
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 297

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

Amendment of the Water (Scotland) Act 1980 in relation to private water supplies

2. After section 76H (Effect, confirmation and variation of notice under section 76G) of the Water (Scotland) Act 1980(1), insert—

“Application of sections 76G and 76H to certain private supplies

76HA.—(1) In their application to a private supply which is a private water supply to which the Private Water Supplies (Scotland) Regulations 2006 ([S.S.I. 2006/209](#)) apply, sections 76G and 76H above have effect subject to the modifications in subsections (2) and (3).

(2) In section 76G—

(a) in subsection (1)—

(i) for “domestic or food production purposes” substitute “human consumption purposes”; and

(ii) for “may” substitute “shall, in the case of a private supply which is a Type A supply or may, in the case of a private supply which is a Type B supply,”;

(b) in subsection (2)(d), for “section 76H(2) and (3)” substitute “section 76H(2), (3) and (11)”;

(c) in subsection (4)—

(i) for “The power of a local authority to” substitute “A local authority may”;

(ii) omit “shall be exerciseable”;

(iii) in paragraph (b), for “powers” substitute “functions”;

(d) in subsection (5), for “powers conferred by” substitute “functions under”; and

(e) for subsection (7), substitute—

“(7) For the purposes of this section and section 76H below the relevant person, in relation to a private supply of water to any premises in the area of a local authority, is the person determined by that authority to be the “relevant person” in accordance with regulation 4 of the Private Water Supplies (Scotland) Regulations 2006 ([S.S.I. 2006/209](#)).”;

(f) after subsection (7) insert—

“(8) In this section—

“human consumption purposes”, “Type A supply” and “Type B supply” shall have the same meanings as in the Private Water Supplies (Scotland) Regulations 2006; and

(1) 1980 c. 45. Sections 76G and 76H were inserted by the Water Act 1989 (c. 15), Schedule 22, paragraph 1.

“private supply” and “private supply of water” mean a private water supply to which those Regulations apply.”.

(3) In section 76H, after subsection (10), insert–

“(11) Any relevant person on whom a notice is served under section 76G above, who fails without reasonable excuse to take any step as specified in the notice within the period so specified shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”.”.