

**L.N. 23 of 2004**

**FOOD SAFETY ACT  
(ACT NO. XIV OF 2002)**

**Quality of Water Intended for Human Consumption  
Regulations, 2004**

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister of Health has made the following regulations:-

Citation and commencement.

**1.** (1) The title of these regulations is the Quality of Water Intended for Human Consumption Regulations, 2004.

(2) These regulations shall come into force on the 15th January, 2004.

Definitions.

**2.** In these regulations, unless the context otherwise requires:-

“the Act” means the Food Safety Act;

“distribution network” includes any method by which water intended for human consumption is transported to a domestic distribution system;

“domestic distribution system” means the pipework, fittings and appliances which are installed between the taps intended to convey water for human consumption, and the distribution network, except those which fall under the responsibility of the water supplier in its capacity as a water supplier;

“responsible person” shall have the same meaning as in the Act and includes the occupier of any household;

“source” with respect to water shall include the outlet of water treatment works, a borehole, a pumping station, a blending point or a service reservoir, whether permanent or not;

“water” shall include:

(a) potable water intended for human consumption either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, in bottles, containers or from a private water supply;

(b) potable water used in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the Health Authority is satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form;

“private water supply” means any potable water which is not distributed through a distribution network;

“water supplier” means any person authorised by the Health Authority to provide water to any premises;

“water supply zone” means an area with a population not greater than 50,000 and to which water is supplied.

**3.** (1) These regulations concern the quality of water intended for human consumption, with the objective to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that it is wholesome and clean, and to set in place a regime that provides protection to persons consuming the water. Scope.

(2) These regulations shall apply to any water supplied by a water supplier.

**4.** It shall be the duty of the responsible person to ensure that the water intended for human consumption is wholesome and clean throughout the distribution system in terms of regulation 7 of these regulations Duty of responsible person.

**5.** These regulations shall not apply to: Non-applicability of these regulations.

(a) natural mineral waters approved as such by the Health Authority;

(b) water which is or is used in medical products recognised as such by the Health Authority.

**6.** (1) The Health Authority may exempt from the provisions of these regulations: Exemptions from these regulations.

(a) water intended exclusively for those purposes for which the Health Authority is satisfied that the quality of the water has no influence, either directly or indirectly, on the health of the consumers concerned;

(b) water intended for human consumption from any individual supply providing less than 10 m<sup>3</sup> a day as an average or serving fewer than 50 persons, unless the water is supplied as part of a commercial or public activity.

(2) When the Health Authority grants an exemption under the preceding sub-regulation, it shall ensure that the population concerned is informed of such exemption and of any action that can be taken to protect human health from the adverse effects resulting from any contamination of water intended for human consumption. In addition, when the Health Authority becomes aware of the possibility of potential danger to human health arising out of the quality of such water, the Health Authority shall ensure that such exemption is withdrawn.

Wholesomeness of water intended for human consumption.

7. For the purpose of these regulations, water intended for human consumption shall be wholesome and clean if it:

(a) is free from any micro-organisms and parasites and from any substance which, in amount or concentrations, constitute or may constitute a potential risk to human health;

(b) does not contain any element, organism or substance at a concentration or value which in conjunction with any other element, organism or substance it contains would be detrimental to public health;

(c) meets the minimum requirements set out in Schedule I, Parts A and B hereof; and

(d) is in accordance with the provisions of these regulations and any other laws.

Quality standards.

8. (1) For the purpose of these regulations, water shall be deemed to be intended for human consumption if it conforms with Schedule I to these regulations.

(2) The Health Authority may, in the interest of public health, set values for additional parameters not included in Schedule I hereof, provided that the values set should as a minimum satisfy the requirements of regulation 7 of these regulations.

Point of compliance.

9. (1) The aforementioned parametric values shall be complied with:

(a) at the point in any premises or establishment where the water for human consumption emerges from the taps, when such water is supplied through a distribution network;

(b) in the case of water supplied from a tanker, at the point at which it emerges from the tanker;

(c) in the case of water put in bottles or containers intended for sale, at the point at which the water is put into the bottles or containers.

(2) When the responsible person becomes aware that the water is not within the parametric values set in regulation 6, he shall immediately ensure that appropriate measures are taken to reduce or eliminate the risk of non-compliance with the parametric values and shall inform the consumers concerned of any possible additional remedial action that they shall take.

**10.** (1) The Health Authority shall take all measures necessary to ensure that: Monitoring.

(a) regular monitoring of the quality of water intended for human consumption is carried out, in order to ensure that the water supplied to the consumer meets the requirements of these regulations; and

(b) where disinfection forms part of the preparation or distribution of water intended for human consumption, the efficiency of the disinfection treatment applied is verified, and that any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.

(2) It shall be the duty of all water suppliers to adopt programmes in terms of Schedule II hereof to monitor all water intended for human consumption.

(3) The Health Authority shall determine the sampling points to ensure compliance with the said Schedule II.

(4) When there is reason to suspect a potential danger to human health, the Health Authority may require any additional monitoring of substances and micro-organisms for which no parametric value has been set in accordance with regulation 7.

**11.** (1) After identifying whether a water supply zone is supplied by water from one or more sources, water suppliers are required to Identification of water supply zones.

prepare and maintain a record of water supply zones which establish sampling frequencies, in order to ensure compliance with these regulations, which information shall be made available to the public.

(2) When a water supply zone is supplied by more than one source, and this could give rise to significant differences in water quality within that zone, that zone shall be subdivided into separate supply zones.

Sampling procedures .

**12.** (1) For the purpose of these regulations water samples shall:

- (a) meet the minimum requirements as per Schedule II; and
- (b) be taken from those points representative of the water supply in that zone.

(2) Sampling from supply or sampling points, whether fixed or random, shall be carried out under the direction and to the satisfaction of the Health Authority.

(3) Water suppliers should retain a sampling manual outlining the procedures and precautions to be adopted for each parameter or group of parameters, and such manual shall be available for inspection and approval by the Health Authority at any time.

Methods of analysis.

**13.** (1) The methods of analysis shall comply with the specifications for the analysis of parameters as per Schedule III of these regulations.

(2) The non-compliance with the said Schedule III shall require the authorisation of the Health Authority after all relevant information has been submitted to it in writing by the applicant.

Action if quality standard is not achieved.

**14.** (1) The water supplier shall on becoming aware that the quality of the water is not in accordance with these regulations, notify the Health Authority.

(2) The Health Authority may publish any of the information notified by the water supplier under sub-regulation (1) hereof:

Provided that the water supplier shall seek expert advice and take all necessary measures to safeguard the consumer from any potential health hazard.

Publication of information.

**15.** Water suppliers shall publish an annual report of their operations as may be determined by the Health Authority.