

Information Note

13 January 2026

Provision for food business operators with private water supplies as set out in Regulation 3(3) of S.I. No. 99 of 2023

The questions and answers listed below are intended to provide clarity on the role of the official agencies of the Food Safety Authority of Ireland (FSAI) regarding application of the provision for food business operators with private water supplies as set out in Regulation 3(3) of [S.I. No. 99 of 2023](#).

What is changing for food businesses with private water supplies from 13 January 2026?

From 13 January 2026 a food business operator using its own private water supply can avail of the provision set out in Regulation 3(3) of S.I. No. 99 of 2023 which states:

(3) *Subject to paragraph (4), these Regulations shall not apply to a food business operator with its own water supply, in relation to the water used for the specific purposes of the food business, where—*

(a) the FSAI, or

(b) an official agency of the FSAI carrying out functions under a service contract pursuant to section 48 of the Food Safety Authority of Ireland Act 1998 (No. 29 of 1998),

is satisfied that—

(i) the quality of the water supply cannot affect the safety of the foodstuff in its finished form, and

(ii) the water supply of the food business complies with relevant obligations, in particular under the procedures on hazard analysis and critical control point principles, where applicable, and remedial actions under relevant legislation on food.

(4) *Paragraph 3 comes into operation on 13 January 2026 (as amended by [S.I. No. 673 of 2025](#))*

Are food businesses with private water supplies being removed from the Local Authority register from 13 January 2026?

No. A Local Authority will continue to be the supervisory authority for food businesses with private water supplies in whose functional area the water is supplied. Therefore, a food business with its own private water supply will remain on the Local Authority register after 13 January 2026. However, as stated above, food businesses with private water supplies can avail of the provision set out in Regulation 3(3) of S.I. No. 99 of 2023 from 13 January 2026, subject to assessment against Regulation 3(3) criteria.

Who will assess a food business operator against the Regulation 3(3) criteria?

The relevant official agencies of the FSAI will assess food businesses under their supervision against the criteria set out in Regulation 3(3). The official agencies will not have any other role in enforcing Regulation 3(3) of S.I. No. 99 of 2023 and the Local Authorities' will continue to act as the supervisory authority for private water supplies in food businesses, apart from those who meet the criteria of the provision set out in Regulation 3(3).

Who are the relevant official agencies of the FSAI?

HSE – National Environmental Health Service is responsible for carrying out official controls in the following sectors: food service, retail, wholesale, manufacturing (primarily food of non-animal origin)

Department of Agriculture, Food and the Marine (DAFM) is responsible for carrying out official controls in meat, dairy and horticulture sectors

Sea Fisheries Protection Authority (SFPA) is responsible for official controls in seafood (land) establishments as well as freezer and factory vessels

How does a food business apply for assessment under Regulation 3(3)?

There is no application process. The relevant official agency will carry out assessment as part of routine official controls under food legislation.

From 13 January 2026 what role will the official agencies of the FSAI have under S.I. No. 99 of 2023?

The official agencies only role under S.I. No. 99 of 2023 is to assess food business operators with private water supplies against the criteria set out in Regulation 3(3).

The official agencies will continue to carry out water potability checks under food hygiene legislation (Regulation (EC) No 852/2004) where it is up to the food business to demonstrate that the private water supply meets drinking water requirements.

Regulation 3(3) **does not apply to** food business operators acting as water suppliers who supply water from their own private water supply as part of a commercial or public activity, e.g. drinking water in a staff canteen, table water for patrons in a restaurant.

It is not anticipated that the provision in Regulation 3(3) will apply to the majority of food businesses.

What does the Regulation 3(3) provision change for food businesses with private water supplies?

A food business that does not meet the criteria in Regulation 3(3) will be subject to full water supplier requirements as prescribed in S.I. No. 99 of 2023.

What about data sharing arrangements to allow the local authorities and official agencies to exchange information for the purpose of Regulation 3(3)?

Regulation 33 of S.I. No. 99 of 2023 has been amended by S.I. No. 673 of 2025 to allow the official agencies to exchange information on drinking water quality in food businesses with the local authorities as may be required and requested, in writing, for the purposes of Regulation 3(3).