

**REGULATION OF PUBLIC DRINKING WATER
QUALITY BY THE DRINKING WATER
INSPECTORATE**

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF AGRICULTURE,
ENVIRONMENT AND RURAL AFFAIRS
AND THE DEPARTMENT FOR INFRASTRUCTURE**

1 INTRODUCTION

This memorandum sets out the working arrangements between the Department of Agriculture, Environment and Rural Affairs (DAERA) and the Department for Infrastructure (DfI) with regard to mutual co-operation to ensure the protection of public health in relation to public drinking water quality in Northern Ireland.

These working arrangements supersede the previous Memorandum of Understanding (MoU) between Department for Regional Development (DRD- now DfI) and Department of Environment (DOE- now DAERA), dated 24 November 2010. A copy of this agreement will be laid before the Northern Ireland Assembly, under Article 11 of the Water and Sewerage Services (Northern Ireland) Order 2006 (the Order).

The Environmental Better Regulation Act (Northern Ireland) 2016 amended the Order to transfer the regulation of the quality of public drinking water supplies from DRD to DOE from the 12 April 2016.

This agreement will be reviewed as required, and any amendments may be made by mutual agreement between both parties and shall be laid before the Assembly.

DWI's key roles and responsibilities (with regard to public water):

- Provide independent assurance that public drinking water supplies are safe, clean and wholesome;
- Provide technical advice and guidance to the Minister- for Agriculture, Environment and Rural Affairs;
- Attendance at the Agriculture, Environment and Rural Affairs Committee when required;
- Provide information to the public on public drinking water quality as required;

- Authorise use of products and substances in drinking water in Northern Ireland as required;
- Report on the implementation of drinking water quality regulations, through the publication of an annual report;
- Carry out inspections of water sampling and analytical processes and assess water treatment and distribution policies and practices;
- Investigate events which affect or could affect drinking water quality;
- Select appropriate statutory mechanisms to secure compliance with drinking water quality regulations. This includes taking forward appropriate processes for authorised departures, enforcement orders, notices and prosecutions;
- Develop regulation policy and processes for drinking water issues in association with other UK drinking water regulators;
- Enforcement of water quality failures in premises where water is supplied to the public;

2 WORKING ARRANGEMENTS

Any work carried out by DWI with regards to the regulation of Northern Ireland Water under the Water Supply (Water Quality) Regulations (Northern Ireland) 2007 (as amended) is carried out on behalf of DAERA.

Where Ministerial approval is required in the administration of these regulations, or in the development of policy in relation to drinking water quality the appropriate Minister is the Minister of Agriculture, Environment and Rural Affairs.

DWI may attend the Infrastructure Committee on matters of mutual interest subject to the DAERA Minister's approval.

DWI and DfI should, as a matter of urgency, inform the other when they become aware of any incident which could have an impact on the safety of drinking water.

DWI will inform DfI when it:

- issues advice or guidance to NIW;
- issues an Authorised Departure to NIW;
- takes enforcement action against NIW;
- takes prosecution against NIW

DfI will inform DWI when it:

- issues advice or guidance to NI Water;
- issues policies on the protection of critical drinking water infrastructure, where appropriate.

Agreements between third parties and DWI on issues relating to the quality of public water supplies (for example with DWI England and Wales or Drinking Water Quality Regulator in Scotland) are agreements between third parties and DAERA. DWI will inform DfI of agreements or contracts with any third parties, where appropriate.

3 COMMUNICATION BETWEEN DAERA AND DfI

DAERA and DfI should inform the other in advance of issuing a Ministerial or Press Statement in relation to the safety or quality of drinking water. These communications should be made through the respective Press Offices. DWI will furnish DfI with a copy of its Annual

Report which contains an overview of drinking water quality in Northern Ireland.

4 CO-OPERATION BETWEEN DAERA AND DfI

DAERA and DfI agree to co-operate in areas of mutual interest to ensure the protection and safety of the public and private drinking water supplies.

5 REVIEW OF ARRANGEMENTS

This agreement will be kept under review by both parties, dependent on regulatory or operational requirements. Any changes to the agreement will be made with the consent of both parties.

Signed by:



Chris Mills

Director of Resource Efficiency Division

Authorised for and on behalf of the Department of Agriculture, Environment and Rural Affairs

Date: 27/5/2016.



Linda MacHugh

Director of Water and Drainage Policy Division

Authorised for and on behalf of the Department for Infrastructure

Date: 3. 6. 16.