

Draft Regulations laid before the Scottish Parliament under section 5(2) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2022 No.

WATER SUPPLY

**The Public Water Supplies (Scotland)
Amendment Regulations 2022**

Made - - - - 2022
Coming into force - - 1st January 2023

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 76B, 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980(1), section 1(1) of UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(2) (“the 2021 Act”), and all other powers enabling them to do so(3).

In accordance with section 5(2) of the 2021 Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public Water Supplies (Scotland) Amendment Regulations 2022 and come into force on 1 January 2023.

(2) In these Regulations, the “2014 Regulations” means the Public Water Supplies (Scotland) Regulations 2014(4).

Amendment of the 2014 Regulations

2. The 2014 Regulations are amended in accordance with regulations 3 to 18.

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- (1) 1980 c. 45. Sections 76B and 76J were inserted by section 168 and schedule 22 of the Water Act 1989 (c. 15). Section 76B was amended by section 56 of Food Safety Act 1990 (c. 16) and paragraph 50 of schedule 6 of the Water Industry (Scotland) Act 2002 (asp 3). Section 76J was amended by paragraph 119(45) of schedule 13 of the Local Government etc. (Scotland) Act 1994 (c. 39). Section 101(1A) was inserted by section 27(1) and paragraph 9(5) of schedule 10 of the Natural Heritage (Scotland) Act 1991 (c. 28). The definition of “prescribed” in section 109(1) was amended by paragraph 38(f) of schedule 11 of the Local Government Finance Act 1992 (c. 14). The functions conferred on the Secretary of State under sections 76B, 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980 are, so far as they are exercisable within devolved competence, exercisable by the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
- (2) 2021 asp 4.
- (3) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
- (4) S.S.I. 2014/364, amended by S.S.I. 2015/100, S.S.I. 2015/346, S.S.I. 2017/281, S.S.I. 2017/282 and S.S.I. 2019/336.

3. In regulation 2(1) (interpretation)—
 - (a) in the definition of “parameter”, omit “, Table 2”,
 - (b) in the definition of “prescribed concentration or value”, omit “or granted by the European Commission pursuant to a request under regulation 25(7)”,
 - (c) in the definition of “water quality standards”, omit “or granted pursuant to a request under regulation 25(7)”.
4. In regulation 6(7) (monitoring programmes), for “reduce the level of monitoring required by the programme” substitute “remove or reduce the monitoring of any parameter, micro-organism, parasite or substance required by that programme”.
5. In regulation 11(1)(b)(iii) (sampling at treatment works), for “(item 19)” substitute “(item 24)”.
6. In regulation 13 (sampling: water supplied by tanker)—
 - (a) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
 - “(a) when the water is put into that tanker,
 - (b) 24 hours after the commencement of the distribution from that tanker, and
 - (c) every 24 hours from then on until the distribution is discontinued.”,
 - (b) after paragraph (3), insert—

“(4) This regulation does not apply where the distribution of water in any part of a water supply zone is by mobile tanker.”.
7. After regulation 13, insert—

“Sampling: water supplied by mobile tanker

13A.—(1) Where the distribution of water in any part of a water supply zone is by mobile tanker and is (or is likely to be) an intermittent short-term supply, samples of water from each mobile tanker from which water is to be distributed must be taken in accordance with paragraphs (2) and (3).

(2) Samples must—

(a) be taken—

(i) when the water is put into the mobile tanker, and

(ii) immediately before the commencement of any distribution of water from that tanker, and

(b) be analysed for compliance with residual disinfectant (item 4) in Table 4.

(3) Unless paragraph (4) applies, a sample must be taken when the water is put into the mobile tanker and the sample must be analysed for compliance with *Escherichia coli* (item 2) and Coliform bacteria (item 3) in Table A.

(4) Where water is put into the mobile tanker from the same place on at least one other occasion within a period of 24 hours from the sample taken under sub-paragraph (3), a sample is not required to be taken on the second or any subsequent occasion that water is put into that tanker within that period.

(5) In regulation 13 and this regulation, “mobile tanker” means a container used to distribute water for human consumption purposes that has been treated and has been transported from one part of the public water supply system to another.”.

8. In regulation 20(1)(b) (Scottish Water to restore water quality)—
 - (a) in head (i), for “(item 10)” substitute “(item 13)”,

(b) in head (ii), for “(item 15)” substitute “(item 19)”.

9. In regulation 24(4)(c) (authorisation of temporary supply of water that is not wholesome), for “the Scottish Association of Citizens Advice Bureaux” substitute “Consumer Scotland(5)”.

10. In regulation 25 (authorisations: terms and conditions), omit paragraphs (7) and (8).

11. In regulation 26 (authorisations: other limitations), omit “, or a request under regulation 25(7),”.

12. In regulation 27 (authorisations: publicity), omit “or granted in accordance with Article 9(2) of the Directive”.

13. In regulation 28(2)(d) (authorisations: revocation and modification) for “the Scottish Association of Citizens Advice Bureaux” substitute “Consumer Scotland”.

14. In regulation 31 (procedure following risk assessment and prohibition of supply)—

(a) in paragraphs (1), (2) and (5), for “Scottish Ministers”, in each place where it appears, substitute “Drinking Water Quality Regulator for Scotland”,

(b) in paragraph (3)—

(i) in the introduction—

(aa) for “Scottish Ministers have” substitute “Drinking Water Quality Regulator for Scotland has”,

(bb) for “they” substitute “the Regulator”,

(ii) in sub-paragraphs (a) and (b), for “they consider” substitute “the Regulator considers”,

(iii) in sub-paragraph (e)—

(aa) for “Scottish Ministers” substitute “Drinking Water Quality Regulator for Scotland”,

(bb) for “they” substitute “the Regulator”.

15. In regulation 33(2)(b) (application and introduction of substances and products)—

(a) omit “of an EEA state or Turkey”,

(b) in head (i), omit from “; and” to the end.

16. In schedule 1 (prescribed concentrations and values)—

(a) for Table B (chemical parameters) (and the notes to that table) substitute the table contained in schedule 1 of these Regulations,

(b) for Table C (indicator parameters) (and the notes to that table) substitute the table contained in schedule 2 of these Regulations,

(c) after Table C (and the notes to that table) (as inserted by paragraph (b))—

(i) before the definition of “NTU” insert—

““HAAs” means the sum of the following haloacetic acids: monochloro-, dichloro-, and trichloro-acetic acid, and mono- and dibromo-acetic acid,”

(ii) in the definition of “Pesticide”—

(aa) omit “, molluscicide”,

(5) Consumer Scotland is established by section 1 of the Consumer Scotland Act 2020 (asp 11).

- (bb) for “the relevant metabolites” to the end, insert “their metabolites as defined in point (32) of Article 3 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council(6) that are relevant metabolites”,
- (iii) after the definition of “Pesticides: Total”, insert—
- ““relevant metabolite” means a pesticide metabolite that has intrinsic properties comparable to those of the parent substance in terms of its pesticide target activity or that either itself or its transformation products generate a health risk for consumers,”
- “Sum of PFAS” means the sum of the following perfluoroalkyl substances considered a concern as regards water intended for human consumption—
- Perfluorobutanoic acid,
 - Perfluoropentanoic acid,
 - Perfluorohexanoic acid,
 - Perfluoroheptanoic acid,
 - Perfluorooctanoic acid,
 - Perfluorononanoic acid,
 - Perfluorodecanoic acid,
 - Perfluoroundecanoic acid,
 - Perfluorododecanoic acid,
 - Perfluorotridecanoic acid,
 - Perfluorobutane sulfonic acid,
 - Perfluoropentane sulfonic acid,
 - Perfluorohexane sulfonic acid,
 - Perfluoroheptane sulfonic acid,
 - Perfluorooctane sulfonic acid,
 - Perfluorononane sulfonic acid,
 - Perfluorodecane sulfonic acid,
 - Perfluoroundecane sulfonic acid,
 - Perfluorododecane sulfonic acid,
 - Perfluorotridecane sulfonic acid.”.

17.—(1) Schedule 1A (monitoring: minimum requirements) is amended in accordance with paragraphs (2) to (5).

(2) In Part A—

(a) after paragraph 2, insert—

“2A.—(1) Each monitoring programme must include an operational monitoring programme that—

(a) takes into account any parameter, or micro-organism, parasite or substance, identified as relevant—

(i) by virtue of regulation 5(2), or

(6) EUR 1107/2009, as relevantly amended by EUR 2019/1009 and S.I. 2019/556.

- (ii) through a risk assessment under regulation 30,
- (b) where appropriate, includes monitoring of parameters in accordance with sub-paragraphs (2) and (3), and
- (c) confirms the effectiveness of all measures in place to control risks to human health throughout the water supply chain (from the catchment area through abstraction, treatment and storage to distribution).
- (2) Except where turbidity is caused by iron and manganese in groundwater sources, the operational monitoring programme must include monitoring of the parameter turbidity at the treatment works in accordance with the reference values and frequencies in the following table—

Operational parameter	Reference value	Minimum frequency of sampling and analysis		
Turbidity at the treatment works	0.3 NTU in 95% of samples and none to exceed 1 NTU	<i>Volume (m³) of water distributed or produced each day within a supply zone</i>		
		> 0	≤ 1,000	Weekly
		> 1,000	≤ 10,000	Daily
		> 10,000		Continuous

- (3) The operational monitoring programme must include monitoring of somatic coliphages in raw water in accordance with the following table—

Operational parameter	Reference value	Unit	Notes
Somatic coliphages	50 (for raw water)	PFU/100ml	<p>This parameter must be measured if the risk assessment under regulation 30 indicates that it is appropriate to do so.</p> <p>If it is found in raw water at concentrations > 50 PFU/100ml, it must be analysed after steps of the treatment train in order to determine log removal by the barriers in place and to assess whether the risk of a breakthrough of pathogenic viruses is sufficiently under control.</p>

- (4) In this paragraph—
- “NTU” means Nephelometric Turbidity Unit, and
- “PFU” means Plaque Forming Unit.”,
- (b) in paragraph 3, for “5” substitute “6”.
- (3) In Part B, in paragraph 2(a), after “*Escherischia coli*,”, insert “enterococci,”.
- (4) In Part C—
- (a) in paragraph 2—
- (i) omit “or” following sub-paragraph (b),
- (ii) after sub-paragraph (c), insert—

- “(d) a risk assessment has established that raw water—
 - (i) in the catchment area used to abstract water for human consumption purposes, or
 - (ii) as a result of abstraction through the public water supply system, contains a parameter 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, or
 - (e) a risk assessment has identified extension of the list of parameters and/or increase of the minimum sampling frequencies as the most appropriate means of mitigating a risk to human health.”,
 - (b) in paragraph 3—
 - (i) in sub-paragraph (a), after “*Escherichia coli*”, insert “and enterococci”,
 - (ii) in sub-paragraph (b), for heads (i) to (iv) substitute—
 - “(i) a risk assessment has established that the parameter to be removed from the list of parameters to be monitored under Part B of this schedule, or for which the minimum sampling frequencies are to be reduced, is not present or, as the case may be, is not likely to be present in raw water—
 - (aa) in the catchment area used to abstract water for human consumption purposes, and
 - (bb) as a result of abstraction through the public water supply system, 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,
 - (ii) where a parameter from the list of parameters to be monitored under Part B of this schedule can only occur as a result of the treatment technique or disinfection method, that technique or method is not used by Scottish Water, or
 - (iii) the specifications in paragraph 3A are complied with.”,
 - (c) after paragraph 3 insert—
 - “**3A.** The specifications are that—
 - (a) the location and frequency of sampling must be determined in relation to the parameter’s origin, as well as the variability and long-term trend of its concentration, taking into account the water quality standards,
 - (b) to reduce the minimum sampling frequency for a parameter under Part B of this schedule, the results obtained from samples collected at regular intervals over a period of at least 3 years from sampling points representative of the whole water supply zone must all be less than 60% of the prescribed concentration or value for the parameter,
 - (c) to remove a parameter from the list of parameters to be monitored under Part B of this schedule, the results obtained from samples collected at regular intervals over a period of at least 3 years from points representative of the whole water supply zone must all be less than 30% of the prescribed concentration or value of the parameter,
 - (d) the removal of a parameter from the list of parameters to be monitored under Part B of this schedule must be based on the result of the risk assessment, informed by

the results of monitoring of sources of water and confirming that human health is protected from the adverse effects of any contamination of water, and

- (e) for a reduction in the minimum sampling frequency for a parameter under Part B of this schedule or removal of a parameter from the list of parameters to be monitored under that Part, the risk assessment confirms that no factor (that can be reasonably anticipated) is likely to cause deterioration of the quality of the water.

3B. Any parameter removed from the list of parameters to be monitored in Part B of this schedule under paragraph 3(b) must be monitored—

- (a) at least once every six years, and
- (b) in cases where—
 - (i) a new water source is integrated into the water supply chain (from the catchment area through abstraction, treatment and storage to distribution), or
 - (ii) changes made to the water supply chain are expected to have a potentially adverse effect on the quality of water.”,

(d) in paragraph 4—

(i) for sub-paragraph (1), substitute—

“(1) The minimum sampling frequency for a parameter under Part B of this schedule (including for a micro-organism, parasite or substance referred to in paragraph 2(1)(b) of that Part) may be reduced or any such parameter may be removed from the list of parameters to be monitored under paragraph 3(b), only if the Drinking Water Quality Regulator for Scotland, by notice to Scottish Water, consents in accordance with sub-paragraph (2) to the reduction or removal, and that consent has not been revoked under sub-paragraph (4).”,

(ii) for sub-paragraph (2) substitute—

“(2) The Drinking Water Quality Regulator for Scotland may consent, under sub-paragraph (1), if the Regulator is satisfied that to do so would not compromise the quality of the water.”,

(iii) in sub-paragraphs (3) and (4), for “(2)(b)”, in each place it occurs, substitute “(1)”.

(5) In Part E, omit paragraph 1(4).

18.—(1) Schedule 3 (methods of analysis) is amended in accordance with paragraphs (2) to (4).

(2) After paragraph 1(2) insert—

“(3) For the purposes of assessing the equivalence of alternative methods with methods specified in this schedule, Scottish Water may use European standard EN ISO 17994:2014 entitled “*Water quality - Requirements for the comparison of the relative recovery of microorganisms by two quantitative methods*”(7), or European standard EN ISO 16140:2003 entitled “*Microbiology of food and animal feeding stuffs - Protocol for the validation of alternative methods*”(8), or any other similar internationally accepted protocols, to establish the equivalence of methods based on principles, other than culturing, which are beyond the scope of European Standard EN ISO 17994:2014.”.

(3) In paragraph 2 of Part A—

(7) This standard was approved by the European Committee for Standardization (CEN) on 19th February 2014. Under reference BS EN ISO 17994:2014, it is published as a UK standard by the British Standards Institution (ISBN 0 580 43873 2).

(8) This standard was approved by the European Committee for Standardization (CEN) on 6th July 2002. Under reference BS EN ISO 16140:2003, it is published as a UK standard by the British Standards Institution (ISBN 978 0 580 67570 6).

- (a) omit sub-paragraphs (c) and (e),
- (b) after sub-paragraph (f) insert—
 - “(g) for *somatic coliphages*, European Standard EN ISO 10705-2:2000 entitled “*Water quality — Detection and enumeration of bacteriophages — Part 2: Enumeration of somatic coliphages*”(9) and European Standard EN ISO 10705-3:2003 entitled “*Water quality — Detection and enumeration of bacteriophages — Part 3: Validation of methods for concentration of bacteriophages from water*”(10) can be used”.
- (4) In Part B—
 - (a) in paragraph 1(1), for “Subject to paragraph 3, for” substitute “For”,
 - (b) omit paragraph 3,
 - (c) for Table 1 (minimum performance characteristic: uncertainty of measurement) and Table 2 (minimum performance characteristics: trueness, precision and limit of detection) and the notes to Table 1 and Table 2, substitute the table contained in schedule 3 of these Regulations.

St Andrew’s House,
Edinburgh
Date

Name
A member of the Scottish Government

(9) This standard was approved by the European Committee for Standardization (CEN) on 22nd June 2001. Under reference BS EN ISO 10705-2:2000, it is published as a UK standard by the British Standards Institution (ISBN 0 580 34695 1).

(10) This standard was approved by the European Committee for Standardization (CEN) on 30th October 2003. Under reference BS ISO 10705-3:2003, it is published as a UK standard by the British Standards Institution (ISBN 0 580 42830 3).

SCHEDULE 1

Regulation 16(a)

SUBSTITUTION OF TABLE B IN SCHEDULE 1 OF THE 2014 REGULATIONS

“TABLE B

CHEMICAL PARAMETERS

(1) Item	(2) Parameter	(3) Concentration or value (maximum)	(4) Units of measurement	(5) Point of compliance	(6) Notes
Part 1					
1.	Acrylamide	0.10	µg/l	Consumer's tap	Note 1
2.	Antimony	10	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.	Bisphenol A	2.5	µg/l	Consumer's tap	
7.	Boron	1.5	mgB/l	Consumer's tap	Note 2
8.	Bromate	10	µgBrO ₃ /l	Consumer's tap	
9.	Cadmium	5.0	µgCd/l	Consumer's tap	
10.	Chlorate	0.25	mg/l	Consumer's tap	Note 3
11.	Chlorite	0.25	mg/l	Consumer's tap	Note 3
12.	Chromium	50	µgCr/l	Consumer's tap	
13.	Copper	2.0	mgCu/l	Consumer's tap	
14.	Cyanide	50	µgCN/l	Consumer's tap	
15.	1,2-dichloroethane	3.0	µg/l	Consumer's tap	
16.	Epichlorohydrin	0.10	µg/l	Consumer's tap	Note 1
17.	Fluoride	1.5	mgF/l	Consumer's tap	
18.	HAAs	60	µg/l	Consumer's tap	Note 4
19.	Lead	10	µgPb/l	Consumer's tap	
20.	Mercury	1.0	µgHg/l	Consumer's tap	
21.	Microcystin-LR	1.0	µg/l	Consumer's tap	Note 5
22.	Nickel	20	µgNi/l	Consumer's tap	
23.	Nitrate	50	mgNO ₃ /l	Consumer's tap	Note 6
24.	Nitrite	0.50	mgNO ₂ /l	Consumer's tap	Note 6

(1) Item	(2) Parameter	(3) Concentration or value (maximum)	(4) Units of measurement	(5) Point of compliance	(6) Notes
		0.10	mgNO ₂ /l	Treatment works	
25.	Pesticides—				
	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	Consumers' tap	
	Other pesticide	0.10	µg/l	Consumer's tap	Note 7
26.	Pesticides: total	0.50	µg/l	Consumer's tap	
27.	Sum of PFAS	0.1	µg/l	Consumer's tap	
28.	PAH Total	0.10	µg/l	Consumer's tap	
29.	Selenium	20	µgSe/l	Consumer's tap	Note 8
30.	Tetrachloroethene and trichloroethene	10	µg/l	Consumer's tap	Note 9
31.	THM: Total	100	µg/l	Consumer's tap	
32.	Uranium	30	µg/l	Consumer's tap	
33.	Vinyl chloride	0.50	µg/l		Note 10
Part 2					
34.	Aluminium	200	µgAl/l	Consumer's tap	
35.	Colour	20	mg/l Pt/Co	Consumer's tap	
36.	Iron	200	µgFe/l	Consumer's tap	
37.	Manganese	50	µgMn/l	Consumer's tap	
38.	Sodium	200	mgNa/l	Consumer's tap	
39.	Tetrachlorometh-ane	3	µg/l	Consumer's tap	
40.	Turbidity	4	NTU	Consumer's tap"	

Notes—

Note 1: The parametric value of 0.10 µg/l 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.

Note 2: A parametric value of 2.4 mgB/l must be applied when desalinated water is the predominant water source of the supply system concerned or in regions where geological conditions could lead to high levels of boron in groundwater.

Note 3: A parametric value of 0.70 mg/l must be applied where a disinfection method that generates this parameter, in particular chlorine dioxide, is used for disinfection of water intended for human consumption. This parametric value applies only if such disinfection methods are used.

Note 4: This parameter must be measured only when disinfection methods that can generate HAAs are used for the disinfection of water intended for human consumption.

Note 5: This parameter must be measured only in the event of potential blooms in source water (increasing cyanobacterial cell density or bloom forming potential).

Note 6: See also regulation 4(2)(c).

Note 7: The corresponding parametric value applies to each “other pesticide” individually.

Note 8: A parametric value of 30 µg/l must be applied for regions where geological conditions could lead to high levels of selenium in groundwater.

Note 9: The sum of concentrations of these two parameters.

Note 10: The parametric value of 0.50 µg/l 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.

SCHEDULE 2

Regulation 16(b)

SUBSTITUTION OF TABLE C IN SCHEDULE 1 OF THE 2014 REGULATIONS

“TABLE C

Indicator Parameters

(1) Item	(2) Parameter	(3) Concentration or value (maximum) or state	(4) Units of measurement	(5) Point of monitoring	(6) Notes
Part 1					
1.	Ammonium	0.50	mgNH ₄ /l	Consumer’s tap	
2.	Chloride	250	mgCl/l	Supply point	Note 3
3.	<i>Clostridium perfringens</i> (including spores)	0	Number/100ml	Supply point	Note 4
4.	Coliform bacteria	0	Number/100ml	Consumer’s tap	Note 5
5.	Colony count	No abnormal change	Number/1ml at 22°C	Consumer’s tap, service reservoir and treatment works	
6.	Colour	Acceptable to consumers and no abnormal change		Consumer’s tap	
7.	Conductivity	2500	µS/cm at 20°C	Supply point	Note 6
8.	Hydrogen ion	9.5	pH value	Consumer’s tap	Notes 6 and 7
		6.5 (minimum)			
9.	Odour	Acceptable to consumers and no abnormal change		Consumer’s tap	

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: The Public Water Supplies (Scotland) Amendment Regulations 2022 No. 387

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>	<i>(6)</i>
Item	Parameter	Concentration or value (maximum) or state	Units of measurement	Point of monitoring	Notes
10.	Sulphate	250	mgSO ₄ /l	Supply point	Note 3
11.	Taste	Acceptable to consumers and no abnormal change		Consumer's tap	
12.	Total organic carbon	No abnormal change	mgC/l	Supply point	Note 8
13.	Turbidity	1	NTU	Treatment works	
Part 2					
14.	Indicative dose	0.10	mSv	Supply point	
15.	Radon	100	Bq/l	Supply point	Note 9
16.	Tritium	100	Bq/l	Supply point	Note 10

Notes—

Note 1: Water must not be aggressive or corrosive. This applies particularly to water undergoing treatment (demineralisation, softening, membrane treatment, reverse osmosis, etc.).

Note 2: Where water intended for human consumption is derived from treatment that significantly demineralises or softens water, calcium and magnesium salts could be added to condition the water in order to reduce any possible negative health impact, as well as to reduce the corrosiveness or aggressivity of water and to improve taste. Minimum concentrations of calcium and magnesium or total dissolved solids in softened or demineralised water could be established taking into account the characteristics of water that enters those processes.

Note 3: The water must not be corrosive.

Note 4: This parameter must be measured if a risk assessment under regulation 30(2) indicates that it is appropriate to do so.

Note 5: For water put into bottles or containers (which is not intended for sale for drinking by humans), the unit is number/250ml.

Note 6: The water must not be aggressive.

Note 7: For water put into bottles or containers (which is not intended for sale for drinking by humans), the minimum value is 4.5 pH units.

Note 8: This parameter need not be measured for supplies of less than 10,000 m³ a day.

Note 9: Remedial action is to be deemed justified on radiological protection grounds, without further consideration where radon concentrations exceed 1,000 Bq/l.

Note 10: If the concentration of tritium exceeds this value, an analysis of the presence of other artificial radionuclides must also be carried out by Scottish Water.

SCHEDULE 3

Regulation 18(4)(c)

SUBSTITUTION OF TABLE 1 IN SCHEDULE 3 OF THE 2014 REGULATIONS

“Minimum performance characteristic: uncertainty of measurement

<i>Parameter</i>	<i>Uncertainty of measurement (% of prescribed concentration or value, except pH) (Note 1)</i>	<i>Notes</i>
Aluminium	25	

<i>Parameter</i>	<i>Uncertainty of measurement (% of prescribed concentration or value, except pH) (Note 1)</i>	<i>Notes</i>
Ammonium	40	
Acrylamide	30	
Antimony	40	
Arsenic	30	
Benzo(a)pyrene	50	Note 2
Benzene	40	
Bisphenol A	50	
Boron	25	
Bromate	40	
Cadmium	25	
Chloride	15	
Chlorate	40	
Chlorite	40	
Chromium	30	
Conductivity	20	
Copper	25	
Cyanide	30	Note 3
1,2-dichloroethane	40	
Epichlorohydrin	30	
Fluoride	20	
HAAs	50	
Hydrogen ion concentration (in pH)	0.20	Note 4
Iron	30	
Lead	30	
Manganese	30	
Mercury	30	
Microcystin-LR	30	
Nickel	25	
Nitrate	15	
Nitrite	20	
Oxidisability	50	Note 5

Parameter	Uncertainty of measurement (% of prescribed concentration or value, except pH) (Note 1)	Notes
Pesticides	30	Note 6
PFAS	50	
Polycyclic aromatic hydrocarbons	40	Note 7
Selenium	40	
Sodium	15	
Sulphate	15	
Tetrachloroethene	40	Note 8
Trichloroethene	40	Note 8
Trihalomethanes – total	40	Note 7
Total organic carbon	30	Note 9
Turbidity	30	Note 10
Uranium	30	
Vinyl chloride	50”	

Notes—

Note 1: Uncertainty of measurement is a non-negative parameter characterising the dispersion of the quantity values being attributed to a measurand, based on the information used. The performance criterion for measurement uncertainty ($k = 2$) is the percentage of the parametric value stated in the table or any stricter value. The uncertainty of measurement must be estimated at the level of the parametric value, unless otherwise specified.

Note 2: If the value of uncertainty of measurement cannot be met, the best available technique must be selected (up to 60%).

Note 3: The method determines total cyanide in all forms.

Note 4: The value for the uncertainty of measurement is expressed in pH units.

Note 5: Reference method European standard EN ISO 8467:1995 entitled “*Water quality - Determination of permanganate index (ISO 8467:1993)*” (11).

Note 6: The performance characteristics for individual pesticides are given as an indication. Values for the uncertainty of measurement as low as 30 % can be achieved for several pesticides, higher values up to 80% may be allowed for a number of pesticides.

Note 7: The performance characteristics apply to individual substances, specified at 25% of the prescribed concentration or value for the corresponding parameter in Table B.

Note 8: The performance characteristics apply to individual substances, specified at 50% of the prescribed concentration or value for the corresponding parameter in Table B.

Note 9: The uncertainty of measurement must be estimated at the level of 3 mg/l of the total organic carbon in accordance with European standard EN 1484:1997 entitled “*Water analysis - Guidelines for the determination of total organic carbon and dissolved organic carbon*” (12).

Note 10: The uncertainty of measurement must be estimated at the level of 1.0 nephelometric turbidity units in accordance with European standard EN ISO 7027-1:2016 entitled “*Water quality - Determination of turbidity - Part 1: Quantitative methods (ISO 7027-1:2016)*” (13) or another equivalent standard method.

(11) This standard was approved by the European Committee for Standardization (CEN) on 3rd November 1994. Under reference EN ISO 8467:1995, it is published as a UK standard by the British Standards Institution (ISBN 0 580 23435 5).

(12) This standard has been approved by the International Organization for Standardization (ISO). Under reference BS ISO 5725-1 to BS ISO 5725-6, these are published as UK standards by the British Standards Institution.

(13) This standard was approved by the European Committee for Standardization (CEN) on 15th April 2016. Under reference BS EN ISO 7027-1:2016, it is published as a UK standard by the British Standards Institution (ISBN 978 0 580 81961 2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Water Supplies (Scotland) Regulations 2014 (“the 2014 Regulations”) to implement partially Directive (EU) 2020/2184 of the European Parliament and of the Council on the quality of water intended for human consumption (“the Directive”), to address deficiencies arising from the withdrawal of the United Kingdom from the European Union and to make some further minor amendments.

Regulation 3 amends the definitions of “parameter”, “prescribed concentration or value” and “water quality standards” in regulation 2 of the 2014 Regulations.

Regulation 4 amends regulation 6 of the 2014 Regulations to provide that Scottish Water may remove a parameter from a monitoring programme.

Regulation 6 amends the provision on sampling in relation to water supplied by tankers in regulation 13 of the 2014 Regulations and also disappplies it in relation to mobile tankers. Regulation 7 makes new provision for sampling in relation to water supplied by mobile tanker.

Regulation 9 and 13 transfer functions in relation to authorisation of temporary supply of water that is not wholesome from the Scottish Association of Citizens Advice Bureaux to Consumer Scotland which was established under section 1 of the Consumer (Scotland) Act 2020.

Regulations 10, 11 and 12 amend the 2014 Regulations to omit references to the process whereby the European Commission could grant a third temporary departure from the requirements of the 2014 Regulations.

Regulation 14 amends regulation 31 of the 2014 Regulations to remove the functions in relation to risk assessment procedures from the Scottish Ministers and to transfer those functions to the Drinking Water Quality Regulator for Scotland.

Regulation 15 amends regulation 33 of the 2014 Regulations to omit requirements applicable to products and substances that may be applied to or introduced into water intended for human consumption which no longer operate effectively following the withdrawal of the UK from the European Union.

Regulation 16 amends schedule 1 of the 2014 Regulations to replace Table B and Table C (and the notes to those tables) with new tables containing the water quality standards of the Directive. Regulations 5 and 8 make minor amendments that are required as a result of the new numbering of chemical parameters in Table B.

Regulation 17 amends schedule 1A of the 2014 Regulations to introduce the requirement that Scottish Water maintain an operational monitoring programme and to revise the conditions on which the Scottish Water may deviate from the minimum monitoring requirements (pursuant to Article 9(4) of the Directive).

Regulation 18 amends schedule 3 of the 2014 Regulations to replace Table 1 of that schedule with a new table that contains the minimum performance characteristics of the Directive.

A Business Regulatory Impact Assessment has been prepared for these Regulations. A copy of this may be obtained from the Scottish Government, Victoria Quay, Leith, Edinburgh EH6 6QQ and online at www.legislation.gov.uk.