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SCOTTISH STATUTORY INSTRUMENTS

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**2006 No. 209**

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

**PART V**

**TYPE A SUPPLIES: TEMPORARY DEPARTURE  
FROM REQUIREMENTS OF PART IV**

**Application for authorisation of temporary departure in respect of a Type A supply that is not wholesome**

**8.—**(1) Where a relevant person has reason to believe that a Type A supply fails, or is likely to fail, to satisfy a requirement of regulation 7(2), that person may make an application in writing to the appropriate local authority in respect of that supply, in so far as it relates to a parameter specified in Table B in Schedule 1, for the authorisation of a temporary departure from the provisions of Part IV on the application form approved by that authority for that purpose.

(2) An application under paragraph (1) shall include—

(a) a statement—

- (i) of the grounds on which the authorisation is sought;
- (ii) about the location of the supply in respect of which the authorisation is sought, including the source of the supply, and the addresses of any premises served by that supply;
- (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 (if any) taken in relation to the supply 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 relation to the supply in question between the first day on which the prescribed concentration or value could not be met and the date of the application;
- (vi) estimating the average daily volume of water provided by the supply in so far as that can readily be ascertained and the average number of persons served by the supply;
- (vii) as to whether, if a departure were authorised in the terms sought, any food production undertaking would be affected;
- (viii) of the period for which the authorisation is sought; and
- (ix) of the reasons why the supply cannot be maintained by other reasonable means;

(b) a scheme for monitoring the quality of water provided by that supply during the period for which the authorisation is sought; and

- (c) a summary of the steps that the relevant person proposes to take in order to secure that the supply fully satisfies the requirements of Part IV by the end of the period specified in paragraph 2(a)(viii), 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 appropriate local authority; and
- (d) the names and addresses of the persons to be notified for the purposes of paragraph (4).

(3) The applicant shall provide to the appropriate local authority such additional information as may be required by that authority to allow proper consideration of the application.

(4) At the same time as a relevant person makes an application under paragraph (1), that person shall notify—

- (a) any other relevant person in relation to the supply likely to be affected by the departure;
- (b) every consumer served by that supply likely to be affected by the departure;
- (c) every appropriate local authority in relation to the supply;
- (d) every monitoring local authority in relation to the supply; and
- (e) every health board in whose area the supply is located,

with a copy of the application, and the statement, scheme and summary referred to in paragraph (2), and shall provide details of the notification to the appropriate local authority.

(5) A body or person who has been notified in accordance with paragraph (4) may make representations to the appropriate local authority in connection with the application; and any such representations shall be made not later than the end of the period of 28 days beginning with the date on which the application for the authorisation was made.

(6) An appropriate local authority shall, on the request of the relevant person, provide such advice or assistance as is reasonably required to enable that person to—

- (a) complete an application for the purposes of paragraph (1); and
- (b) comply with the requirements of paragraph (4).