

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3227 of 7 June, 2001

LEGAL NOTICE NO.61 OF 2001

PUBLIC HEALTH ACT

**PUBLIC HEALTH (POTABLE WATER) RULES 1994
(AMENDMENT) RULES 2001**

In exercise of the powers conferred on the Government by section 110 of the Public Health Act and in order to transpose into the law of Gibraltar Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption the Government hereby makes the following Rules–

PART I

GENERAL

Citation.

1. These rules may be cited as the Public Health (Potable Water) Rules 1994 (Amendment) Rules 2001.

Amendment of the Public Health (Potable Water) Rules 1994.

2.(1) The Public Health (Potable Water) Rules 1994 shall be amended in accordance with the provisions of this rule.

(2) Rule 3 shall be amended by substituting for the reference “Article 6.1”, in both instances where that reference appears, the reference “Article 3(2)(a)”.

(3) Rule 4 shall be amended as follows–

(a) for sub-rule (1), there shall be substituted the following sub-rule–

“(1) Schedules 1 to 3 shall have effect.”;

(b) sub-rule (2) is revoked;

- (c) sub-rule (3) is amended by substituting for the words “Tables D and E respectively of Annex I to the Directive” the words “Schedule 1 to these rules”;
 - (d) sub-rule (4) is amended as follows–
 - (i) for the words in paragraph (b) “Annex I to the Directive” there shall be substituted the words “Schedule 1 to these rules”;
 - (ii) in paragraphs (a) and (c)–
 - (aa) by omitting the word “the” appearing before the word “Schedule”;
 - (bb) by inserting the reference “1” after the word “Schedule”.
- (4) Rule 5 shall be amended as follows–
- (a) sub-rule (1) is amended by substituting for the words “Annex 2 to the Directive” the words “Schedule 2 to these rules”;
 - (b) sub-rule (4) is amended by substituting for the words “Annex 3 to the Directive” the words “Schedule 3 to these rules”.
- (5) Rule 8 shall be amended as follows–
- (a) sub-rule (1)(b) is amended by substituting for the words “Tables D and E of Annex I to the Directive” the words “Schedule 1 to these rules”;
 - (b) for sub-rule (2) and (3) there shall be substituted the following sub-rules–
 - “(2) The competent national authority may permit an exemption from any requirement of these rules on the ground that the water is intended for human consumption from any individual supply providing on average less than 10 cubic metres of water per day or serving fewer than 50 persons.

- (3) Sub-rule (2) shall not apply where the water concerned is supplied as part of a commercial activity or as a general public service.”;
 - (c) sub-rule (4) shall be amended by substituting for the word “derogation” in all instances where that word appears, the word “exemption”.
- (6) The following rules shall be inserted after rule 11–

“Investigations.

11A.(1) Subject to sub-rule (3), where a supplier of potable water has reason to believe that water supplied by it fails to comply with the provisions of these rules he shall immediately take such steps as are necessary to identify the matters specified in sub-rule (2) below.

(2) The matters referred to in sub-rule (1) are–

- (a) the cause, extent and nature of the failure or, as the case may be, the apprehended failure;
- (b) whether the failure, or apprehended failure is attributable–
 - (i) to the domestic distribution system;
 - (ii) to the maintenance of that system; or
 - (iii) to neither of those matters.

(3) As soon as may be after the matters specified in sub-rule (2) have been identified, the supplier of potable water shall notify the competent national authority–

- (a) of those matters;
- (b) whether it is the opinion of the supplier of potable water that a similar failure is likely to recur; and

- (c) of the remedial action (if any) taken by the supplier of potable water in relation to the failure.

(4) Where the supplier of potable water has identified a failure, it shall, at the same time as notification is given under sub-rule (3)–

- (a) by notice in writing to those of its consumers–

- (i) to whom it supplies water; and

- (ii) who are likely to be affected by the failure,

- inform them of the nature of the failure and provide details of the steps (if any) that, in the opinion of the supplier of potable water, it is necessary or desirable for those consumers to take in the interests of their health; and

- (b) send a copy of that notice to the competent national authority.

Action by the competent national authority.

11B.(1) Where following a notification given to the competent national authority in accordance with rule 11A it appears to the authority that the failure is not trivial and is likely to recur, the authority may take such remedial action as, in the opinion of the authority may be reasonably required in the circumstances.

(2) It shall be the duty of a supplier of potable water to comply with any instructions issued to it by the authority in accordance with sub-rule (1).

Provision of information.

11C.(1) A supplier of potable water shall make available for inspection by the public at all reasonable hours and free of charge the record maintained by it in respect of matters falling within these rules.

(2) Where a supplier has benefited from an exemption under these rules, he shall inform his customers of the fact and make available

for inspection by the public at all reasonable hours and free of charge a report setting out the consequences of the exemption for human health as well as any remedial measures customers may take in order to protect themselves.

(3) A supplier of potable water shall afford to any person facilities to take or obtain a copy of any part of a record maintained pursuant to sub-rule (1) or (2) on payment of such reasonable charge as the supplier may determine.

(4) A supplier of potable water shall include in or append to at least one of the accounts sent to each customer in any year a statement informing them—

- (a) that records of water quality may be inspected by the public free of charge; and
- (b) of the address, telephone number and hours of opening of the offices at which an inspection can be made.”.

(7) For the Schedule shall be there shall be substituted Annex I to the Directive which shall be denominated “Schedule 1”.

(8) Annex II and III to the Directive shall be inserted after Schedule 1 and denominated “Schedule 2” and “Schedule 3” respectively.

Dated the 7th day of June, 2001.

E. BRITTO
Minister for Public Services,
the Environment, Sport and Youth