
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 282

**The Water Intended for Human Consumption
(Private Supplies) (Scotland) Regulations 2017**

PART 1

GENERAL

Application

2.—(1) Subject to paragraphs (2) and (3), these Regulations, except Part 10 and schedule 10, do not apply in relation to—

- (a) water introduced into, or supplied through or from, any part of the public water supply system, including water supplied by Scottish Water pursuant to an arrangement under section 6(1)(b)(licence authorisation) of the Water Services etc. (Scotland) Act 2005⁽¹⁾;
- (b) water supplied by Scottish Water by any other means, including from a tanker or in bottles or containers;
- (c) water supplied with the help of services provided by Scottish Water, as described in section 30 (maximum charges for services provided with help of Scottish Water) of the Water Industry (Scotland) Act 2002⁽²⁾;
- (d) water which is exempt from the provisions of these Regulations by virtue of paragraph (4);
- (e) water which is both intended for sale in bottles or containers and either—
 - (i) recognised as a natural mineral water by regulation 4(1) of the 2007 Regulations; or
 - (ii) required by regulation 10(1) or 13 of the 2007 Regulations to meet the requirements of schedule 2 of those Regulations;
- (f) water which is a medicinal product within the meaning of [Directive 2001/83/EC](#) of the European Parliament and of the Council on the Community code relating to medicinal products for human use⁽³⁾;
- (g) water used exclusively for the purposes of washing a crop after it has been harvested where the quality of the water has no influence, either directly or indirectly, on the health of any person consuming the crop, or food or drink derived from the crop; or
- (h) water used during the distillation of spirits which is used—
 - (i) exclusively in the mashing process;
 - (ii) exclusively for washing plant; or
 - (iii) in the mashing process and for washing plant, but for no other purposes,

(1) 2005 asp 3.

(2) 2002 asp 3. Section 30 was amended by section 21(2) of the Water Services etc. (Scotland) Act 2005 (asp 3).

(3) OJ L 311, 28.11.2001, p.67, last amended by [Directive 2012/26/EU](#) of the European Parliament and of the Council (OJ L 299, 27.10.2012, p.1).

where the quality of the water has no influence, either directly or indirectly, on the health of any person consuming the spirits, or food or drink derived from the spirits.

(2) Except in a case where these Regulations do not apply in relation to water by virtue of paragraph (1)(a) to (f), the following provisions apply in relation to water used for any purpose specified in paragraph (1)(g) or (h):—

- (a) regulations 5 to 7 and 9; and
- (b) paragraphs 1(a) and (c), 2(a) to (c) and (e) to (g) and 4 of schedule 1.

(3) The parameters in Table C apply only—

- (a) for the purposes of monitoring pursuant to regulations 18 and 19; and
- (b) for the fulfilment of obligations imposed by regulations 21 to 23.

(4) Water supplied from every part of a private water supply system which (either or both)—

- (a) provides (in total) less than 10 m³ of water a day (as an average); or
- (b) serves (in total) fewer than 50 persons,

is exempt from the provisions of these Regulations, unless any of the water is supplied (either or both)—

- (a) as part of a commercial or public activity; or
- (b) to any premises used for a commercial or public activity.

(5) Where water is exempt from the provisions of these Regulations under paragraph (4), the enforcing authority in relation to the water must ensure that any person who may reasonably be expected to consume water from the supply is—

- (a) informed that water from the supply is exempt from the provisions of these Regulations;
- (b) informed of any action that can be taken to protect human health from the adverse effects resulting from any contamination of such water; and
- (c) promptly given appropriate advice, if a potential danger to human health arising out of the quality of such water is apparent to the enforcing authority.