

Environment And Forestry Directorate

**Consultation on the draft
amendments and consolidation
of the Scottish public drinking
water quality regulations**

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1. Introduction

1.1 What is this consultation about?

1. A very high standard of drinking water quality is important for Scotland. Not only for the health of the people living in Scotland but also for the large number of visitors coming to Scotland each year. It is therefore important that we continue to ensure the standard of water in Scotland is the best it can be.
2. The Council Directive 98/83/EC (the Drinking Water Directive) sets the standards for drinking water quality. Our 2001 and 2010 legislation (as referred to in 2.2) transposes this Directive; however, the changes we intend to make will allow us to make clearer connections with the Directive. This also provides an opportunity for the correction of any errors in the original Regulations. Please note that these regulations do not transpose the Directive with regards to bottled drinking water for sale. This is transposed in other legislation.
3. The purpose of this consultation paper is to set out the Scottish Government's draft proposals for amendments to the 2001 and 2010 Regulations and to encourage the water industry and all other interested parties to comment on the proposals and the specific issues raised. These comments will help inform the Scottish Government on the final amendments to the Regulations.
4. The consultation also seeks views on the transposition of Council Directive 2013/51/Euratom by means of subsequent amendments to these Regulations. These views will help inform the Scottish Government's final transposition of this Directive.

1.2 Responding to this consultation paper

We invite written responses to this consultation by 13 July 2014, this consultation will run for 6 weeks.

1. This consultation, and all other Scottish Government consultation papers, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>.

How to respond

2. When responding please clearly indicate which questions or parts of the consultation paper you are responding to. This will aid our analysis of the responses received.
3. When responding you **must** complete the [Respondent Information Form](#) and return it to us with your response (please see **handling your response** below).

Please send your response to: regulator@dwqr.org.uk

Or by post to:

Douglas Wyngard
1D - South
Victoria Quay
Edinburgh
EH6 6QQ

Handling your response

4. We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Your completed [Respondent Information Form](#), which forms part of the consultation questionnaire, will help us to treat your response appropriately. If you ask for your response not to be published we will regard it as confidential and we will treat it accordingly.
5. All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and so would have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Comments and Complaints

6. If you have any comments about how this consultation exercise has been conducted, please send them to the contact details above.

2. Background

Before introducing our proposals for Regulations we consider it useful to provide some explanation of what a public water supply is and our current legislation.

2.1 What is a public water supply?

1. Public water supplies referred to in this consultation paper are water supplies being supplied by a water authority. In Scotland this water authority is Scottish Water which was created under the Water Industry (Scotland) Act 2002.
2. In Scotland 97 per cent of the population receives water from the public water supply, which is provided by Scottish Water. Scottish Water is a publicly owned company, delivering drinking water to 2.4 million households throughout the country. Water must meet the same quality standards regardless of the size of the supply or its location in Scotland.
3. Water from lochs, rivers, boreholes and springs is cleaned and disinfected at water treatment works before being distributed to consumers via a network of storage points and water mains. Scotland's water resources used for public water supplies are generally of very high quality.
4. In Scotland the water supplier, Scottish Water, takes and analyses its own samples to demonstrate that the water supplied complies with regulatory requirements. This is consistent with water industry practice in the rest of the UK.
5. The Drinking Water Quality Regulator for Scotland (DWQRS) regulates the quality of water supplied by Scottish Water. The quality standards that drinking water supplies must meet are set out in regulations and the function of DWQRS is to ensure that these regulations are complied with.

2.2 What are the Scottish Public Water Quality Regulations?

1. In Scotland the Regulations relating to the quality of drinking water supplied by Scottish Water are the Water Supply (Water Quality) (Scotland) Regulations 2001. Quality Standards in these Regulations are derived from the Drinking Water Directive.
2. Another piece of legislation that has an impact on the water quality in Scotland is The Water Quality (Scotland) Regulations 2010. These came into force on 20 April 2010 and further transpose the requirements of the Drinking Water Directive, most particularly in respect of water quality failures which are attributable to the domestic distribution system in establishments and premises where water is supplied to the public. These Regulations also make

a number of technical amendments to the Water Supply (Water Quality) (Scotland) Regulations 2001.

3. Policy proposals for amending and consolidating these regulations

3.1 Overview of our proposals?

1. The Drinking Water Directive requires us, as with the rest of the UK and other Member States, to make all the necessary legal arrangements to comply with the Directive. Our current legislation currently complies with the Directive, however, there are areas within our current legislation where we think closer alignment to the Directive is necessary.
2. The following sections explain how we intend to amend our current legislation and what this will mean in practice, however, the main driving factors behind the current review are – consolidation of the current regulations to make them easier to understand, to introduce risk assessment and the future transposition of the Euratom Directive into the Regulations by way of amendments.

3.2 Impact on different user groups

1. It is considered that it is not necessary to conduct a business and regulatory impact assessment (BRIA) as the regulatory amendment proposed should not incur cost or savings for business, regulators or consumers. It is intended only to clarify existing legislation. In the same way it is considered that an equality impact assessment (EQIA) is not required. The amendments to these regulations will not impact on Scottish Water customers.

3.3 The regulatory approach - commentary on draft Regulations:

1. This section is intended to be read alongside the text of the draft Public Water Supplies (Water Quality)(Scotland) Regulations 2014, which are set out in Annex D.
2. Below you will find our commentary for each amendment, setting out how and why a particular approach has been taken and what it means.
3. Subject to the changes set out below, the new regulations largely consolidate existing legislation, with some drafting changes to existing law.

The substantive changes that you need to consider are:-

Risk Assessments

1. Under the *Cryptosporidium* Directions 2003 Scottish Water is currently required to undertake risk assessments for *Cryptosporidium* at every water treatment works. In line with World Health Organisation best practice and current requirements placed on Scottish Water we wish the requirements for risk assessments/water safety plans at each water treatment works to be placed on the face of the Regulations and extended to cover all properties, organisms or substances that pose a potential risk to human health which will include *Cryptosporidium*. Doing this will mean there is no longer a requirement for the *Cryptosporidium* Directions, therefore these will be revoked, although certain requirements of these may be retained and communicated using other means such as an information letter.
2. The new provision would require the following:
 - risk assessments for each existing water treatment work supply system as a whole (i.e. from the catchment source through treatment and distribution to the consumer's tap);
 - risk assessments for new treatment works before going into supply;
 - Scottish Water to keep risk assessments under continuous review to ensure appropriate risk management.
 - Scottish Water to provide Scottish Ministers with a copy of the initial risk assessment.
 - DWQRS to have the powers to serve a notice on Scottish Water requiring risk assessments be reviewed and/or revised or operational measures to be put in place to mitigate identified residual risks.
3. Please see Part 8 of the draft Public Water Supplies (Water Quality) (Scotland) Regulations 2014.

CONSULTATION QUESTIONS

Do you agree with our approach to incorporating a risk approach provision into these regulations?

Yes No Don't Know

4. Regulation 31 of the draft Public Water Supplies (Water Quality) (Scotland) Regulations puts an onus on Scottish Water to provide a complete initial risk assessment to the Scottish Ministers.

Do you agree that Scottish Water should provide Scottish Ministers with a copy of the initial risk assessment once complete?

Yes No Don't Know

Transfer of Public Building Powers to Scottish Water

5. Our policy preference would be for there to be a change in section 76FA of the Water Scotland Act 1980, to require Scottish Water to investigate and report failures in public buildings served by a public water supply. Currently this duty rests with Local Authorities, however, we believe that Scottish Water are best placed to do this and have the necessary expertise. We are of the view that having Scottish Water conduct the investigation would be the sensible way to protect public health.
6. The responsibility for serving notices and remedial action should still lie with the Local Authorities at this time. Therefore we would prefer there to be no substantive changes to Sections 76FB and 76FC of the Water Scotland Act 1980. The responsibility for investigating failures in a public building supplied by a private water supply should remain with Local Authorities.

CONSULTATION QUESTION

Do you agree with our proposed changes to the 1980 Act which require Scottish Water to carry out investigations in public buildings?

Yes No Don't Know

New Offences

7. Regulations 35(1)(a) and (b) and 44(1) create new offences.
8. Regulation 35(1)(a) makes it an offence for Scottish Water to contravene its duty under regulation 29(1) to treat and disinfect water before it is supplied. Regulation 35(1)(b) makes it an offence for Scottish Water to contravene a notice under regulation 31(3)(d) which prohibits it from supplying water from certain works. For these offences, regulation 35(2) provides that it is a defence to show that it took all reasonable steps and exercised all due diligence to avoid the offence. These offences are punishable on summary conviction by a fine not exceeding the statutory maximum (currently £10,000), or on conviction on indictment by an unlimited fine.
9. Regulation 44(1) makes it an offence to intentionally obstruct a person who is exercising powers conferred on Scottish water by regulation 40(1) (in an emergency only) or by 41(1) a person who commits this offence is liable on summary conviction to a fine not exceeding level 3 on the standard scale (currently £1,000).

We think it is essential that a contravention of these provisions should be punishable in this way (in addition to the other existing offences).

10. Regulation 36 provides broadly that where an offence under Regulation 35 has been committed by an organisation and the offence was attributable to any neglect on the part of certain individuals acting for that organisation, that individual may be punished as well.

CONSULTATION QUESTION

Do you agree with the creation of these new offences?

Yes No Don't Know

Other Changes

11. A number of other changes have been made. These include:

- a) a new requirement that each water supply zone must have no significant variation in water quality (Regulation 3(3))
- b) Regulation 17(3) allows Scottish Water to recover costs incurred during the investigation into a failure in a public building
- c) Scottish Water's duties to notify and report failures are adjusted to require notification to DWQRS too (Regulations 18 and 19)
- d) transfer to DWQRS of the power to require Scottish Water to apply to the Scottish Ministers for an authorised departure (Regulation 22)
- e) additional duty on Scottish Water to serve a copy of any application for an authorised departure on Citizens Advice Scotland (Regulation 24(4))
- f) additional duty on Scottish Water to notify Citizens Advice Scotland of its intention to revoke or modify any such authorisation (Regulation 28(2))
- g) a requirement for Scottish Water to modify or replace, on request, its part of a lead pipe where the concentration of lead exceeds 10ug/l (Regulation 32(4))
- h) new power for Scottish Ministers to require a person applying for an approval to pay an administrative charge determined by Scottish Ministers (Regulation 33(12))
- i) Powers of entry etc for Scottish Water (Part 12)
- j) change to prescribed concentration or value for odour and taste parameters in Table B
- k) the relocation of hydrogen ion from Table B to Table C
- l) The current requirement for Scottish Water to disclose information on request has not been retained because any such information may be requested under the Freedom of Information Scotland Act 2002 or the Environment Information Scotland Act 2004.

CONSULTATION QUESTION

Do you have any concerns with these minor amendments?

Yes No Don't Know

Business Regulatory Impact Assessment(BRIA)

12. It is our belief that a BRIA is not required for the introduction of these regulations, this is due to the fact that these regulations mainly impact on Scottish Water, and they are predominately a consolidation of current legislation and any additional duties are in the most part already being done by Scottish Water.

CONSULTATION QUESTION

Do you agree that a BRIA is not needed?

Yes No Don't Know

3.4 Policy proposals for subsequent amendments to the consolidated regulations

Radioactive substances

1. Council Directive 2013/51/Euratom lays down the requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption. The substances covered are Tritium, Indicative Dose and Radon. As Tritium and Indicative Dose have already been transposed, our preference is to include Radon in this set of amending Regulations. This Directive does not have to be transposed until 28 November 2015, however, we intend to include it in a subsequent set of amending regulations with a transpositional date of 31 October 2015.
2. Annex 1 of the Council Directive 2013/51/Euratom provides the parametric value for Radon, this annex states "Member States may set a level for radon which is judged inappropriate to be exceeded and below which optimisation of protection should be continued, without compromising water supply on a national or regional scale. The level set by a Member State may be higher than 100 Bq/l but lower than 1 000 Bq/l. In order to simplify national legislation, Member States may choose to adjust the parametric value to this level."
3. We have put in place a research project looking specifically at the position regarding radon in drinking water, the outcome from this research and any further surveys will be used to inform the maximum level of radon to be set for Scotland.

CONSULTATION QUESTION

It is our intention to transpose the Euratom Directive (in so far as it applies to public water supplies in Scotland) by means of subsequent amendments to the Public Water Supplies (Water Quality) (Scotland) Regulations 2014. Do you have any concerns about doing this?

Yes No Don't Know

CONSULTATION QUESTION

Do you have any thoughts on what the standard for Euratom should be set at?

Yes No Don't Know

Your views are sought on what we are proposing in this consultation.

Annex A

CONSULTATION ON CONSOLIDATION OF PUBLIC WATER QUALITY REGULATIONS



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual <input type="checkbox"/>	/	Group/Organisation <input type="checkbox"/>
<i>Please tick as appropriate</i>		

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes

No

ANNEX B

CONSULTATION QUESTIONS

Part 1

1. Do you agree with our approach to incorporating a risk approach provision into these regulations?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

2. Do you agree that Scottish Water should provide Scottish Ministers with a copy of the initial risk assessment once complete?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

3. Do you agree with our proposed changes to the 1980 Act which require Scottish Water to carry out investigations in public buildings?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

4. Do you agree with the creation of these new offences?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

5. Do you have any concerns with these minor amendments?

Yes No Don't Know

Comments

6. Do you agree that a Business Regulatory Impact Assessment (BRIA) is not needed?

Yes No Don't Know

Comments

Radioactive Substances

1. It is our intention to transpose the Euratom Directive (in so far as it applies to public water supplies in Scotland) by means of subsequent amendments to the Public Water Supplies (Water Quality) (Scotland) Regulations 2014. Do you have any concerns about doing this?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

2. Do you have any thoughts on what the standard for Euratom should be set at?

Yes No Don't Know

If "No" please provide reasons for your answer.

Comments

ANNEX C

The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience.

Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises. Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government Library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: Scottish Government consultations

(<http://www.scotland.gov.uk/consultations>).

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

Indicate the need for policy development or review

Inform the development of a particular policy

Help decisions to be made between alternative policy proposals

Be used to finalise legislation before it is implemented.

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX D

Draft Regulations laid before the Scottish Parliament under section 101(2) of the Water (Scotland) Act 1980 and paragraphs 2, 2A and 2C of Schedule 2 to the European Communities Act 1972, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

WATER SUPPLY

The Public Water Supplies (Water Quality) (Scotland) Regulations 2014

Made - - - - - [] 2014

Laid before Parliament [] 2014

Coming into force - - [] 2015

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SCHEDULE 1 — PRESCRIBED CONCENTRATIONS AND VALUES
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The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 76A(3)(b), 76B, 76F(5) and (6), 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980(1) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(2) and of all other powers enabling them to do so.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for the reference in regulation 29(2) to Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services to be construed as a reference to that instrument as amended from time to time.

There has been a consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(3).

In accordance with section 101(2) of the Water (Scotland) Act 1980 and section 2(4) of, and paragraphs 2, 2A and 2C in Schedule 2 to, the European Communities Act 1972, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

PART 1

GENERAL

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Public Water Supplies (Water Quality) (Scotland) Regulations 2014 and come into force on [] 2015.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the 1980 Act” means the Water (Scotland) Act 1980;

“area”, in relation to a local authority, means the local government area (within the meaning of the Local Government etc. (Scotland) Act 1994(4)) for which the authority is constituted;

“by notice” means by notice in writing (or in electronic form);

“consumer” means a person to whom water is supplied for human consumption purposes by Scottish Water;

“the Directive” means Council Directive 98/83/EC on the quality of water intended for human consumption(5);

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- (1) 1980 c. 45. Sections 76B, 76F(5) and (6) and 76J were inserted by section 168 of, and Schedule 22 to, the Water Act 1989 (c. 15). Section 76B was amended by section 56(2) of the Food Safety Act 1990 (c. 16) and paragraph 50 in schedule 6 to the Water Industry (Scotland) Act 2002 (asp 3). Section 76F(5) and (6) was amended by section 56(2) of the Food Safety Act 1990 (c. 16), paragraph 119(42) in Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39) and paragraph 54 in schedule 6 to the Water Industry (Scotland) Act 2002 (asp 3). Section 76J was amended paragraph 119(45) in Schedule 13 to the Local Government etc. (Scotland) Act 1994 (c. 39). Section 101(1A) was inserted by section 27(1) of, and paragraph 9(5) in Schedule 10 to, the Natural Heritage (Scotland) Act 1991 (c. 28). The definition of “prescribed” in section 109(1) was amended by paragraph 38(f) in Schedule 11 to the Local Government Finance Act 1992 (c. 14).
- (2) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c. 51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is cited to enable provision in relation to the matters listed in the penultimate paragraph of the explanatory note to these Regulations.
- (3) OJ L 31, 1.2.2002, p. 1, to which there are no relevant amendments to Article 9.
- (4) 1994 c.39.

“disinfection” means a process of water treatment to remove or render harmless to human health every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and “disinfect” and “disinfected” are to be construed accordingly;

“health board” means a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978⁽⁶⁾;

“human consumption purposes” means—

- (a) the purposes of drinking, cooking, food preparation or other domestic purposes (including the maintenance of personal hygiene); or
- (b) the purposes of the manufacture, processing, preservation or marketing of a product or substance intended for human consumption (unless the Food Standards Agency is satisfied that the quality of the water supplied by Scottish Water for these purposes cannot affect the wholesomeness of a particular product or substance in its finished form and has confirmed this, along with its reasons, by notice to the Drinking Water Quality Regulator for Scotland, the Scottish Ministers and Scottish Water);

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“occupier” has the same meaning as it has in section 109(1) of the 1980 Act;

“parameter” means a property, element, organism or substance listed in column (2) of any Table in Schedule 1, 2 or 3 (as read, where appropriate, with the notes to those Tables);

“premises” includes land (as defined in section 109(1) of the 1980 Act) and also tents, vans, sheds and similar structures;

“prescribed concentration or value”, in relation to a parameter, means the corresponding maximum or minimum concentration, value or state specified (or otherwise applying by virtue of a departure authorised or granted under regulation 24(1), 25(5) or 25(8)) in relation to that parameter in Table A, Table B or, as the case may be, Table C as measured by reference to the unit of measurement so specified, and as read (where relevant) with the notes to those Tables;

“private domestic distribution system” means a domestic distribution system in premises where water is not supplied to the public;

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002⁽⁷⁾;

“supply point” means a blending point, service reservoir, treatment works or other point authorised in accordance with regulation 8, where “blending point” means a point at which waters originating from two or more sources and treated for the purposes of their supply for human consumption purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are satisfied;

“treatment works” means water treatment works vested in Scottish Water or used by it (or a person acting on its behalf or under its authority) in connection with the exercise of Scottish Water’s core functions (construed by reference to section 70(2) of the Water Industry (Scotland) Act 2002) as respects the supply of water for human consumption purposes;

“water supply zone”, in relation to a year, means an area designated for that year by Scottish Water in accordance with regulation 3; and

“year” means calendar year.

(2) Subject to paragraph (3), references in these Regulations to a “service reservoir” are references to any structure, other than a structure at a treatment works, in which water that has been treated with a view to complying with the requirements of regulation 4 is contained and stored for the purpose of meeting a variable demand for the supply of water.

(3) Where references in these Regulations to a “service reservoir” would, but for this paragraph, include references to a structure comprising more than one compartment—

(5) OJ L 330, 5.12.1998, p. 32, as amended by Corrigendum (OJ L 111, 20.4.2001, p. 31), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1) and Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p. 14).

(6) 1978 c.29.

(7) 2002 asp 3, as amended by the Water Services etc. (Scotland) Act 2005 (asp 3).

- (a) any compartment which has its own water inlet and water outlet (and is not connected hydraulically to any other compartment) is to be treated as a single service reservoir;
 - (b) any compartments which are connected hydraulically are to be treated as a single service reservoir; and
 - (c) unless all of the compartments are connected hydraulically, the structure as a whole is not to be treated as a service reservoir.
- (4) A reference in these Regulations to—
- (a) Table A, Table B or Table C refers to the corresponding table in Schedule 1;
 - (b) Table 1, Table 2, Table 3 or Table 4 refers to the corresponding table in Schedule 2; and
 - (c) Table M1 or Table M2 refers to the corresponding table in Schedule 3.
- (5) Any other expression (such as “domestic purposes”) used both in these Regulations and in the Directive has the same meaning in these Regulations as it has in the Directive.

PART 2

WATER SUPPLY ZONES

Water supply zones

3.—(1) Before the beginning of each year in which it intends to supply water for human consumption purposes, Scottish Water must designate and name the areas within its area of supply that are to be water supply zones for that year.

(2) A water supply zone may not comprise an area whose population immediately before the beginning of the year in question is estimated by Scottish Water to exceed 100,000.

(3) A water supply zone may not comprise an area with significant variations in water quality.

(4) Scottish Water may not vary a designation under paragraph (1) after the beginning of the year in relation to which the designation has effect.

PART 3

WHOLESOMENESS OF PUBLIC WATER SUPPLIES

Wholesomeness: public water supplies

4.—(1) Water supplied by Scottish Water for human consumption purposes is, subject to paragraphs (3) and (4), to be regarded as wholesome for the purposes of Part VIA of the 1980 Act (as it applies to water supplied for such purposes) only if the requirements in paragraph (2) are satisfied.

(2) The requirements are that the water—

(a) does not contain—

(i) any micro-organism;

(ii) any substance; or

(iii) any parasite,

at a concentration or value which would (whether in conjunction with another parameter in the water or otherwise) constitute a potential danger to human health;

(b) does not contain a parameter in Table A or Table B at a concentration or value in excess of or, as the case may be, less than the prescribed concentration or value for that parameter; and

(c) satisfies the formula “[nitrate]/50 + [nitrite]/3 ≤ 1”, where the square brackets signify the concentrations in mg/l for nitrate (NO₃⁻) and nitrite (NO₂⁻) respectively.

(3) The point (“point of compliance”) at which the requirements in paragraph (2), in so far as they relate to a parameter in Table A or Table B, are to be complied with is—

- (a) in the case of water supplied from a tanker, the point at which the water emerges from the tanker;
- (b) in the case of water supplied in bottles or containers, the point at which the water first emerges from any bottle or container collected from a local distribution point; and
- (c) in any other case, the point or points specified for that parameter in Table A or Table B.

(4) Water that—

- (a) is transferred from a service reservoir;
- (b) is intended for supply by Scottish Water for human consumption purposes; and
- (c) exceeds the prescribed concentration or value for coliform bacteria (item 3) in Table A,

is not to be regarded as unwholesome for the purposes of Part VIA the 1980 Act if, in at least 95% of samples taken in any year in which the reservoir in question is in use, coliforms were absent.

PART 4

MONITORING OF PUBLIC WATER SUPPLIES

Application and interpretation

5.—(1) This Part applies only in relation to the supply of water for human consumption purposes by Scottish Water in the performance of its duties under Part VIA of the 1980 Act.

(2) In this Part—

“audit monitoring” means monitoring for the purpose of obtaining information from which it may be established, as regards a parameter in Table A, Table B or Table C, whether the concentration, value or state of the parameter in water supplied for human consumption purposes complies with the prescribed concentration or value for that parameter (at the point of compliance or, as the case may be, point of monitoring); and

“check monitoring” means monitoring for the purpose of obtaining information as to—

- (a) the organoleptic and microbiological quality of water; and
- (b) the effectiveness of any drinking-water treatment used (particularly of disinfection),

for the purpose of determining, as regards a parameter (in Table A, Table B or Table C) listed in Table 1, whether the concentration, value or state of the parameter in water supplied for human consumption purposes complies with the prescribed concentration or value for that parameter (at the point of compliance or, as the case may be, point of monitoring).

Monitoring: general provisions

6.—(1) For the purposes specified in paragraph (2), Scottish Water must, for each water supply zone—

- (a) take or have taken; and
- (b) analyse or have analysed,

not less than the number of samples of water required by this Part.

(2) The purposes are—

- (a) determining whether, within each water supply zone, water to which this Part applies satisfies the wholesomeness requirements of Part 3; and
- (b) establishing the quality of water to be supplied to each water supply zone.

(3) Subject to paragraph (4) and regulation 13 (water supplied by tanker), Scottish Water must carry out audit monitoring in relation to each parameter in Table A, Table B and Table C.

(4) Scottish Water must carry out check monitoring (instead of audit monitoring)—

- (a) in relation to each parameter in Table 1 for which there is no entry in column (3); and

(b) in relation to each parameter in Table 1 for which there is an entry in column (3) but only when the circumstances in that entry apply.

(5) In the application of paragraph (4)(b) to—

- (a) aluminium (item 27) in Table B;
- (b) iron (item 29) in Table B;
- (c) manganese (item 30) in Table B; or
- (d) *Clostridium perfringens* (item 3) in Table C,

a supply of water which consists of both groundwater and surface water is to be treated as if it were a supply which consists only of surface water.

(6) The following parameters must be monitored in such manner as the Scottish Ministers may, by notice given to Scottish Water, specify—

- (a) copper (item 10) in Table B;
- (b) lead (item 15) in Table B;
- (c) nickel (item 17) in Table B;
- (d) subject to paragraph (7)(a), indicative dose (item 11) in Table C; and
- (e) subject to paragraph (7)(b), tritium (item 12) in Table C.

(7) The Scottish Ministers must, by notice given to Scottish Water, inform it that the indicative dose (item 11) or, as the case may be, tritium (item 12) in Table C need not be monitored in relation to a water supply zone if they are satisfied that the water supplied to that zone for human consumption purposes—

- (a) in the case of indicative dose, gives rise to a calculated indicative dose that is well below the prescribed concentration or value for that parameter; or
- (b) in the case of tritium, contains levels of tritium that are well below the prescribed concentration or value for that parameter.

(8) The Scottish Ministers must, by notice given to Scottish Water, withdraw a notice given under paragraph (7)—

- (a) in relation to the indicative dose, if they are no longer satisfied that water supplied to the zone for human consumption purposes complies with paragraph (7)(a); and
- (b) in relation to the tritium, if they are no longer satisfied that water supplied to the zone for human consumption purposes complies with paragraph (7)(b).

(9) Where Scottish Water receives a notice under paragraph (8), it must monitor the indicative dose or, as the case may be, tritium in accordance with any notice in relation to that parameter having effect for the time being under paragraph (6)(d) or, as the case may be, paragraph (6)(e).

(10) In paragraph (5), “groundwater” has the same meaning as it has in section 3(4) of the Water Environment and Water Services (Scotland) Act 2003(8).

Random samples from consumers’ taps

7.—(1) Where a sample of water must, under this Part, be taken from a consumer’s tap within a water supply zone, the tap must be selected at random unless the Scottish Ministers otherwise direct (in exercise of powers under section 56(3) of the Water Industry (Scotland) Act 2002(9)).

(2) Paragraph (1) does not apply if the sample is to be taken instead from an alternative point within the same water supply zone which is authorised for that purpose under regulation 8.

Authorisation of samples from alternative points

8.—(1) The Scottish Ministers may in relation to any parameter in Table A, Table B or Table C, on the application in writing (or in electronic form) of Scottish Water, authorise the use (for the purposes of regulation 6) of samples taken for a water supply zone otherwise than from a sampling point, and any such

(8) 2003 asp 3, to which there are amendments which are not relevant to this regulation.

(9) 2002 asp 3.

authorisation may extend to all samples in relation to that parameter or to such number or proportion of those samples as is specified in the authorisation.

(2) The Scottish Ministers must not grant an authorisation under paragraph (1) unless they are satisfied that analysis of samples taken from any point to be so authorised (“supply point”) will produce data in respect of the parameter in question which are unlikely to differ in any material respect from the data that would be produced in respect of that parameter from analysis of samples obtained from any sampling point within the same water supply zone.

(3) Subject to paragraph (4), the Scottish Ministers may at any time modify or revoke an authorisation under paragraph (1).

(4) Unless it appears to the Scottish Ministers that an immediate modification or revocation of an authorisation under paragraph (1) is required in the interests of public health, they must not modify or revoke such an authorisation without giving to Scottish Water at least 6 weeks’ notice of their intention to modify or revoke.

(5) Scottish Water must notify the Scottish Ministers as soon as it has reasonable grounds for believing that an analysis of samples taken for a water supply zone from a supply point would produce data in respect of the parameter in question which would differ in a material respect from the data produced by an analysis of samples taken from any sampling point within that zone.

(6) The Scottish Ministers must, on being notified under paragraph (5) and without the need for prior notice to Scottish Water, revoke the authorisation.

(7) In this regulation, “sampling point” means—

- (a) in the case of water supplied from a distribution network, a consumer’s tap; and
- (b) in the case of water supplied from a tanker, the point at which it emerges from the tanker.

Numbers of samples

9.—(1) Subject to regulations 11 and 12 and paragraph (2), in each year Scottish Water must take, or cause to be taken (for each water supply zone)—

- (a) from sampling points; or
- (b) to the extent authorised under regulation 8, from alternative supply points,

the standard number of samples for each parameter in Table 2 or, as the case may be, Table 3.

(2) Where, in respect of a parameter in Table A, Table B or Table C that is subject to check monitoring (in accordance with regulation 6(4) as read with the Tables 1 to 4 in Schedule 2)—

- (a) Scottish Water considers that the quality of water supplied by it to a water supply zone is unlikely to deteriorate; and
- (b) the conditions in paragraph (3) are met,

the number of samples to be taken in the following year for that parameter may be the reduced number of samples for that parameter in Table 2 or, as the case may be, Table 3.

(3) The conditions are that in each of two successive years—

- (a) the results of samples taken in accordance with these Regulations show no significant variation; and
- (b) if the parameter in question is—
 - (i) *Escherichia coli* (item 2) in Table A, it has not exceeded 0;
 - (ii) *Clostridium perfringens* (item 3) in Table C, it has not exceeded 0;
 - (iii) coliform bacteria (item 4) in Table C, it has not exceeded 0;
 - (iv) colony count (item 5) in Table C, it has shown no abnormal change;
 - (v) hydrogen ion (item 7) in Table C, it has maintained a pH value that is not less than 6.5 and not more than 9.5;
 - (vi) total organic carbon (item 9) in Table C, it has shown no abnormal change; or

(vii) any other parameter, it has maintained a concentration or value that is significantly lower than the prescribed concentration or value.

(4) Samples required to be taken by this regulation must be taken at regular intervals.

(5) In this regulation—

- (a) “sampling points” is to be construed in accordance with regulation 8(7);
- (b) “the reduced number” means—
 - (i) for sampling points, the applicable number in column (4) of Table 2; and
 - (ii) for a supply point, the applicable number in column (4) of Table 3; and
- (c) “the standard number” means—
 - (i) for sampling points, the applicable number in column (5) of Table 2; and
 - (ii) for a supply point, the applicable number in column (5) of Table 3.

Additional sampling

10. As soon as Scottish Water has reasonable grounds for believing that any element, organism or substance (other than residual disinfectant or a parameter in Table A, Table B or Table C), whether alone or in combination with any other such parameter or any other element, organism or substance, may cause the supply within a water supply zone to be a supply which does not satisfy the requirements of Part 3, it must take, or cause to be taken, sufficient samples from water within that zone (whether from a service reservoir, a treatment works or otherwise) in respect of that element, organism or substance to establish whether that water is wholesome.

Sampling at treatment works

11.—(1) Subject to paragraphs (2) and (3), in each year Scottish Water must take, or cause to be taken, from the point at which water leaves each treatment works which serves a water supply zone, the standard number of samples for analysis to determine—

- (a) the concentration of residual disinfectant;
- (b) whether water leaving the treatment works complies with the prescribed concentration or value for—
 - (i) coliform bacteria (item 3) in Table A;
 - (ii) *Escherichia coli* (item 4) in Table A; and
 - (iii) nitrite (item 19) in Table B (where the point of compliance is a treatment works);
 - (iv) colony count (item 5) in Table C; and
 - (v) turbidity (item 10) in Table C (where point of monitoring is a treatment works).

(2) Where, in each of two successive years, the analysis of samples taken in accordance with these Regulations establishes that—

- (a) for coliform bacteria, *Escherichia coli*, nitrite or turbidity (as the case may be), the prescribed concentration or value has not been exceeded; or
- (b) for colony count, there has been no significant increase in the count,

the number of samples to be taken in the following year in respect of that parameter from the point at which water leaves that treatment works may, subject to paragraph (3), be the reduced number.

(3) For coliform bacteria or, as the case may be, *Escherichia coli*, the reduced number of samples may be taken only if Scottish Water considers that—

- (a) there is no foreseeable risk that the supply will exceed the prescribed concentration or value for that parameter; or
- (b) the treatment works is designed to secure that, in the event of a failure of the disinfection process, water that has not been disinfected cannot enter the supply.

(4) Samples required to be taken by this regulation must be taken at regular intervals.

(5) Where a treatment works is in use for part only of a year, the number of samples that must, under this regulation, be taken during that year (from the point at which water leaves the works) may be reduced in proportion to the number of days in that year that the works has not been in use.

(6) In this regulation—

“the reduced number” means the applicable number (if any) in column (4) of Table 4; and

“the standard number” means the applicable number in column (5) of Table 4.

Sampling at service reservoirs

12. Scottish Water must take, or cause to be taken, from each of its service reservoirs in each week in which the service reservoir is in use, one sample for analysis—

- (a) for determining the concentration of residual disinfectant;
- (b) for testing for compliance with the prescribed concentration and value for—
 - (i) coliform bacteria (item 3) in Table A; and
 - (ii) *Escherichia coli* (item 4) in Table A; and
- (c) for determining whether the prescribed concentration or value for colony count (item 5) in Table C (in so far as the point of monitoring is a service reservoir) is complied with.

Sampling: water supplied by tanker

13.—(1) Where the distribution of water in any part of a water supply zone is by tanker and is (or is likely to be) an intermittent short-term supply, samples of water from each tanker from which the water is distributed must be taken—

- (a) 48 hours after the commencement of the distribution from that tanker; and
- (b) every 48 hours thereafter until the distribution is discontinued.

(2) The first sample taken in relation to each distribution must be analysed for compliance with—

- (a) *Escherichia coli* (item 2) in Table A;
- (b) conductivity (item 6) in Table C; and
- (c) hydrogen ion (item 7) in Table C.

(3) The second and any subsequent samples must be analysed for compliance with every parameter in Table A, Table B and Table C.

Sampling: new sources

14.—(1) This regulation applies in relation to—

- (a) any source of water which has not been used for the supply of water by Scottish Water at any time since the date specified in regulation 1(1); and
- (b) any source of water which has been so used, but not so used during the period of 6 months preceding the date on which Scottish Water proposes to supply water from it.

(2) Scottish Water must—

- (a) before it supplies water from a source mentioned in paragraph (1)(a); and
- (b) as soon as is reasonably practicable after it has begun to supply water from a source mentioned in paragraph (1)(b),

take, or cause to be taken, in accordance with paragraph (3), such samples of that water as will enable it to establish—

- (i) whether water can be supplied from that source without contravening section 76A(1) of the 1980 Act; and
- (ii) the treatment necessary to ensure that section 76A(2) of the 1980 Act is complied with in relation to the supply of that water.

(3) Samples must be taken—

- (a) in the case of a source mentioned in paragraph (1)(a), in respect of—
 - (i) the parameters in Table A, Table B and Table C; and
 - (ii) any other element, organism or substance which Scottish Water considers may cause the supply to contravene section 76A(1) of the 1980 Act;
- (b) in the case of a source mentioned in paragraph (1)(b), in respect of—
 - (i) enterococci (item 1) in Table A;
 - (ii) *Escherichia coli* (item 2 and item 4) in Table A;
 - (iii) coliform bacteria (item 3) in Table A;
 - (iv) conductivity (item 6) in Table C;
 - (v) hydrogen ion (item 7) in Table C;
 - (vi) turbidity (item 10) in Table C; and
 - (vii) any other parameter in Table B or Table C in relation to which Scottish Water considers that the concentration or value of that parameter is likely to have altered since the last occasion on which water from that source was analysed.

(4) Unless the conditions in paragraph (5) are satisfied, Scottish Water must not supply water from a source mentioned in paragraph (1)(a) for human consumption purposes until a period of one month has elapsed since the day on which Scottish Water complied with regulation 31(1) with respect to the source.

(5) The conditions are that Scottish Water—

- (a) must supply water from the source as a matter of urgency in order to prevent unexpected interruption in piped supply to consumers; and
- (b) before the supply is made, has carried out a risk assessment under regulation 30 specifically with respect to the source.

(6) For the purposes of paragraph (5)(b), regulation 30 applies to a supply made as a matter of urgency as if “treatment works” includes a source from which untreated water is supplied.

Collection and analysis of samples

15.—(1) Scottish Water must secure, so far as is reasonably practicable, that in taking, handling, transporting, storing and analysing any sample required to be taken for the purposes of this Part, or causing any such sample to be taken, handled, transported, stored and analysed, the appropriate requirements are satisfied.

(2) In paragraph (1) “the appropriate requirements” means such of the following requirements as are applicable—

- (a) the sample is representative of the quality of the water at the time of sampling;
- (b) the sample is not contaminated when being taken;
- (c) the sample is kept at such temperature and in such conditions as will secure that there is no material alteration of the concentration or value or specification for the measurement or observation for which the sample is intended;
- (d) the sample is analysed as soon as may be after it has been taken—
 - (i) by or under the supervision of a person who is competent to perform that task; and
 - (ii) with the use of such equipment as is suitable for the purpose;
- (e) any laboratory at which samples are analysed has a system of analytical quality control that is subjected from time to time to checking by a person who is—
 - (i) not under the control of either the laboratory or Scottish Water; and
 - (ii) approved by the Scottish Ministers for that purpose.

(3) For the purposes of paragraph (2)(e), “laboratory at which samples are analysed” includes a person who undertakes the analysis of samples for this Part, whether at the time and place where the samples are taken or otherwise.

(4) Scottish Water must maintain such records as are sufficient to enable it to establish, in relation to each sample taken for the purposes of this Part, that such of the appropriate requirements as are applicable to that sample have been satisfied.

(5) Subject to paragraph (7), for the purpose of establishing (within acceptable limits of deviation and detection) whether a sample contains a parameter in Table A, Table B or Table C at a concentration or value which contravenes the corresponding prescribed concentration or value—

- (a) the method of analysis specified in column (3) of Table M1 must be used for determining compliance with the parameter specified in relation to that method in column (2) of that table;
- (b) the method of analysis used for determining compliance with a parameter specified in column (2) of Table M2 must be capable, at the time of use—
 - (i) of measuring concentrations and values equal to the parametric value with the trueness and precision specified in relation to that parameter in columns (3) and (4), respectively, of that table; and
 - (ii) of detecting the parameter at the limit of detection specified in relation to that parameter in column (5) of that table;
- (c) the methods of analysis used for—
 - (i) odour (item 31) in Table B; and
 - (ii) taste (item 33) in Table B,must be capable, at the time of use, of measuring values in relation to the prescribed concentration or value with a precision of 1 dilution number at 25°C; and
- (d) the method of analysis used for determining compliance with hydrogen ion (item 7) in Table C must be capable, at the time of use, of measuring concentrations equal to the parametric value with a trueness of 0.2 pH unit and a precision of 0.2 pH unit.

(6) For the purposes of paragraph (5)—

“limit of detection” is to be calculated as—

- (a) 3 times the relative within batch standard deviation of a natural sample containing a low concentration of the parameter; or
- (b) 5 times the relative within batch standard deviation of a blank sample;

“precision” (the random error) is to be calculated as twice the standard deviation (within a batch and between batches) of the spread of result about the mean; and

“trueness” (the systematic error) is to be calculated as the difference between the mean value of the large number of repeated measurements and the true value.

(7) Subject to paragraph (9), the Scottish Ministers may, on the application of any person, authorise, by notice given to Scottish Water, a method of analysis other than that specified in paragraph (5)(a) (“the prescribed method”).

(8) An application for the purpose of paragraph (7) must be made in writing (or in electronic form acceptable to the Scottish Ministers) and be accompanied by—

- (a) a description of the method of analysis; and
- (b) the results of the tests carried out to demonstrate the reliability of that method and its equivalence to the prescribed method.

(9) The Scottish Ministers must not authorise the use of the method proposed in the application unless they are satisfied that the results obtained by the use of that method are at least as reliable as those produced by the use of the prescribed method.

(10) An authorisation under paragraph (7) may be subject to such conditions as the Scottish Ministers think fit.

(11) The Scottish Ministers may, by notice given to Scottish Water, revoke an authorisation under paragraph (7) but no such notice is to be given later than 3 months before the date on which the revocation is stated to take effect.

PART 5

DRINKING WATER PROTECTED AREAS

Drinking water abstraction points: monitoring sites

16.—(1) Scottish Water must identify every point from which it abstracts water for supply for human consumption purposes.

(2) At every abstraction point, Scottish Water must—

- (a) take, or cause to be taken, such samples; and
- (b) analyse, or cause to be analysed, those samples for such properties, organisms and substances,

as it considers necessary to comply with regulations 29 to 31.

(3) In relation to any abstraction point, the Scottish Ministers may, by notice given to Scottish Water, require it—

- (a) to take, or cause to be taken, such numbers of samples of water per year as may be specified in the notice; and
- (b) to analyse, or cause to be analysed, those samples for such concentrations or values of such properties, organisms and substances as may be specified in the notice and at such frequencies as may be specified in the notice.

(4) The Scottish Ministers may, by notice given to Scottish Water, revoke or amend a notice given under paragraph (3).

(5) Every analysis required under—

- (a) paragraph (2), in relation to every body of surface water which provides more than 100 cubic metres of water per day as an average, must be carried out at no less than the following frequencies—
 - (i) 4 per year, where the population served by the body of surface water is less than 10,000 people;
 - (ii) 8 per year, where the population so served is from 10,000 to 30,000 people; and
 - (iii) 12 per year, where the population so served is greater than 30,000 people; and
- (b) paragraphs (2) and (3) must be in accordance with such relevant standards as the Scottish Ministers may, by notice given to Scottish Water, specify.

(6) For the purposes of—

- (a) paragraphs (2) and (3), “abstraction point” means an abstraction point identified under paragraph (1); and
- (b) paragraph (5), “body of surface water” has the meaning given in section 28 (interpretation of Part 1) of the Water Environment and Water Services (Scotland) Act 2003⁽¹⁰⁾.

PART 6
INVESTIGATION AND REMEDIAL ACTION

Scottish Water to investigate immediately any failure or likely failure

17.—(1) Where Scottish Water has reason to believe that water supplied by it for human consumption purposes has failed, is failing, or is likely to fail to—

- (a) satisfy a requirement of regulation 4(2); or
- (b) meet the prescribed concentration or value for a parameter in Table C,

it must immediately investigate (and take action) to establish the matters in paragraph (2).

(2) The matters to be established are—

- (a) whether the water has failed, is failing or is likely to fail to—
 - (i) satisfy a requirement of regulation 4(2); or
 - (ii) meet the prescribed concentration or value for a parameter in Table C; and
- (b) for any such failure or apprehended failure (“the failure”)—
 - (i) the parameter or other element, organism or substance to which the failure relates;
 - (ii) the cause and extent of the failure;
 - (iii) whether the failure is due to a domestic distribution system in premises where water is supplied to the public, or to the maintenance of that system;
 - (iv) whether the failure is due to a private domestic distribution system, or to the maintenance of that system; and
 - (v) whether the failure constitutes a potential danger to human health.

(3) Where Scottish Water has—

- (a) investigated a failure or apprehended failure for the purposes of paragraph (1); and
- (b) that investigation establishes that the failure is due to a domestic distribution system in premises where water is supplied to the public, or to the maintenance of that system,

it may recover the expenses reasonably incurred by it (in carrying out that investigation) from the person who owns or is otherwise responsible for that domestic distribution system.

Scottish Water to notify immediately any potential danger to human health

18.—(1) Where Scottish Water establishes under regulation 17(1) that the failure in question constitutes a potential danger to human health, it must, by notice, immediately notify this to—

- (a) the Drinking Water Quality Regulator for Scotland;
- (b) the Scottish Ministers;
- (c) each local authority for the area in which the potential danger occurs; and
- (d) those of its consumers to whom it supplies the water in question and who are likely to be affected by the failure.

(2) The notice to which paragraph (1)(d) applies must inform those consumers—

- (a) of the cause and extent of the failure;
- (b) that the failure constitutes a potential danger to human health;
- (c) of any remedial action taken, or to be taken, by Scottish Water; and
- (d) of any action that Scottish Water considers is necessary or desirable for those consumers to take to protect human health.

Scottish Water to report on its investigation etc.

19.—(1) On completion of the investigation mentioned in regulation 17(1), Scottish Water must, as soon as possible, report the findings of the investigation to—

- (a) the Drinking Water Quality Regulator for Scotland;
- (b) the Scottish Ministers; and
- (c) where the failure in question is due to a domestic distribution system in premises where water is supplied to the public (or to the maintenance of that system), the local authority for the area in which the premises is located.

(2) The report must specify—

- (a) the matters in regulation 17(2)(a) and (b);
- (b) whether the failure has ceased and, if so, whether it is likely to recur;
- (c) any action which Scottish Water considers must be taken—
 - (i) to restore, as soon as possible, the quality of the water in question so that it satisfies the requirements of regulation 4(2);
 - (ii) to protect human health until the quality of the water is restored; and
 - (iii) to minimise the risk of the water failing to satisfy any such requirement; and
- (d) any such action taken, or to be taken, by Scottish Water.

(3) Where the report specifies that the failure is due to a domestic distribution system in premises where water is supplied to the public or to the maintenance of that system, Scottish Water must as soon as possible inform such persons as the Drinking Water Quality Regulator for Scotland or the Scottish Ministers may, by notice given to Scottish Water, specify—

- (a) of the cause and extent of the failure;
- (b) whether the failure constitutes a potential danger to human health;
- (c) of any remedial action taken, or to be taken, by Scottish Water; and
- (d) of any action that Scottish Water considers is necessary or desirable for those persons to take to protect human health.

Scottish Water to restore water quality

20.—(1) Subject to paragraphs (4) and (5), where an investigation under regulation 17(1) establishes that the failure in question is on-going, Scottish Water must as soon as possible—

- (a) take such remedial action as is necessary to restore the quality of the water (to which the failure relates) so that it satisfies the requirements of regulation 4(2); and
- (b) where the water fails to satisfy a requirement of regulation 4(2) in relation to—

- (i) copper (item 10) in Table B; or
- (ii) lead (item 15) in Table B,

take action to modify or replace such of Scottish Water's pipes and associated fittings as it knows or has reason to believe have the potential for contributing to copper or lead in the water supplied to the premises, so as to eliminate that potential (whether or not copper or lead in those pipes contributed to the failure).

(2) Except where Scottish Water considers that the failure in question is trivial, it must inform those of its consumers to whom it supplies the water in question, and who are likely to be affected by the failure, of any remedial action taken by it (for the purposes of paragraph (1)(a)) to restore the quality of the water in question so that it satisfies the requirements of regulation 4(2).

(3) For the purposes of securing compliance with paragraph (1)(a), the Drinking Water Quality Regulator for Scotland and the Scottish Ministers must, in the exercise of their enforcement functions, give priority to enforcement action having regard, among other things, to—

- (a) the extent to which the prescribed concentration or value for a parameter (in Table A, Table B and Table C) has been exceeded; and

(b) the potential danger to human health.

(4) Where the investigation establishes that the failure in question is due to a domestic distribution system in premises where water is supplied to the public (or to the maintenance of that system), paragraph (1)(a) does not apply in so far as a local authority must, under section 76FB of the 1980 Act⁽¹¹⁾, require the person who owns or is otherwise responsible for that system to take any such remedial action as is required by that paragraph.

(5) Where the investigation establishes that the failure in question is due to a private domestic distribution system (or to the maintenance of that system) and there is a risk that the water in question is failing or will fail to satisfy a requirement of regulation 4(2) or meet the prescribed concentration or value for a parameter in Table C, Scottish Water must ensure that—

- (a) appropriate measures are taken to reduce or eliminate that risk (such as advising the owner and any occupiers of the premises served by the private domestic distribution system in question of any possible remedial action that they could take); and/or
- (b) other measures (such as appropriate treatment techniques) are taken to change the nature or properties of the water before it is supplied so as to reduce or eliminate that risk.

Scottish Water to protect human health

21.—(1) Subject to paragraph (3), where an investigation under regulation 17(1) establishes that the failure in question is on-going and constitutes a potential danger to human health, Scottish Water must take such action as is necessary to protect human health from that danger (such as isolating of anything that appears to be affecting, or may affect, the quality of the water).

(2) Scottish Water must decide what action should be taken to comply with paragraph (1), bearing in mind the risks to human health which would be caused by an interruption of the supply or a restriction in the use of water intended for human consumption.

(3) Where the investigation establishes that the failure in question is due to a domestic distribution system in premises where water is supplied to the public (or to the maintenance of that system), paragraph (1) does not apply in so far as a local authority must, under section 76FB of the 1980 Act, require the person who owns or is otherwise responsible for that system to take any such action as is required by that paragraph.

Powers to require further action by Scottish Water

22.—(1) Where—

- (a) an investigation under regulation 17(1) establishes that the failure in question is due to a failure to satisfy the prescribed concentration or value for a parameter in Table B; and
- (b) the Drinking Water Quality Regulator for Scotland considers that the failure in respect of that parameter is not trivial and is likely to recur,

the Regulator may, by notice given to Scottish Water, require it to seek a departure in accordance with regulation 24(1).

(2) Where the Drinking Water Quality Regulator for Scotland considers that a failure to which a report under regulation 19(1) relates is not trivial, it may by notice given to Scottish Water require Scottish Water to take such action as the Regulator may specify in the notice to—

- (a) restore, as soon as possible, the quality of the water in question so that it satisfies the requirements of regulation 4(2);
- (b) to protect human health until the quality of the water is restored; and
- (c) to minimise the risk of the water failing to satisfy any such requirement.

(3) Scottish Water must comply with a notice given to it under paragraph (1) or (2).

⁽¹¹⁾ 1980 c.45; section 76FB was inserted by S.S.I. 2010/95 and is amended by regulation 48 of these Regulations.

(4) The exercise by the Drinking Water Quality Regulator for Scotland of the power conferred by paragraph (2) does not preclude the exercise by the Regulator, in relation to the same circumstances, of powers conferred by Part 2 of the Water Industry (Scotland) Act 2002.

Power to direct local authorities in relation to domestic distributions systems

23.—(1) Where Scottish Water—

- (a) investigates a failure or apprehended failure for the purposes of regulation 17(1); and
- (b) that investigation establishes that the failure is due to a domestic distribution system in premises where water is supplied to the public (or to the maintenance of that system),

the Scottish Ministers may give directions to a local authority for the area in which the premises is located in relation to the exercise of its functions under sections 76FB and 76FC of the 1980 Act.

(2) A direction under paragraph (2) may, in particular, specify—

- (a) any advice which the local authority must require to be given to consumers in relation to the failure by notice under section 76FB(3)(d) of that Act;
- (b) any steps which the local authority must require to be taken under section 76FB(3)(b) and (e) of that Act; and
- (c) the period which the local authority must require under section 76FB(3)(c) of that Act.

(3) A local authority must comply with a direction given under paragraph (1) above.

PART 7

AUTHORISATION OF TEMPORARY DEPARTURES

Authorisation of temporary supply of water that is not wholesome

24.—(1) Subject to paragraph (2), the Scottish Ministers may, on the application of Scottish Water in writing (or in electronic form), authorise in accordance with regulation 25 a departure from a requirement of Part 3 in so far as the requirement relates to both—

- (a) a parameter in Table B; and
- (b) a supply of water by Scottish Water within a water supply zone.

(2) The Scottish Ministers must not authorise a departure under paragraph (1) unless they are satisfied—

- (a) that the authorisation is necessary to maintain in that zone a supply of water for human consumption purposes;
- (b) that a supply of water for those purposes cannot be maintained in that zone by any other reasonable means; and
- (c) that the supply of water in accordance with the authorisation does not constitute a potential danger to human health.

(3) Scottish Water must provide with its application—

- (a) a statement—
 - (i) of the grounds on which the authorisation is sought;
 - (ii) of the water supply zone in respect of which the authorisation is sought;
 - (iii) of the parameters in respect of which the prescribed concentration or value cannot be met;
 - (iv) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;
 - (v) in respect of each parameter to which paragraph (iii) applies, of the results of the analysis of the samples (if any) taken in the water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;

- (vi) of the average daily quantity of water supplied to that zone or, if that quantity cannot readily be ascertained, of the average daily quantity of water supplied from the treatment works that supplies water to that zone;
- (vii) of the estimated population of that zone;
- (viii) as to whether, if a departure were authorised in the terms sought, any relevant food-production undertaking would be affected;
- (ix) of the period for which the authorisation is sought; and
- (x) of the reasons why the supply cannot be maintained by other reasonable means;
- (b) a scheme for monitoring the quality of water supplied in the zone during the period for which the authorisation is sought; and
- (c) a summary of the steps that it proposes to take in order to secure that the supply satisfies the requirements of Part 3, including—
 - (i) a timetable for the work;
 - (ii) an estimate of the cost of the work; and
 - (iii) provisions for reviewing the progress of the work and for reporting the result of the review to the Scottish Ministers.

(4) At the same time as it makes an application for an authorisation under paragraph (1), Scottish Water must give to—

- (a) every appropriate health board;
- (b) every appropriate local authority;
- (c) the Scottish Association of Citizens Advice Bureaux⁽¹²⁾; and
- (d) the Water Industry Commissioner for Scotland,

a copy of the application and of the statement, scheme and summary referred to in paragraph (3).

(5) A body to whom documents have been given in accordance with paragraph (4) may make representations to the Scottish Ministers in connection with the application; and any such representations must be made not later than the end of the period of 30 days beginning with the date on which the application for the authorisation is made.

(6) In paragraph (4)—

“appropriate health board” means a health board whose area contains any part of the water supply zone to which the authorisation being sought would relate; and

“appropriate local authority” means a local authority whose area contains any part of the water supply zone to which the authorisation being sought would relate.

Authorisations: terms and conditions

25.—(1) Subject to paragraph (2), a departure authorised under regulation 24 must be for as short a period as the Scottish Ministers consider is reasonably required for securing a supply of water for human consumption purposes that satisfies the requirements of Part 3 (“the departure period”).

(2) A departure period must not exceed 3 years.

(3) Subject to paragraph (4), an authorisation under regulation 24 must—

- (a) specify—
 - (i) the grounds on which it is granted;
 - (ii) every water supply zone in respect of which it is granted;
 - (iii) the extent to which a departure from the prescribed concentration or value of any parameter is authorised;

(12) The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 with the company number SC089892, and a registered charity with the number SC016637.

- (iv) in respect of each parameter to which head (iii) applies, the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;
 - (v) in respect of each parameter to which head (iii) applies, the results of the analysis of the samples (if any) taken in each water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;
 - (vi) the average daily quantity of water supplied from each of those zones or, if that quantity cannot readily be ascertained, the average daily quantity of water supplied from the treatment works that supplies water to that zone;
 - (vii) the estimated population of each of those zones;
 - (viii) whether or not any relevant food-production undertaking would be affected; and
 - (ix) the departure period;
- (b) require the implementation of a scheme for monitoring the quality of water supplied in each of those zones during the departure period (which may be, but need not be, the scheme submitted in accordance with regulation 24(3)(b));
 - (c) require the carrying out of the steps which the Scottish Ministers consider are reasonably required in order to secure that the supply satisfies the requirements of Part 3 (whether or not the steps are those proposed in the summary submitted in accordance with regulation 24(3)(c));
 - (d) specify, in relation to those steps—
 - (i) the timetable for the work;
 - (ii) an estimate of the cost of the work; and
 - (iii) provisions for reviewing the progress of the work and for reporting to the Scottish Ministers the result of the review; and
 - (e) require the taking of such steps as may be specified to give to the population within the water supply zones to which the authorisation applies and, in particular, to those groups of that population for which the supply of water in accordance with the authorisation could present a special risk, advice as to the measures (if any) that it would be advisable in the interests of their health for persons within that population or those groups to take for the whole or any part of the departure period.

(4) Where the Scottish Ministers consider that—

- (a) the extent of the contravention of the requirements of Part 3 as respects any parameter is trivial; and
- (b) the prescribed concentration or value as respects that parameter is likely to be achieved within the period of 30 days beginning with the day on which the prescribed concentration or value in respect of that parameter was contravened,

the particulars to be specified in the authorisation are those required by paragraph (3)(a)(iii) and (ix), and paragraphs (3)(b) to (e) do not apply.

(5) Where it appears to the Scottish Ministers that a supply of water that satisfies the requirements of Part 3 cannot be restored by the end of the departure period authorised under regulation 24 (“first departure”), they may authorise a second departure.

(6) Paragraphs (1) to (4) and (9) apply to a second departure as they apply to a first departure.

(7) Where it appears to the Scottish Ministers that a supply of water that satisfies the requirements of Part 3 cannot be restored by the end of the second departure period, they may ask the European Commission to grant a third departure (for a period not exceeding 3 years) in accordance with Article 9(2) of the Directive.

(8) Where the European Commission grants a third departure (“derogation”), the Scottish Ministers must send a copy of the derogation to—

- (a) the Drinking Water Quality Regulator for Scotland; and
- (b) Scottish Water.

(9) Paragraph (4) does not apply if the prescribed concentration or value for the parameter in question has been contravened on more than 30 days on aggregate during the previous 12 months.

Authorisations: other limitations

26. An authorisation under regulation 24(1) or 25(5), or a request under regulation 25(7), may be limited to water supplied—

- (a) from particular sources or classes of source; and
- (b) to particular water supply zones or to zones of particular descriptions.

Authorisations: publicity

27. As soon as reasonably practicable after a departure has been authorised under regulation 24(1) or 25(5) or granted under regulation 25(8), Scottish Water must—

- (a) inform the population affected of the departure and of the conditions governing it—
 - (i) except in a case to which paragraph (4) of regulation 25 applies, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii), (viii) and (ix) of that regulation;
 - (ii) in a case to which paragraph (4) of regulation 25 applies, and if Scottish Ministers so require, a notice containing a statement of the matters specified in paragraph (3)(a)(ii), (iii) and (ix) of that regulation;
- (b) give such other public notice of the departure (and its associated terms and conditions) as the Scottish Ministers may, by notice given to Scottish Water, reasonably require.

Authorisations: revocation and modification

28.—(1) Subject to paragraphs (2) and (3), the Scottish Ministers may at any time modify or revoke an authorisation given (or having effect as if so given) under regulation 24(1) or 25(5), and regulations 25 and 26 apply as respects a modification as they apply as respects that authorisation.

(2) The Scottish Ministers must not revoke or modify an authorisation under regulation 24(1) or 25(5) without giving at least 6 months' notice in writing (or in electronic form) of their intention to do so to—

- (a) the Drinking Water Quality Regulator for Scotland;
- (b) every appropriate health board;
- (c) every appropriate local authority;
- (d) the Scottish Association of Citizens Advice Bureaux⁽¹³⁾;
- (e) Scottish Water; and
- (f) the Water Industry Commissioner for Scotland,

but they may revoke or modify any such authorisation without the need for this prior notice if it appears to the Scottish Ministers that immediate revocation or modification is required in the interests of public health and provided notice is given thereafter of the revocation or modification.

(3) Scottish Water, on whose application a departure has been authorised under this Part, must notify the Scottish Ministers as soon as the circumstances which gave rise to the application cease to exist.

(4) The Scottish Ministers must on being notified under paragraph (3)—

- (a) without the need for prior notice, by notice given to Scottish Water revoke the authorisation; and
- (b) send a copy of the notice to the Drinking Water Quality Regulator for Scotland.

(5) In paragraph (2)—

“appropriate health board” means a health board whose area contains any part of the water supply zone to which the authorisation relates; and

⁽¹³⁾ The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 with the company number SC089892, and a registered charity with the number SC016637.

“appropriate local authority” means a local authority whose area contains any part of the water supply zone to which the authorisation relates.

PART 8

TREATMENT, RISK ASSESSMENT AND CONTAMINATION FROM PIPES

Treatment of raw water

- 29.**—(1) Before supplying water for human consumption purposes, Scottish Water must—
- (a) subject it to sufficient preliminary treatment;
 - (b) disinfect it; and
 - (c) subject it to an adequate treatment process.
- (2) Scottish Water must—
- (a) design, operate and maintain the disinfection and treatment process so as to keep disinfection and treatment by-products as low as possible without compromising the effectiveness of the disinfection or treatment; and
 - (b) verify the effectiveness of the disinfection and treatment process.
- (3) Paragraph (1) does not apply in so far as Scottish Water—
- (a) is unable to comply (in part or otherwise) with paragraph (1) without causing an interruption of the supply of water from the works;
 - (b) considers (bearing in mind the risks to human health which would be caused by any such interruption) that, to protect human health, the supply should not be interrupted;
 - (c) considers that other action (which would not cause an interruption of the supply) may be taken to protect human health until it is able to comply (in full) with paragraph (1); and
 - (d) before supplying water to which sub-paragraphs (a) to (c) apply, ensures that the action referred to in sub-paragraph (c) is taken and that affected consumers are informed promptly—
 - (i) of the fact that the water has not been subject to sufficient preliminary treatment, disinfected or, as the case may be, subject to an adequate treatment process;
 - (ii) of the action that it has taken, or will take, to protect human health; and
 - (iii) of the action (if any) that it considers the consumer should take for that purpose.
- (4) Paragraph (1) does not require Scottish Water to disinfect such groundwater as the Scottish Ministers may, by notice given to Scottish Water, specify.
- (5) For the purposes of this regulation—
- (a) “adequate treatment process” means a continuously operated process of blending or purification treatment which removes, reduces or renders harmless any organism or substance in, or property of, water, so that it does not constitute a potential danger to human health;
 - (b) “groundwater” has the same meaning as it has in section 3(4) of the Water Environment and Water Services (Scotland) Act 2003⁽¹⁴⁾;
 - (c) “sufficient preliminary treatment” means the treatment necessary (if any) to—
 - (i) remove or reduce the value or concentration of any property or substance which would interfere with disinfection; and
 - (ii) reduce turbidity to less than one Nephelometric Turbidity Unit; and
 - (d) water is supplied for human consumption purposes when it leaves a treatment works.

(14) 2003 asp 3, to which there are amendments which are not relevant to this regulation.

Risk assessment of each treatment works and its connected supply system

30.—(1) This regulation applies to each treatment works and its connected supply system from which water is supplied, or is to be supplied, by Scottish Water for human consumption purposes.

(2) Scottish Water must assess each treatment works and its connected supply system (“the combined system”) so as to establish whether or not there is a significant risk of supplying unwholesome water from the combined system (or any part of it).

(3) Each risk assessment must be recorded in writing (or in electronic form) and include—

- (a) a description of the methods used to prepare it;
- (b) where the assessment establishes that there is no significant risk of supplying unwholesome water from the combined system (or any part of it), a statement confirming this; and
- (c) where it establishes that measures have been taken to remove a significant risk of supplying unwholesome water from the combined system (or any part of it)—
 - (i) monitoring data which verifies this; and
 - (ii) details of those measures.

(4) Subject to paragraph (5), each risk assessment must be completed (and recorded) before 1st October 2015.

(5) If the combined system (or part of it) is not in use on the date specified in regulation 1(1), the risk assessment must be completed (and recorded) before the combined system or, as the case may be, that part of it is used by Scottish Water to supply water for human consumption purposes.

(6) Scottish Water must keep each risk assessment under review.

(7) The Drinking Water Quality Regulator for Scotland may, by notice given to Scottish Water, require it to complete (and record) a risk assessment or, as the case may be, a review by a date specified in the notice.

(8) Where Scottish Water becomes aware of any factors which make it likely that a risk assessment or a review will establish that there is a significant risk of supplying unwholesome water, it must inform the Drinking Water Quality Regulator for Scotland specifying the relevant factors and the measures it is taking or intends to take to mitigate the risk.

Procedure following risk assessment and prohibition of supply

31.—(1) As soon as reasonably practicable after Scottish Water has carried out a risk assessment, or a review of a risk assessment, under regulation 30, it must submit to the Scottish Ministers a copy of the risk assessment or, as the case may be, the review.

(2) Where the assessment or review establishes that there is a significant risk of supplying unwholesome water, Scottish Water must, as soon as reasonably practicable, prepare and submit to the Scottish Ministers a report that—

- (a) contains a full explanation including details of every property, organism or substance that has been identified as contributing to the risk; and
- (b) specifies the measures to mitigate the risk that Scottish Water—
 - (i) has made operational as at the date of the report; and
 - (ii) intends to make operational.

(3) Where the Scottish Ministers have received a report which states that there is or has been a significant risk of supplying unwholesome water, they may, by notice given to Scottish Water, require it—

- (a) to maintain such specified measures for such period of time as they consider appropriate to mitigate the risk;
- (b) to review, revise or make operational such specified measures by such date as they consider appropriate to mitigate the risk;
- (c) to audit whether the measures have been effective by such means as may be specified;

- (d) not to supply water for human consumption purposes from specified treatment works or supply systems, or not to so supply water unless specified conditions are satisfied; and
- (e) to give the Scottish Ministers such information as they may require to monitor progress towards mitigation of that risk.

(4) In paragraph (3), “specified” means specified in the notice given under that paragraph.

(5) The Scottish Ministers may, by notice given to Scottish Water, revoke or amend a notice given under paragraph (3).

Copper and lead contamination from pipes

32.—(1) Where there is a risk (“the prescribed risk”) that water supplied by Scottish Water would, for the reason mentioned in paragraph (2), after leaving its pipes—

- (a) contain a concentration of copper in excess of 2 mg/litre; or
- (b) contain a concentration of lead in excess of 10 µg/litre,

Scottish Water must, subject to paragraph (3), treat the water in such a way as it considers will eliminate the prescribed risk or reduce it to a minimum.

(2) The reason referred to in paragraph (1) is the presence in the water of a concentration of copper or lead which is attributable to the fact that copper or lead is the major component of such a pipe as is mentioned in section 76A(3)(a) of the 1980 Act, or its associated fittings.

(3) Paragraph (1) does not require Scottish Water to treat water—

- (a) if the treatment is unlikely to achieve a significant reduction in the concentration of copper or lead; or
- (b) in any water supply zone where the prescribed risk relates only to water supplied to an insignificant part of the zone; or
- (c) if treatment is not reasonably practicable.

(4) Where Scottish Water—

- (a) has reason to believe that water supplied by it for human consumption purposes from a pipe to which paragraph (5) applies contains, at the consumer’s tap, a concentration of lead which exceeds 10 µg/l; and
- (b) has received from the owner of premises to which water is so supplied notice in writing (or in electronic form)—
 - (i) of the owner’s intention to replace so much of the pipe as belongs to him; and
 - (ii) of his desire that Scottish Water replaces the remainder of the pipe,

Scottish Water must modify or replace its part of the pipe.

(5) This paragraph applies to a pipe—

- (a) of which the major component is lead;
- (b) which is subject to water pressure from a water main or would be so subject but for the closing of some valve; and
- (c) which belongs in part to Scottish Water and, as to the remainder, to the owner of the premises to which the pipe supplies water for human consumption purposes.

PART 9

CONTROLS ON SUBSTANCES, PRODUCTS AND PROCESSES

Application and introduction of substances and products

33.—(1) Subject to paragraph (2), Scottish Water must not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for human consumption purposes unless one of the requirements of paragraph (3) is satisfied.

(2) A substance or product which, at the time of its application or introduction—

- (a) bears an appropriate CE marking in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council laying down harmonised conditions for the marketing or construction products and repealing Council Directive 89/106/EEC⁽¹⁵⁾; or
- (b) conforms to an appropriate British Standard or some other national standard of an EEA State which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (3) is satisfied; but only if its application or introduction complies with—

- (i) such national conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the Scottish Ministers by an instrument in writing (or in electronic form); and
- (ii) such ‘other requirements’ (within the meaning of Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽¹⁶⁾ as amended from time to time), in relation to such substances and products as have been communicated to the Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive and whose adoption by a member State has also been communicated to the Commission.

(3) The requirements of this paragraph are—

- (a) that the Scottish Ministers have for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
- (b) that the Scottish Ministers are satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied; or
- (c) that the substance or product is to be applied or introduced solely for the purposes of testing or research, and Scottish Water has given to the Scottish Ministers not less than 3 months’ notice of their intention so to apply or introduce the substance or product.

(4) An application for such an approval as is mentioned in paragraph (3)(a) may be made by any person (“the applicant”).

(5) If the Scottish Ministers decide to issue an approval under paragraph (3)(a), they may include in the approval such conditions as they consider appropriate and, subject to paragraph (9), may at any time revoke or vary any approval they have previously given.

(6) Where a substance or a product is applied or introduced in any case in which the requirement mentioned in paragraph (3)(c) is satisfied, its application or introduction must be discontinued within 12 months of the date on which they were first applied or introduced or, if the Scottish Ministers so direct (in exercise of powers under section 56(3) of the Water Industry (Scotland) Act 2002⁽¹⁷⁾), within such other period (whether longer or shorter) as may be specified in the direction.

⁽¹⁵⁾ OJ L 88, 4.4.2011, p.5.

⁽¹⁶⁾ OJ L 204, 21.7.1998, p.37, as amended by OJ 217, 5.8.1998, p.18, OJ L 236, 23.9.2003, p.33 and OJ L 316, 14.11.2012, p.12.

⁽¹⁷⁾ 2002 asp 3.

(7) The Scottish Ministers may, by notice given to Scottish Water, prohibit it from applying to, or introducing into, water intended to be supplied for human consumption purposes any substance or product which Scottish Water would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraph (1) as read with sub-paragraph (b) or (c) of paragraph (3); or
- (b) paragraph (2).

(8) A prohibition under paragraph (7) may be without limitation as to time or for such period as is specified in the notice.

(9) The Scottish Ministers may—

- (a) revoke any approval given for the purposes of paragraph (3)(a) by notice given to—
 - (i) the applicant for that approval;
 - (ii) the Drinking Water Quality Regulator for Scotland; and
 - (iii) Scottish Water (where it is not the applicant);
- (b) modify any such approval by including conditions or varying existing conditions by notice given to the persons referred to in sub-paragraph (a); and
- (c) give notice in accordance with paragraph (7),

but, unless they are satisfied that it is necessary to do so in the interests of public health without notice, they must not do any of those things without giving such persons as the Scottish Ministers consider are likely to be affected by the revocation or modification of the approval, or by the issue of the notice, at least 6 months' notice in writing (or in electronic form) of their intention.

(10) Where the Scottish Minister give notice under paragraph (7) or (9)(a) or (b), they must also give notice forthwith to such persons as the Scottish Ministers consider are likely to be affected by the giving of that notice.

(11) At least once in each year, the Scottish Ministers must publish an up-to-date list of the substances and products in relation to which—

- (a) an application for approval under paragraph (4) has been granted or refused;
- (b) a notice has been given under paragraph (7);
- (c) an approval has been—
 - (i) revoked under paragraph (9)(a); or
 - (ii) modified under paragraph (9)(b),

with particulars of the matters in sub-paragraphs (a) to (c) to which each entry relates.

(12) The Scottish Ministers may—

- (a) by notice given to the applicant for an approval (as is mentioned in paragraph (3)(a)), require the applicant to pay them a charge which reflects the administrative expenses incurred or likely to be incurred by the Scottish Ministers, or by others on their behalf, in connection with the application; and
- (b) in determining the amount of any such charge, adopt such methods and principles for its calculation as appear to them to be appropriate.

(13) In this regulation, “EEA State” means a member State, Norway, Iceland or Lichtenstein.

Use of processes

34.—(1) The Scottish Ministers may by notice given to Scottish Water—

- (a) require it to make an application to them for approval of the use of any process; and
- (b) prohibit it (for such period as may be specified in the notice) from using any such process in connection with the supply by it of water human consumption purposes.

(2) The Scottish Ministers may by notice given to Scottish Water—

- (a) refuse or approve the application; and
- (b) if they approve the application, impose such conditions as they think fit.

- (3) The Scottish Ministers may by notice given to Scottish Water—
- (a) revoke any such approval; or
 - (b) modify or revoke any condition imposed.
- (4) The Scottish Ministers must give Scottish Water at least 6 months' notice in writing (or in electronic form) of their intention to—
- (a) revoke any such approval;
 - (b) modify a condition; or
 - (c) prohibit Scottish Water from using a process.
- (5) Paragraph (4) does not apply in so far as the Scottish Ministers consider that the immediate revocation, modification or prohibition is necessary in the interests of public health.
- (6) At least once in each year, the Scottish Ministers must publish an up-to-date list of the processes in relation to which—
- (a) a notice has been given under paragraph (1)(b);
 - (b) an application has been granted or refused under paragraph (2);
 - (c) an approval has been revoked under paragraph (3)(a);
 - (d) a condition of an approval has been modified or revoked under paragraph (3)(b);
- with particulars of the matters in sub-paragraphs (a) to (d) to which each entry relates.

PART 10

OFFENCES: PARTS 8 AND 9

Offences

- 35.**—(1) It is an offence for Scottish Water to contravene—
- (a) regulation 29(1);
 - (b) a requirement of a notice given to it under regulation 31(3)(d);
 - (c) regulation 33(1);
 - (d) a requirement of a notice given to it under regulation 33(7);
 - (e) a requirement of a notice given to it under regulation 34(1)(b); or
 - (f) a requirement of a notice given to it under regulation 34(2)(b).
- (2) In any proceedings against Scottish Water for an offence under paragraph (1)(a) or (1)(b), it is a defence to show that Scottish Water took all reasonable steps and exercised all due diligence to avoid committing the offence.
- (3) It is an offence for a person furnishing information or making an application (for approval) under regulation 33 or 34 to make a statement which that person knows to be false in a material particular, or to recklessly make a statement which is false in a material particular.
- (4) A person guilty of an offence under paragraph (1) or (3) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
 - (b) on conviction on indictment, to a fine.

Offences by bodies corporate

- 36.**—(1) Where—
- (a) an offence under regulation 35 has been committed by a body corporate or a Scottish partnership or other unincorporated association; and
 - (b) it is proved that the offence was committed with the consent or connivance of, or was attributable to any neglect of the part of—

(i) a relevant individual; or
(ii) an individual purporting to act in the capacity of a relevant individual,
the individual (as well as the body corporate, partnership or, as the case may be, other unincorporated association) commits the offence and is liable to be proceeded against and punished accordingly.

(2) In paragraph (1), “relevant individual” means—

- (a) in relation to a body corporate—
 - (i) a director, manager, secretary or other similar officer of the body;
 - (ii) where the affairs of the body are managed by its members, the members;
- (b) in relation to a Scottish partnership, a partner; and
- (c) in relation to an unincorporated association other than a Scottish partnership, a person who is concerned in the management or control of the association.

PART 11

RECORDS AND INFORMATION

Maintenance of records

37.—(1) Scottish Water must prepare and maintain, for each water supply zone, a record containing—

- (a) the name of the zone;
- (b) the name of every water treatment works, service reservoir and other supply point from which water is supplied to premises within the zone;
- (c) an estimate of the population of the zone;
- (d) particulars of any departure authorised under Part 7 which applies to water supplied in the zone;
- (e) particulars of the action taken or required to be taken by it to comply with—
 - (i) any default order made pursuant to section 76E of the 1980 Act;
 - (ii) any departure authorised under Part 7; and
 - (iii) any notice under regulation 23(2);
- (f) particulars of the result of any analysis of samples taken in accordance with regulations 5 to 13, 16 and 31;
- (g) a copy of each risk assessment, and any review, recorded under regulation 30; and
- (h) such other particulars as Scottish Water may determine.

(2) Scottish Water must make—

- (a) initial entries in the record in respect of the matters in paragraph (1)(a) to (d) and (e)(ii) within the period of two months beginning with the date specified in regulation 1(1);
- (b) entries in respect of each order or notice required by paragraph (1)(e)(i) and (iii) within a period of 28 days beginning with the date of the order and notice respectively; and
- (c) entries relating to the results of the analysis of samples within a period of 28 days beginning with the day on which the result is first known to the authority.

(3) Without prejudice to paragraph (2), Scottish Water must at least once in each year review and bring up-to-date the record required to be kept by paragraph (1).

(4) Nothing in this regulation requires Scottish Water to retain a record of any information mentioned in paragraph (1) for a period of more than 15 years beginning with the date on which the information was first entered in the record.

Notification of health risk events

38.—(1) Except in so far as paragraph (2) applies, as soon as reasonably practicable after the occurrence of a health risk event, Scottish Water must notify the occurrence of the event to—

- (a) the Drinking Water Quality Regulator for Scotland;
- (b) each health board for the area in which the event occurs;
- (c) Health Protection Scotland;
- (d) each local authority for the area in which the event occurs; and
- (e) the Scottish Ministers.

(2) Paragraph (1) does not apply in so far as the occurrence of a health risk event has already been notified to any such person, body or office-holder by virtue of the provisions in Part 6.

(3) A local authority or a health board that has received a notification under paragraph (1) may require Scottish Water to provide that local authority or, as the case may be, that health board with such information relating to the event and its consequences as they may reasonably require.

(4) In paragraphs (1) and (2), “health risk event” means an event which, by reason of its effect or likely effect on the water supplied by Scottish Water, gives rise or is likely to give rise to a significant risk to the health of persons residing in the area of a local authority or health board.

Publication of information

39.—(1) Scottish Water must, not later than 31st March in each year, publish on its website for each water supply zone a report relating to the preceding year.

(2) The report must specify—

- (a) the number of samples taken from each water supply zone in the preceding year in respect of residual disinfectant and each parameter in Table A and Table B and—
 - (i) for each zone, the number and percentage of samples (of the total taken in the zone) which failed to comply with the corresponding prescribed concentration or value;
 - (ii) for each zone, the parameters (if any) which each sample failed to comply with; and
 - (iii) the number and percentage of the zones (in which those samples were taken) which failed to comply with the corresponding prescribed concentration or value; and
- (b) the number of samples taken from each water supply zone in the preceding year in respect of each parameter in Table C and—
 - (i) for each zone, the number and percentage of samples (of the total taken in the zone) which failed to comply with the corresponding prescribed concentration or value;
 - (ii) for each zone, the parameters (if any) which each sample failed to comply with; and
 - (iii) the number and percentage of the zones (in which those samples were taken) which failed to comply with the corresponding prescribed concentrations or values.

PART 12

SCOTTISH WATER: INCIDENTAL POWERS

Power to enter

40.—(1) Scottish Water may where necessary to comply with any duty or requirement imposed on it by virtue of Parts 4 to 9 (and without prejudice to any power otherwise exercisable by it)—

- (a) enter any premises to which it supplies water for the purposes of—
 - (i) assessing or monitoring the quality of the water; or
 - (ii) investigating or isolating anything that appears to be affecting, or may affect, the quality of the water; and

- (b) take any steps at the premises which are reasonably required for those purposes.
- (2) Paragraph (1) has effect whether the water or thing is located at the premises or elsewhere.
- (3) Except in an emergency, paragraph (1) authorises entry only if the occupier (if any) of the premises—
 - (a) has consented to the intended entry for those purposes; or
 - (b) has been given at least 24 hours' notice of the intended entry for those purposes.
- (4) Where Scottish Water exercises the powers conferred by paragraph (1) (“the powers”) in an emergency, the powers allow the use of reasonable force (if required).
- (5) In paragraph (1), the reference to affecting the quality of the water is to affecting its quality adversely (directly or indirectly).
- (6) In paragraphs (3) and (4), “an emergency” means a case in which it appears to Scottish Water that—
 - (a) water supplied by it to premises for human consumption purposes constitutes an imminent danger to human health; and
 - (b) it must exercise immediately the powers conferred by paragraph (1) in order to protect human health from that danger.

Entry warrants

- 41.**—(1) Scottish Water may apply to the sheriff for a warrant authorising it to—
 - (a) enter particular premises for the purposes mentioned in regulation 40(1); and
 - (b) take any steps at the premises which are reasonably required for those purposes.
- (2) The sheriff may grant the warrant sought if satisfied—
 - (a) that there are reasonable grounds for entering the premises for those purposes; and
 - (b) that—
 - (i) the first and second conditions are met; or
 - (ii) the third condition is met.
- (3) The first condition is that—
 - (a) admission to the premises has been refused;
 - (b) the taking of steps at the premises has been obstructed; or
 - (c) such refusal or obstruction may reasonably be expected.
- (4) The second condition is that notice of the intention to seek a warrant has been given to the occupier of the premises.
- (5) The third condition is that the premises are unoccupied.
- (6) A warrant under paragraph (1)—
 - (a) remains valid until the purposes mentioned in regulation 40(1) are fulfilled; and
 - (b) allows the use of reasonable force (if required).
- (7) Paragraph (1) has effect whether the water or thing is located at the premises or elsewhere.

Approved persons

- 42.**—(1) Paragraph (2) applies to the authority conferred on Scottish Water by—
 - (a) regulation 40(1); or
 - (b) a warrant under regulation 41(1).
- (2) The authority is exercisable on behalf of Scottish Water by any person approved (in writing) by Scottish Water for the purposes mentioned in regulation 40(1).

Taking steps

43.—(1) Paragraph (2) to (6) apply in relation to the exercise of the authority mentioned in regulation 42(1)(a) or (b).

(2) An approved person must, if required by the occupier of the premises—

- (a) produce evidence of the approved person's identity (and approval); and
- (b) explain the nature of the authority by (as the case may be)—
 - (i) reference to regulation 40(1); or
 - (ii) showing a copy of the warrant.

(3) An approved person may take onto the premises—

- (a) other persons acting under the approved person's direction;
- (b) such equipment as is necessary in connection with the steps that may be taken there.

(4) The steps that may be taken by an approved person (or other persons acting under that person's direction) at the premises include—

- (a) inspecting or measuring any water found there;
- (b) carrying out tests on or taking samples from any soil, water or other substance found there; and
- (c) installing or maintaining any measuring, testing or sampling equipment for use there.

(5) Except in an emergency, an approved person may enter the premises only at a reasonable time.

(6) If the premises are unoccupied (or the occupier is temporarily absent), an approved person must leave them as effectively secured against entry as they were when that person entered them.

(7) In paragraphs (2) to (6), "approved person" means person approved as mentioned in paragraph 42(2).

(8) In paragraph (5), "an emergency" has the same meaning as it has in regulation 40(6).

Obstruction offence

44.—(1) A person commits an offence if the person intentionally obstructs an approved person in the exercise—

- (a) in an emergency, of the authority mentioned in regulation 42(1)(a); or
- (b) of the authority mentioned in regulation 42(1)(b).

(2) In paragraph (1), "approved person" means person approved as mentioned in regulation 42(2).

(3) A person who commits an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Compensation

45. Section 10 (compensation for damage resulting from the exercise of powers) of the 1980 Act has effect in relation to the exercise by Scottish Water of the authority mentioned in regulation 42(1)(a) or (b) (read with regulation 43) as it applies to the exercise of its powers under that Act.

PART 13

SCOTTISH MINISTERS: ENFORCEMENT POWERS

Powers of the Scottish Ministers on default of Scottish Water

46.—(1) Any duty or requirement imposed on Scottish Water by Parts 4 to 10 is enforceable by the Scottish Ministers under section 76E (enforcement of regulations under section 76B) of the 1980 Act whether or not a failure to carry out the duty or requirement constitutes an offence.

(2) Section 11 (power to make a default order) of the 1980 Act also has effect for the enforcement by the Scottish Ministers of any other duty or requirement imposed on Scottish Water by virtue of Parts 4 to 10 of

these Regulations (and whether or not a failure to carry out the duty or requirement constitutes an offence) but with the modification that the Scottish Ministers may make an order under section 11(2) without having caused a local inquiry to be held into the matter.

PART 14

LOCAL AUTHORITY FUNCTIONS: PUBLIC WATER SUPPLIES

Local authority functions in relation to public water supplies

47.—(1) In performing its duty under section 76F(1) of the 1980 Act to keep informed about the wholesomeness and sufficiency of water supplies in its area, a local authority—

- (a) must make such arrangements with Scottish Water as will secure that the local authority is notified as mentioned in regulation 38(1); and
- (b) may, in relation to any supply by Scottish Water of water for domestic purposes or food production purposes to premises in the area of that local authority—
 - (i) take, or cause to be taken; and
 - (ii) analyse, or cause to be analysed,

by a person designated by the local authority in writing (or in electronic form), such samples of the water supplied to the premises as they may reasonably require pursuant to that duty.

(2) Regulation 15 applies to samples taken under paragraph (1) as it applies to samples taken for the purposes of Part 4, but with the following modifications—

- (a) in paragraph (1), for “Scottish Water” substitute “A local authority”; and
- (b) in paragraph (2)(e), for “or Scottish Water” substitute “, Scottish Water or the local authority”.

PART 15

CONSEQUENTIAL AMENDMENTS AND REVOCATIONS

Amendment of the Water (Scotland) Act 1980

48. In the 1980 Act(**18**)—

- (a) in section 76FA(1)(c), omit sub-paragraphs (i) and (ii);
- (b) the title of that section becomes “**Domestic distribution failures where water is supplied to the public by private supply**”;
- (c) for section 76FB(1)—
 - (i) the words from “a” to the end become paragraph (a); and
 - (ii) after that paragraph, insert “; or
 - (b) receives a report on the findings of an investigation in accordance with regulation 19(1)(c) of the Public Water Supplies (Water Quality) (Scotland) Regulations 2014 (SSI 2014/XXX).”;
- (d) in section 76FB(2), after “issue” insert “or, as the case may be, the failure or apprehended failure which is the subject of the investigation,”;
- (e) in section 76FB(3)(a), after “issue” insert “or, as the case may be, the failure or apprehended failure”;
- (f) in section 76FB(4) and (8), after “issue”, in each place it occurs, insert “or a relevant failure”;
- (g) in section 76FB(9), for paragraphs (a) and (b) substitute—

(18) 1980 c.45; sections 76FA and 76FB were inserted by S.S.I. 2010/95.

- “(a) Part 2 of Table B in Schedule 1 to the Public Water Supplies (Water Quality) (Scotland) Regulations 2014 (SSI 2014/XXX);
- (b) Table C in Schedule 1 to those Regulations;”;
- (h) after section 76FB(9) insert—
 - “(10) In subsections (4) and (8) “a relevant failure” means a failure or apprehended failure which is the subject of an investigation to which subsection (1)(b) applies.”; and
- (i) in section 76L(1A) omit “otherwise than on the premises”.

Amendment of the Building (Scotland) Act 2003

49. In the Building (Scotland) Act 2003(**19**), in paragraph 5(2)(n) of schedule 1, for the words from “Table B” to the end, substitute “Part 1 of Table B in Schedule 1 to the Public Water Supplies (Water Quality) (Scotland) Regulations 2014 (SSI 2014/XXX)”.

Revocations

50.—(1) The following instruments are revoked—

- (a) the Surface Water (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996(**20**);
- (b) the Water Supply (Water Quality) (Scotland) Regulations 2001(**21**); and
- (c) the Water Supply (Water Quality) (Scotland) Amendment Regulations 2001(**22**).

(2) The following provisions are revoked—

- (a) paragraphs 10 and 13 in Schedule 1 to the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003(**23**);
- (b) regulation 37(1)(c) of the Private Water Supplies (Scotland) Regulations 2006(**24**);
- (c) regulations 7 to 14 of the Water Quality (Scotland) Regulations 2010(**25**);
- (d) paragraph 9 in Schedule 1 to the European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013(**26**); and
- (e) paragraph 4 in Schedule 5 to the Construction Products Regulations 2013(**27**).

PART 16

SAVINGS AND TRANSITIONAL PROVISIONS

Records and information

51.—(1) In so far as paragraph (2) applies, the obligations of Scottish Water to maintain records, make information available and produce reports under regulations 30 to 32 of the Water Supply (Water Quality) (Scotland) Regulations 2001 (“the 2001 Regulations”) continue to have effect on and after the date specified in regulation 1(1) as they had effect immediately before that date.

(2) This paragraph applies to records maintained and other information held by Scottish Water pursuant to the 2001 Regulations immediately before the date specified in regulation 1(1).

(19) 2003 asp 8.

(20) S.I. 1996/3047, as amended by S.S.I. 2001/207 and S.S.I. 2003/331.

(21) S.S.I. 2001/207, as amended by S.S.I. 2001/238, S.S.I. 2003/331, S.S.I. 2010/95, S.S.I. 2013/177 and S.I. 2013/1387.

(22) S.S.I. 2001/238.

(23) S.S.I. 2003/331.

(24) S.S.I. 2006/209, to which there are amendments not relevant to these Regulations.

(25) S.S.I. 2010/95.

(26) S.S.I. 2013/177.

(27) S.I. 2013/1387.

Water supply zones

52.—(1) The named areas designated by Scottish Water as its water supply zones for the year 2015 in accordance with regulation 3(1) and (2) of the Water Supply (Water Quality) (Scotland) Regulations 2001 are to be treated as areas designated (and named as such) by Scottish Water to be water supply zones for that year in accordance with regulation 3 of these Regulations.

(2) In regulation 2(1), “water supply zone” includes the areas that are treated as water supply zones for the year 2015 by virtue of paragraph (1).

Authorised departures

53.—(1) Paragraph (2) applies in relation to an application for authorisation made under regulation 20 of the Water Supply (Water Quality) (Scotland) Regulations 2001 which was both—

- (a) made before the date specified in regulation 1(1); and
- (b) not determined by the Scottish Ministers before that date.

(2) Regulation 24(4)(c) does not apply⁽²⁸⁾.

St Andrew's House,
Edinburgh
2014

Authorised to sign by the Scottish Ministers

⁽²⁸⁾ By virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30), an application made under regulation 20 of the Water Supply (Water Quality) (Scotland) Regulations 2001 has effect as if made under regulation 24 of these Regulations.

SCHEDULE 1

Regulations 2(1) and 2(4)

PRESCRIBED CONCENTRATIONS AND VALUES

TABLE A
MICROBIOLOGICAL PARAMETERS

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Concentration or value (maximum)</i>	(4) <i>Units of measurement</i>	(5) <i>Point of compliance</i>
Part 1				
1.	Enterococci	0	Number/100ml	Consumer's tap
2.	<i>Escherichia coli</i>	0	Number/100ml	Consumer's tap
Part 2^(a)				
3.	Coliform bacteria	0	Number/100ml	Service reservoir ^(b)
		0	Number/100ml	Treatment works
4.	<i>Escherichia coli</i>	0	Number/100ml	Service reservoir ^(b)
		0	Number/100ml	Treatment works

Note—

^(a) The parametric values in Part 2 are not required to protect human health (since the parametric values in Part 1 are sufficient for that purpose). The values in Part 2 are not therefore set for the purposes of Article 5(3) of the Directive.

^(b) Compliance required as to 95% of samples from each service reservoir (regulation 4(4)).

TABLE B
CHEMICAL PARAMETERS

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Concentration or value (maximum)</i>	(4) <i>Units of measurement</i>	(5) <i>Point of compliance</i>
Part 1				
1.	Acrylamide	0.10	µg/l	^(a)
2.	Antimony	5.0	µgSb/l	Consumer's tap
3.	Arsenic	10	µgAs/l	Consumer's tap
4.	Benzene	1.0	µg/l	Consumer's tap
5.	Benzo(a)pyrene	0.010	µg/l	Consumer's tap
6.	Boron	1.0	mgB/l	Consumer's tap
7.	Bromate	10	µgBrO ₃ ⁻ /l	Consumer's tap
8.	Cadmium	5.0	µgCd/l	Consumer's tap
9.	Chromium	50	µgCr/l	Consumer's tap
10.	Copper ^(b)	2.0	mgCu/l	Consumer's tap
11.	Cyanide	50	µgCN ⁻ /l	Consumer's tap
12.	1,2-dichloroethane	3.0	µg/l	Consumer's tap
13.	Epichlorohydrin	0.10	µg/l	^(a)
14.	Fluoride	1.5	mgF ⁻ /l	Consumer's tap
15.	Lead ^(b)	10	µgPb/l	Consumer's tap
16.	Mercury	1.0	µgHg/l	Consumer's tap
17.	Nickel ^(b)	20	µgNi/l	Consumer's tap
18.	Nitrate ^(c)	50	mgNO ₃ ⁻ /l	Consumer's tap

19.	Nitrite ^(c)	0.50	mgNO ₂ ⁻ /l	Consumer's tap
		0.10	mgNO ₂ ⁻ /l	Treatment works
20.	Pesticide ^(d) —			
	Aldrin	0.030	µg/l	Consumer's tap
	Dieldrin	0.030	µg/l	Consumer's tap
	Heptachlor	0.030	µg/l	Consumer's tap
	Heptachlor epoxide	0.030	µg/l	Consumer's tap
	Other pesticide ^(e)	0.10	µg/l	Consumer's tap
21.	Pesticides: Total ^(f)	0.50	µg/l	Consumer's tap
22.	PAH: Total ^(g)	0.10	µg/l	Consumer's tap
23.	Selenium	10	µgSe/l	Consumer's tap
24.	Tetrachloroethene and Trichloroethene ^(h)	10	µg/l	Consumer's tap
25.	THM: Total ⁽ⁱ⁾	100	µg/l	Consumer's tap
26.	Vinyl chloride	0.50	µg/l	(a)
Part 2^(j)				
27.	Aluminium	200	µgAl/l	Consumer's tap
28.	Colour	20	mg/l Pt/Co	Consumer's tap
29.	Iron	200	µgFe/l	Consumer's tap
30.	Manganese	50	µgMn/l	Consumer's tap
31.	Odour	Acceptable to consumers and no abnormal change		Consumer's tap
32.	Sodium	200	mgNa/l	Consumer's tap
33.	Taste	Acceptable to consumers and no abnormal change		Consumer's tap
34.	Tetrachloromethane	3	µg/l	Consumer's tap
35.	Turbidity	4	NTU ^(k)	Consumer's tap

Notes—

(a) The parametric value refers to the residual monomer concentration in the water as calculated according to specifications of the maximum release from the corresponding polymer in contact with the water. This is controlled by product specification.

(b) See also regulation 6(6).

(c) See also regulation 4(2)(c).

(d) "Pesticide", in this and other tables, means an organic insecticide, herbicide, fungicide, nematocide, acaricide, algicide, rodenticide, slimicide, molluscicide or related product (including a growth regulator), and includes the relevant metabolites, degradation and reaction products of that pesticide.

(e) The corresponding parametric value applies to each 'other pesticide' individually.

(f) "Pesticides: Total", in this and other tables, refers to the sum of the concentrations of each pesticide detected and quantified in the monitoring procedure.

(g) "PAH: Total", in this and other tables, refers to the sum of the concentrations of the following polyaromatic hydrocarbons: benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(ghi)perylene and indeno(1,2,3-cd)pyrene.

(h) "Tetrachloroethene and Trichloroethene", in this and other tables, refers to the sum of the concentrations of tetrachloroethene and trichloroethene.

(i) "THM: Total", in this and other tables, refers to the sum of the concentrations of the following trihalomethanes: chloroform, bromoform, dibromochloromethane and bromodichloromethane.

(j) The parametric values this Part are not required to protect human health (since the parametric values in Part 1 are sufficient for that purpose). The values in Part 2 are not therefore set for the purposes of Article 5(3) of the Directive.

(k) "NTU" refers to Nephelometric Turbidity Unit.

TABLE C
INDICATOR PARAMETERS

(1) Item	(2) Parameter	(3) Concentration or value (maximum) or state	(4) Units of measurement	(5) Point of monitoring
Part 1				
1.	Ammonium	0.50	mgNH ₄ ⁺ /l	Consumer's tap
2.	Chloride ^(a)	250	mgCl/l	Supply point ^(b)
3.	<i>Clostridium perfringens</i> (including spores)	0	Number/100ml	Supply point ^(b)
4.	Coliform bacteria	0	Number/100ml	Consumer's tap
5.	Colony count	No abnormal change	Number/1 ml at 22°C Number/1 ml at 37°C	Consumer's tap
		No abnormal change	Number/1 ml at 22°C Number/1 ml at 37°C	Service reservoir ^(d)
		No abnormal change	Number/1 ml at 22°C Number/1 ml at 37°C	Treatment works ^(e)
6.	Conductivity ^(a)	2500	µS/cm at 20°C	Supply point ^(b)
7.	Hydrogen ion	9.5 6.5 (minimum)	pH value	Consumer's tap
8.	Sulphate ^(a)	250	mgSO ₄ ²⁻ /l	Supply point ^(b)
9.	Total organic carbon	No abnormal change	mgC/l	Supply point ^(b)
10.	Turbidity	1	NTU ^(f)	Treatment works
Part 2				
11.	Indicative dose ^(c)	0.10	mSv/year	Supply point ^(b)
12.	Tritium	100	Bq/l	Supply point ^(b)

Notes—

^(a) The water should not be aggressive.

^(b) In the event that the use of samples from a point within a water supply zone has not been authorised for this parameter under regulation 8, the point of monitoring is instead the consumer's tap.

^(c) "Indicative dose", in this and other tables, refers to the committed effective dose for one year of ingestion resulting from all the radionuclides (whose presence has been detected in water supplied for human consumption purposes) of natural and artificial origin, but excluding tritium, potassium-40, radon and radon decay products.

^(d) This value, in so far as the point of monitoring is a service reservoir, is not set for the purposes of Article 5(3) of the Directive.

^(e) This value, in so far as the point of monitoring is a treatment works, is not set for the purposes of Article 5(3) of the Directive.

^(f) "NTU" refers to Nephelometric Turbidity Unit.

SCHEDULE 2
MONITORING

Regulations 2(1), 2(4), 9 and 11

TABLE 1
PARAMETERS AND CIRCUMSTANCES FOR CHECK MONITORING

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Circumstances</i>
1.	Aluminium	When used as flocculant or where the water originates from, or is influenced by, surface waters.
2.	Ammonium	
3.	<i>Clostridium perfringens</i> (including spores)	Where the water originates from, or is influenced by, surface waters.
4.	Coliform bacteria	
5.	Colony count	
6.	Colour	
7.	Conductivity	
8.	<i>Escherichia coli</i>	
9.	Hydrogen ion	
10.	Iron	When used as flocculant or where the water originates from, or is influenced by, surface waters.
11.	Manganese	Where the water originates from, or is influenced by, surface waters.
12.	Nitrate	When chloramination is practised.
13.	Nitrite	When chloramination is practised.
14.	Odour	
15.	Taste	
16.	Turbidity	

TABLE 2
ANNUAL SAMPLING FREQUENCIES: SAMPLING POINTS(29)

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Estimated population of water supply zone</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
<i>Subject to check monitoring</i>				
1.	Coliform bacteria	< 100	–	4
2.	<i>Escherichia coli</i>	≥100	–	12 per 5,000 population ^(d)
3.	Residual disinfectant			
4.	Aluminium ^(a)	< 100	1	2
5.	Ammonium	100-4,999	2	4
6.	<i>Clostridium perfringens</i> (including spores) ^{(a)(b)}	5,000-9,999	6	12
		10,000-29,999	12	24
7.	Colony count	30,000-49,999	18	36
8.	Colour	50,000-79,999	26	52
9.	Conductivity ^(b)	80,000-100,000	38	76

(29) This table specifies the number of samples to be taken at sampling points for the purposes of regulation 9(1)(a) and (2).

10.	Hydrogen ion			
11.	Iron ^(a)			
12.	Manganese ^(a)			
13.	Nitrate ^(a)			
14.	Nitrite ^(a)			
15.	Odour			
16.	Taste			
17.	Turbidity			
<i>Subject to audit monitoring</i>				
18.	Antimony	< 100	—	1
19.	Arsenic	100-4,999	—	4
20.	Benzene ^(b)	5,000-100,000	—	8
21.	Benzo(a)pyrene			
22.	Boron ^(b)			
23.	Bromate ^{(b)(e)}			
24.	Cadmium			
25.	Chloride ^(b)			
26.	Chromium			
27.	Copper			
28.	Cyanide ^(b)			
29.	1,2-dichloroethane ^(b)			
30.	Enterococci			
31.	Fluoride ^(b)			
32.	Lead			
33.	Mercury ^(b)			
34.	Nickel			
35.	Pesticide ^{(b)(c)}			
36.	PAH: Total			
37.	Selenium			
38.	Sodium			
39.	Sulphate ^(b)			
40.	Tetrachloroethene and Trichloroethene ^(b)			
41.	Tetrachloromethane ^(b)			
42.	THM: Total			
43.	Total organic carbon ^(b)			
44.	Indicative dose— Gross alpha ^(b) Gross beta ^(b)			
45.	Tritium ^(b)			

Notes—

^(a) Sampling at the frequencies specified in this table for check monitoring is required only when the circumstances for this parameter in column (3) of Table 1 apply (see regulation 6(4)(b)). Where this is not the case, sampling at the frequencies specified in this table for audit monitoring is required instead.

^(b) Subject to note (e), samples for this parameter may, to the extent authorised under regulation 8 for a water supply zone, be taken from alternative supply points in accordance with regulation 9(1)(b).

^(c) Only those pesticides which are likely to be present in a given supply need to be monitored.

^(d) Where the population is not an exact multiple of 5,000, the population figure should be rounded up to the nearest multiple of 5,000.

^(e) If sodium hypochlorite is added after water has left a treatment works in the water supply zone, monitoring for this parameter must be carried out at sampling points (rather than at supply points).

TABLE 3

ANNUAL SAMPLING FREQUENCIES: SUPPLY POINTS(30)

(1) Item	(2) Parameter	(3) Volume of water supplied m ³ /d	(4) Reduced	(5) Standard
<i>Subject to check monitoring</i>				
1.	<i>Clostridium perfringens</i> (including spores) ^(a)	< 20 20-999	— 2	2 4
2.	Conductivity	1,000-1,999 2,000-5,999 6,000-9,999 10,000-15,999 16,000-32,999 33,000-49,999 50,000-67,999 68,000-84,999 85,000-101,999 102,000-119,999 120,000-241,999 242,000-484,999 485,000-728,999	6 12 18 26 52 78 104 130 156 183 365 730 1,095	12 24 36 52 104 156 208 260 312 365 730 1,460 2,190
<i>Subject to audit monitoring</i>				
3.	Benzene	< 20	—	1
4.	Boron	20-999	—	4
5.	Bromate ^(b)	1,000-49,999	—	8
6.	Chloride	50,00-89,999	—	12
7.	Cyanide	90,000-299,999	—	24
8.	1,2-dichloroethane	300,000-649,999	—	36
9.	Fluoride	≥ 650,000	—	48
10.	Mercury			
11.	Pesticide ^(c)			
12.	Sulphate			
13.	Tetrachloroethene and Trichloroethene			
14.	Tetrachloromethane			
15.	Total organic carbon			
16.	Indicative dose— Gross alpha Gross beta			
17.	Tritium			

Notes—

^(a) Sampling at the frequencies specified in this table for check monitoring is required only where the water originates from, or is influenced by, surface waters (see regulation 6(4)(b)). Where this is not the case, sampling at the frequencies specified in this table for audit monitoring is required instead.

^(b) If sodium hypochlorite is added after water has left a treatment works in the water supply zone, audit monitoring for this parameter must be carried out at sampling points (rather than at supply points).

^(c) “Pesticide” has the same meaning as it has in Table B. Only those pesticides which are likely to be present in a given supply need to be monitored.

(30) This table specifies the number of samples to be taken at supply points for the purposes of regulation 9(1)(b) and (2).

TABLE 4**ANNUAL SAMPLING FREQUENCIES: TREATMENT WORKS(31)**

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Volume of water supplied m³/d</i>	(4) <i>Reduced</i>	(5) <i>Standard</i>
<i>Subject to check monitoring</i>				
1.	Coliform bacteria	< 20	–	4
2.	Colony count	20-1,999	12	52
3.	<i>Escherichia coli</i>	2,000-5,999	52	104
4.	Residual disinfectant	6,000-11,999	104	208
		≥12,000	208	365
5.	Nitrite ^(a)	< 20	–	2
6.	Turbidity	20-999	2	4
		1,000-1,999	6	12
		2,000-5,999	12	24
		6,000-9,999	18	36
		10,000-15,999	26	52
		16,000-32,999	52	104
		33,000-49,999	78	156
		50,000-67,999	104	208
		68,000-84,999	130	260
		85,000-101,999	156	312
		102,000-119,999	183	365
		120,000-241,999	365	730
		242,000-484,999	730	1,460
		485,000-728,999	1,095	2,190
<i>Subject to audit monitoring</i>				
7.	Nitrite ^(a)	< 20	–	1
		20-999	–	4
		1,000-49,999	–	8
		50,000-89,999	–	12
		90,000-299,999	–	24
		300,000-649,999	–	36
		≥650,000	–	48

Note—

^(a) Sampling at the frequencies specified in this table for check monitoring is required only when chloramination is practised (see regulation 6(4)(b)). When this is not the case, this parameter must be sampled instead at the frequencies specified in this table for audit monitoring.

SCHEDULE 3 Regulations 2(1), 2(4) and 15(5)

ANALYSIS: METHODS AND CAPABILITIES

TABLE M1

SPECIFIED PARAMETERS: ANALYTICAL METHOD TO BE USED

(1) <i>Item</i>	(2) <i>Parameter</i>	(3) <i>Method</i>
1.	<i>Clostridium perfringens</i> (including spores)	Membrane filtration followed by anaerobic incubation of the membrane on m-CP agar ^(a) at 44 ± 1°C for 21 ± 3 hours. Count opaque yellow colonies that turn pink or red after exposure to ammonium hydroxide vapours for 20 to 30 seconds.
2.	Coliform bacteria	ISO 9308-1
3.	Colony count 22°C — enumeration of culturable microorganisms	prEN ISO 6222
4.	Colony count 37°C — enumeration of culturable microorganisms	prEN 6222
5.	Enterococci	ISO 7899-2
6.	<i>Escherichia coli</i>	ISO 9308-1

Note—

^(a) The composition of m-CP agar is:

Basal medium—

Dissolve the ingredients of the basal medium, adjust pH to 7.6 and autoclave at 121°C for 15 minutes.	Tryptose Yeast extract Sucrose L-cysteine hydrochloride MgSO ₄ ·7H ₂ O Bromocresol purple Agar Water	30.0 g 20.0 g 5.0 g 1.0 g 0.1 g 40.0 mg 15.0 g 1,000.0 ml
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Allow the medium to cool and add—

D-cycloserine Polymyxine-B sulphate Indoxyl-(beta)-D-glucoside to be dissolved in 8ml sterile water before addition Filter-sterilised 0.5% phenolphthalein disphosphate solution Filter-sterilised 4.5% FeCl ₃ ·6H ₂ O	400.0 mg 25.0 mg 60.0 mg 20.0 ml 2.0 ml
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TABLE M2

OTHER PARAMETERS: CAPABILITIES REQUIRED OF ANALYTICAL METHOD

(1) Item	(2) Parameter	(3) Trueness % of prescribed concentration or value	(4) Precision % of prescribed concentration or value	(5) Limit of detection % of prescribed concentration or value
1.	Aluminium	10	10	10
2.	Ammonium	10	10	10
3.	Antimony	25	25	25
4.	Arsenic	10	10	10
5.	Benzene	25	25	25
6.	Benzo(a)pyrene	25	25	25
7.	Boron	10	10	10
8.	Bromate	25	25	25
9.	Cadmium	10	10	10
10.	Chloride	10	10	10
11.	Chromium	10	10	10
12.	Colour	10	10	10
13.	Conductivity	10	10	10
14.	Copper	10	10	10
15.	Cyanide ^(a)	10	10	10
16.	1,2-dichloroethane	25	25	10
17.	Fluoride	10	10	10
18.	Iron	10	10	10
19.	Lead	10	10	10
20.	Manganese	10	10	10
21.	Mercury	20	10	20
22.	Nickel	10	10	10
23.	Nitrate	10	10	10
24.	Nitrite	10	10	10
25.	Pesticide ^(b)	25	25	25
26.	PAH: Total ^(c)	25	25	25
27.	Selenium	10	10	10
28.	Sodium	10	10	10
29.	Sulphate	10	10	10
30.	Tetrachloroethene ^(d)	25	25	10
31.	Tetrachloromethane	20	20	20
32.	Trichloroethene ^(e)	25	25	10
33.	THM: Total ^(c)	25	25	10
34.	Turbidity ^(e)	10	10	10
35.	Turbidity ^(f)	25	25	25

Notes—

^(a) The method of analysis should determine total cyanide in all forms.^(b) The capabilities required apply in relation to each individual pesticide defined in note (d) to Table B.^(c) The capabilities required apply in relation to each individual substance specified in note (g) to Table B at 25% of the prescribed concentration or value for PAH: Total in that table.^(d) The capabilities required apply in relation to the individual substances specified in note (h) to Table B at 50% of the prescribed concentration or value for PAH: Total in that table.^(e) The capabilities required apply in relation to prescribed concentration or value of 4NTU in Table B. ^(f) The capabilities required apply to prescribed concentration or value of 1NTU in Table C.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations aim to protect human health from the adverse effects of any contamination of water supplied by Scottish Water for human consumption purposes by ensuring that it is wholesome. In so far as they apply to water supplied by Scottish Water for human consumption purposes, they also apply the measures necessary to deliver the requirements of Council Directive 98/83/EC on the quality of water intended for human consumption⁽³²⁾ (“the Directive”).

With the exception of regulations 16, 17 to 23 (in part), 30, 31, 33(12), 35(1)(a) and (b) and (2) (read with 35(4)), 40 to 45, 46(2) and 48 to 53, the provisions of these Regulations revoke and largely re-enact (with some modifications) the provisions of the Water Supply (Water Quality) (Scotland) Regulations 2001⁽³³⁾ (“the 2001 Regulations”). Except where the contrary intention appears, in so far as a thing done (such as a sample taken or a failure investigated) or having effect as if so done under a provision of the 2001 Regulations could have been done under the re-enacted provision (modified or not), that thing has effect as if done under that re-enacted provision⁽³⁴⁾.

Part 1 makes provision in relation to citation, commencement, extent and interpretation.

Part 2 requires Scottish Water to designate areas of its supply as ‘water supply zones’.

Part 3 sets the standards of wholesomeness required for water supplied by Scottish Water.

Part 4 requires Scottish Water to take samples of water to check compliance with the standards of wholesomeness required. Samples taken from consumers’ taps must be selected at random.

Part 5 requires Scottish Water to identify its drinking water abstraction points and to take samples in order to check compliance with treatment standards and for risk assessment purposes.

Part 6 requires Scottish Water to immediately investigate any failure, or apprehended failure, to satisfy the standards of wholesomeness required. Scottish Water must immediately notify its consumers and other persons if any potential danger to human health. Scottish Water must report its findings. Where the failure affects water supplies to the public and the cause is due to a domestic distribution system in premises where water is supplied to the public, the Scottish Ministers may direct the relevant local authority in relation to the exercise of its powers to take remedial action under the Water (Scotland) Act 1980. In other cases, Scottish Water must take remedial action to restore a wholesome supply and to protect human health.

Part 7 provides for the authorisation of temporary departures from the wholesomeness standards.

Part 8 requires Scottish Water to treat and disinfect its water supplies to render harmless any contaminants. It also requires Scottish Water to assess each of its treatment works and connected supply systems to establish if there is any significant risk of it supplying unwholesome water. The Scottish Ministers may require Scottish Water to take steps to mitigate any such risk. Scottish Water must also treat its water to minimise any risk of copper and lead standards being exceeded.

Part 9 provides controls in relation to the application and introduction of substances, products and processes in relation to water supplied by Scottish Water for human consumption purposes.

Part 10 makes provision in relation to offences by Scottish Water.

Part 11 makes provision in relation to record keeping and the disclosure of information.

Part 12 confers incidental powers on Scottish Water, and makes connected provision for an offence of obstruction and compensation for damage.

Part 13 makes provision in relation to the enforcement powers of the Scottish Ministers.

⁽³²⁾ OJ L 330, 5.12.98, p.32, as amended by Corrigendum (OJ L 111, 20.4.2001, p. 31), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p. 1) and Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p. 14).

⁽³³⁾ S.S.I. 2001/207, as amended by S.S.I. 2001/238, S.S.I. 2003/331, S.S.I. 2010/95, S.S.I. 2013/177 and S.I. 2013/1387.

⁽³⁴⁾ This is transitional provision applies by virtue of section 17(2)(b) of the Interpretation Act 1978 (c.30).

Part 14 confers incidental powers on local authorities.

Part 15 makes consequential amendments and revocations.

Part 16 makes savings and transitional provisions.

The powers in section 2(2) of the European Communities Act 1972 (c. 68) (“the 1972 Act”) are exercised so far as may be necessary (to supplement the other powers cited) for the purposes of implementing, or enabling the implementation of, obligations arising by or under the Directive, and for the purposes of dealing with matters arising out of or related to any such obligations.

In particular, the powers in section 2(2) of the 1972 Act enable provision to be made in—

- regulation 8 for the authorisation of samples (pursuant to Article 7(3) of the Directive),
- regulations 17 to 23 for the investigation and taking of action in relation to failures due to domestic distribution systems (pursuant to Articles 4 and 8 of the Directive),
- regulation 31(3) for the conferral of a power on the Scottish Ministers to, by notice, require Scottish Water to take certain steps where a report identifies a significant risk of supplying unwholesome water (pursuant to Articles 4 and 8 of the Directive),
- regulation 33(12) for the Scottish Ministers to determine the amount of any charge to be paid in relation to applications for approval (pursuant to Article 10 of the Directive),
- regulation 35(1)(a) and (b) and (2) (as read with regulation 35(4)) which makes it an offence for Scottish Water to contravene regulation 29(1) or a notice given to it under regulation 31(3)(d), subject to a defence that it took all reasonable steps and exercised all due diligence to avoid doing so (pursuant to Articles 4 and 8 of the Directive),
- regulations 40 to 45 for the conferral of incidental powers, the offence of obstruction and provision in relation to compensation (pursuant to Articles 4 to 10 of the Directive),
- regulation 46(2) for the conferral of an enforcement power in relation to a duty or requirement imposed by virtue of Parts 4 to 10 for a purpose not specified in section 76B of the Water (Scotland) Act 1980 (pursuant to Articles 4 to 10 of the Directive),
- regulations 48 and 49 for the purposes of making amendments to the Water (Scotland) Act 1980 and the Building (Scotland) Act 2003 in consequence of regulations 17 to 23 (in so far as those regulations are made pursuant to Articles 4 and 8 of the Directive), and
- regulation 50 for the purposes of revoking the Surface Water (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996 in consequence of the repeal (by Article 22(1) of the Directive 2000/60/EC establishing a framework for Community Action in the field of water policy⁽³⁵⁾) of Council Directive 75/440/EEC (OJ L 194, 25.7.1975, p. 26) and Council Directive 79/869/EEC (OJ L 271, 29.10.1979, p.44).

These Regulations contain provisions (see regulation 33) which constitute a “technical regulation” within the meaning of Directive 98/34/EC laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services⁽³⁶⁾. They have been notified in draft to the European Commission in accordance with that Directive.

⁽³⁵⁾ OJ, L 327, 22.12.2000, p.1, to which there are amendments not relevant to these Regulations.

⁽³⁶⁾ OJ L 204, 21.7.1998, p. 37, as amended by OJ L 217, 5.8.1998, p. 18, OJ L 363, 20.12.2006, p. 81, OJ L 316, 14.11.2012, p. 12 and OJ L 236, 23.9.2003, p. 33.



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