

# Information note on Regulation 9



## Background

Regulation 9 applies to all private supplies where the water:

- (a) Supplies an average daily volume of water of 10m<sup>3</sup> or more for domestic purposes. (Note. where volume cannot be ascertained this equates approximately with 50 persons or more); or
- (b) Supplies water to premises where the water is used for a commercial activity or to public premises.

## Public premises

Supplies to public premises are where the water is made available for the public for human consumption (a definition of human consumption can be found in the Information Note on regulations 2 and 3). This includes public buildings, examples of which are given in the appendix to DWI Information letter 10/2004 (this list is illustrative and is not exhaustive):

Medical	Hospital
	GP surgery
	Dentist surgery
	Health centre
	Nursing homes
	Retirement /residential home for the elderly
Education	School/college
	Further education
	University
	Nursery schools
Hostelries	Cafes
	Pubs
	Restaurants
	Hotels and inns
	Guest houses
	Banquet/function
	Wine bar
	Campsite
Exhibition	Museum
	Art gallery
	Exhibition centre
	Conference centre

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Sports	Sports ground/stadium
	Leisure centre
	Swimming pool
	Health clubs
	Tourist attractions
	Night clubs
	Theatre/concert halls
	Ice rink
	Cinema
	Historic building/stately homes
Miscellaneous	Hairdresser
	Beauty salon
	Prison/detention centre
	Community centre
	Job centre
	Housing centre

Other premises where a private supply is made available to the public intended for human consumption include those where a supply of drinking water is offered to the general public include festivals, fairs and temporary events (where the water is also used as part of a commercial activity). Private water supplies that supply water fountains, including those which form part of a heritage attraction (e.g. ancient springs and grottos) also fall within the scope of a public activity.

## Commercial activity

The Private Water Supplies (Wales) Regulations 2010 include Regulation 9 supplies. In Wales, Regulation 9 supplies include supplies of water to premises where water is used for a commercial activity.

Commercial activity is not defined in the Drinking Water Directive. Existing guidance produced by the Inspectorate confirmed that it includes:

- hotels, guest houses, restaurants, cafes and bed and breakfast (B&B) establishments, including single private dwellings where B&B is available;
- holiday let accommodation;
- caravan sites, camp sites and similar facilities, whether seasonal or open all year;
- food production undertakings;
- childminders who operate as a business (as opposed to parents/grandparents offering childcare for free).

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The following examples fall outside the scope of commercial activity:

- Properties or housing provided as part of a job, where the occupants of the property have special rights of occupation and maintenance that are akin to ownership, e.g. tied cottage, lifetime tenancy/occupation rights.
- Agricultural tenancies – On the basis that the provision of accommodation is not the primary purpose of the tenancy and it is generally long-term.
- Foster homes – financial compensation is provided rather than payment (provision of a home rather than a service).
- Temporary events not on a private water supply (mains supply, tankers, and bowsers). In these cases local authorities should ensure the organisers comply with BS8551.

## **Is a private supply serving a business office a regulation 9 supply?**

An office is not deemed a public building, nor is the water being consumed considered part of a commercial activity. This is because the employer has a duty under health and safety law to provide employees and visitors with water for drinking and sanitation facilities. Note. Where a single domestic dwelling (SDD) served by a private water supply is used as a base or office from which a commercial activity is operated, regulation 9 may apply. Examples of these types of regulation 9 supplies include:

- Where the commercial activity operated from the SDD uses the water in any food production undertaking for the manufacture, processing, preservation or marketing of products or substances intended for human consumption, and/or where the water is used for domestic purposes by members of the public. For example, a dwelling offering tea room facilities to the public.
- Where a SDD is used for an activity by the owner occupier employing workers, and the employees of the business rely on the kitchen and bathroom facilities to consume water for domestic purposes, AND the volume of water supplying the SDD is 10m<sup>3</sup> or more per day (if it is less than this volume it is a regulation 10 supply).
- Where more than 10m<sup>3</sup>/day of water is consumed for domestic purposes from the SDD by workers/employees (if it is less than this volume it is a Regulation 10 supply). An example of this type of arrangement might be kennels or stables, where workers use the kitchen of the SDD as a rest room.

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Water used in milking parlours for washing down purposes only is covered by food law and the regulating body is the Food Standards Agency (see Information Note on Regulations 2 and 3).

## **Monitoring**

Monitoring of Regulation 9 supplies must be carried out in accordance with Schedules 2 and 2A of the Regulations and to carry out any additional monitoring that the risk assessment (see Regulation 6) shows to be necessary. Further guidance on monitoring frequencies is set out in the Guidance Note on Monitoring.