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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 209**

**The Private Water Supplies (Scotland) Regulations 2006**

**PART VIII**

**TYPE B SUPPLIES: RISK ASSESSMENTS,  
INVESTIGATIONS AND MONITORING**

**Type B Supplies: Risk Assessments**

**27.**—(1) A monitoring local authority shall, in respect of a Type B supply, provide such advice and assistance to a relevant person as will enable that person to undertake an assessment (“risk assessment”) of the potential risks to human health arising from their supply.

(2) A monitoring local authority may carry out a risk assessment (whether or not on the request of a relevant person or consumer), taking into account the matters specified in Schedule 4, of the potential health risks associated with any Type B supply in their area.

**Investigations: Table D of Schedule 1 microbiological and chemical parameters**

**28.**—(1) Where a monitoring local authority has reason to believe that a Type B supply fails, or is likely to fail, to satisfy a requirement of regulation 7(3), that authority may take such steps as it considers necessary to identify the following matters—

- (a) the cause and extent of the failure, or as the case may be, the apprehended failure;
- (b) the microbiological and chemical parameters listed in Table D of Schedule 1 in respect of which the prescribed specification has not been, or is unlikely to be, achieved; and
- (c) in relation to each parameter so identified, whether the failure, or apprehended failure, to achieve the prescribed specification is attributable to—
  - (i) the domestic distribution system;
  - (ii) the maintenance of that system; or
  - (iii) neither of those matters.

(2) As soon as reasonably practicable after the matters specified in paragraph (1) have been identified, the monitoring local authority shall notify the relevant person and the appropriate local authority of those matters and of the steps that the authority considers it is necessary or desirable to take in the interests of health.

(3) As soon as reasonably practicable after the relevant person receives notification given under paragraph (2), that person shall notify in writing every consumer, if any, of that supply likely to be affected by the matters specified in paragraph (1) of the cause and effect of the failure or, as the case may be, the apprehended failure, and shall provide to those consumers, details of the steps (if any) specified in accordance with paragraph (2).

### **Monitoring duties and powers**

**29.**—(1) For the purpose of determining whether a Type B supply satisfies the provisions of regulation 7(3), a monitoring local authority may take or cause to be taken, and analyse, or cause to be analysed, from any Type B supply located within its area such number of samples, if any, of water which the authority considers is necessary to establish whether the supply is wholesome.

(2) Samples from a Type B supply or from premises served by such a supply, shall be taken so that they are representative of the quality of water intended for human consumption purposes throughout the year and, in a case where a Type B supply serves a number of premises, from such premises selected at random as will ensure, insofar as is reasonably practicable, that their analysis will produce data which is representative of the quality of water so sampled.

(3) Samples are to be taken at the point of compliance determined in accordance with regulation 7(5).

(4) A monitoring local authority may at any time take and analyse a sample of water from any Type B supply (whether or not on the request of a relevant person or a consumer served by such a supply) for the parameters referred to in Table C of Schedule 2 to these Regulations, using the methodology specified in Schedule 5.

(5) A monitoring local authority shall as soon as is practicable and in any event, within 28 days of being requested to do so by a relevant person in relation to a Type B supply, or a consumer of such a supply serving premises in their area, take and analyse a sample from the supply representative of the quality of water intended for human consumption purposes throughout the year for compliance with the parameters specified in regulation 7(3).

(6) Without prejudice to the monitoring powers and duties in this regulation, a monitoring local authority shall have power to take and analyse a sample from a Type B supply in order to—

- (a) confirm or clarify the results of the analysis of a previous sample;
- (b) ascertain the effectiveness of remedial action taken in relation to the supply (whether or not such action was taken following service of a notice under section 76G of the 1980 Act<sup>(1)</sup>).

### **Additional Monitoring**

**30.**—(1) This regulation applies to any Type B supply sampled by a monitoring local authority in accordance with regulation 29.

(2) A monitoring local authority may sample every appropriate Type B supply in its area in respect of any property, element, micro-organism, parasite or substance which fulfils the conditions specified in paragraph (3).

(3) The conditions specified in this paragraph are that—

- (a) the supply may have or contain a property, element, micro-organism, parasite or substance not listed in Table C of Schedule 2; and
- (b) the monitoring local authority reasonably believes that the concentration, amount or number of the property, element, micro-organism, parasite or substance may be such that it may (whether alone or in combination with a parameter or any other property, element, micro-organism, parasite or substance) cause the supply to fail to satisfy the provisions of regulation 7(3).

(4) A monitoring local authority may cause to be taken such samples at such frequency as it considers appropriate having regard to any anticipated risk of danger to human health, and which are representative of the quality of water intended for human consumption purposes throughout the year.

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(1) Section 76G was added by the Water Act 1989, Schedule 2, paragraph 1.

