

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3596 of 3 May, 2007

LEGAL NOTICE NO. 75 OF 2007.

PUBLIC HEALTH ACT

**PUBLIC HEALTH (POTABLE WATER) (AMENDMENT)
RULES 2007**

In exercise of the powers conferred on him by sections 140 and 337 of the Public Health Act, and all other enabling powers, the Governor has made the following Rules—

Title.

1. These Rules may be cited as the Public Health (Potable Water) (Amendment) Rules 2007.

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

2. The Public Health (Potable Water) Rules 1994 are amended as follows—

(a) after rule 1 insert—

“Interpretation.

1A.(1) In these Rules—

“the Directive” means Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption.

(2) In these Rules, unless the context otherwise requires, any term used but not defined shall be construed in accordance with the provisions of the Directive.”;

(b) in rule 4(4)(c)—

(i) for “.” substitute “,”;

- (ii) after paragraph (c) insert the tailpiece–

“and any derogation granted under this subrule shall be for the shortest period of time possible and in any event shall not exceed 3 years.”;

- (iii) after rule 4(4) insert–

“(4A) Where the competent national authority issues instructions in accordance with subrule (4) for non-compliance with the parametric values set out in Schedule 1, if–

(a) the competent national authority considers the non-compliance to be trivial; and

(b) the non-compliance is remedied within 30 days,

the instructions need not apply the requirements set out in Article 9(3) of the Directive but must set out the maximum permissible value for the parameter concerned and state the time allowed for the non-compliance to be remedied.

(4B) Subrule (4A) shall not apply where the failure to comply with any one parametric value for a given water supply has occurred on more than 30 days on aggregate during the previous 12 months.

(4C) Where a supplier of potable water is granted a derogation pursuant to subrule (4) he must promptly inform the public that a derogation has been granted and the information made public must include the conditions attached to the derogation.

(4D) The competent national authority shall, where necessary, ensure that advice is given to particular population groups for which the derogation could present a risk to their health.”;

- (c) at the end of rule 7(1) insert–

“provided that where the supply is to be interrupted or restricted prior consideration must be given to the risks to human health that such an interruption may cause.”;

(d) in rule 11A(2)(b)(i) after “to” insert “the”;

(e) for rule 11A(4) substitute–

“(4) Where the supplier of potable water has taken remedial action with regard to the failure to meet a parametric value set out in Part A, Part B, or both, of Schedule 1, at the same time as it notifies the competent national authority pursuant to subrule (3) the supplier of potable water must notify consumers–

(a) 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.

(5) Subrule (4) shall not apply where the competent national authority considers the non-compliance with the parametric values in Schedule 1 to be trivial.”;

(f) in rule 11C(2)–

(i) for “his customers” substitute “the population concerned”; and

(ii) in the second instance that the word “customers” appears substitute “the population concerned”;

(g) after rule 12 insert–

“Dissemination of information on water quality.

13. The competent national authority shall ensure that adequate and up-to-date information relating to the quality of water intended for human consumption is made available to the public, and the publication of such information by electronic means shall be sufficient for the purposes of this rule.”;
- (h) in Schedule 3 delete the table and the heading “Annex IV Deadlines for transposition into national law and application”.

Dated this 3rd day of May, 2007.

P R BARTON,

Acting Governor.

EXPLANATORY MEMORANDUM

These Rules provide for the further transposition of Directive 98/83/EC on the quality of water intended for human consumption.