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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 364**

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

**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.