAN CONSUMPTION) (AMENDMENT) REGULATIONS, 2003

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European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by Section 3 of the European Communities Act, 1972 (No. 27 of 1972) and for the purpose of giving further effect to the Council Directive 80/778/EEC of 15 July, 1980¹, Council Directive 98/83/EC of 3 November, 1998² and Directive 2000/60/EC of the European Parliament and of the Council of 23 October, 2000³ hereby makes the following Regulations:

³ O.J. No. L 327/1, 22.12.2000

² O.J. No. L330, 5.12.1998, P.32.

¹ O.J. No. L229, 30.8.1980, P.1.

1. These Regulations may be cited as the European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2003

2. These Regulations shall come into operation on 1 August, 2003.

3. The European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988 (S.I. No. 81 of 1988) are hereby amended by

(a) the insertion of the following definition after the definition of "premises" in article 2 of the Regulations:

" "private water supply" means a water supply intended for human consumption which is not in the charge or ownership of a sanitary authority or any person acting on its behalf;"

(b) the deletion of article 4 thereof and the substitution therefor of the following article:

"4. (1) It shall be the duty of a sanitary authority to take the necessary measures to ensure that:

(a) water intended for human consumption meets the requirements of these Regulations, except where a departure is granted under article 5, and with Article 4, the quality of water intended for human consumption does not meet the parametric values specified in Part 1 of the Schedule, the sanitary authority shall, subject to any departures in force under article 5:

(a) ensure, subject to article 4, that the necessary remedial action is taken as soon as possible to restore the quality of the water and give priority to its enforcement action, having particular regard to the extent to which the relevant parametric value has been exceeded and to the potential danger to human health,

(b) in the case of a public water supply, prepare an action programme within 60 days of receipt by the sanitary authority of the monitoring results and implement such action programme for the improvement of the quality of the water so as to secure compliance with these Regulations as soon as possible and not later than

(i) 12 months from the date of finalisation of an action programme in relation to the water quality standards specified in Part 1 of the Schedule in relation to matters which present a risk to public health, and

(ii) 30 months from the date of finalisation of an action programme in relation to all the water quality standards specified in Part 1 of the Schedule, other than those referred to in sub-paragraph (i),

(c) in the case of a private water supply, other than an individual supply serving fewer than 50 persons or providing less than 10m³ a day where the water is not supplied as part of a commercial or public activity, serve, within 14 days of receipt by the sanitary authority of the monitoring results, a notice in writing on the person or, where there is more than one such person, each person responsible for that supply requiring that person, or persons as the case may be, to prepare within 60 days of the date of the said notice an action programme and to implement such action programme, including such interim measures as may be appropriate, for the improvement of the quality of the water so as to secure compliance with these Regulations as soon as possible and not later than

(i) 12 months from the date of finalisation of an action programme in relation to the water quality standards specified in Part 1 of the Schedule in relation to matters which present a risk to public health, and

Given under the Official Seal of the Minister for the Environment, Heritage and Local Government this 26th day of June, 2003.

L.S.

MARTIN CULLEN

Minister for the Environment, Heritage and Local Government

Explanatory Note

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities (Quality of Water Intended for Human Consumption) Regulations, 1988 (S.I. No. 81 of 1988) to give further effect to Council Directive 80/778/EEC of 15 July, 1980, Council Directive 98/83/EC of 3 November, 1998 and Directive 2000/60/EC of the European Parliament and the Council of 23 October, 2000.

The Regulations place an onus on those responsible for certain private water supplies to take the necessary measures to ensure that drinking water supplied meets the prescribed standards. The Regulations also provide for procedures and remedial actions to be taken where supplies do not meet the standards.