

SCHEDULE 6

REMEDIATION NOTICES

Power to serve remediation notice

1.—(1) Where the enforcing authority reasonably believes that a supply of water to a point of compliance in its area—

- (a) poses a potential danger to human health;
- (b) has failed to meet one or more of the water quality standards and the failure is likely to recur; or
- (c) is failing to meet one or more of the water quality standards and the failure is likely to continue or to recur or both,

the enforcing authority may serve a remediation notice on a person who is, in relation to the supply of water, a relevant person.

(2) In considering whether to serve remediation notice the enforcing authority may consult—

- (a) the local authority for any area affected by the supply of water; and
- (b) the Health Board for any such area.

(3) A remediation notice must specify—

- (a) the supply of water to which it relates;
- (b) the enforcing authority's reasons for believing (as the case may be) that the supply of water—
 - (i) poses a potential danger to human health;
 - (ii) has failed to meet one or more of the water quality standards and the failure is likely to recur; or
 - (iii) is failing to meet one or more of the water quality standards and the failure is likely to continue or to recur or both;
- (c) the steps which the enforcing authority requires the person to take for the purposes of—
 - (i) protecting human health (including, where appropriate, action to prohibit the supply of water or to restrict its use, or to provide an alternative supply of water);
 - (ii) restoring the quality of the water supplied, or to be supplied, so that it meets (and continues to meet) the water quality standards; or
 - (iii) protecting the quality of the water supplied, or to be supplied, (including its source) so that it meets (and continues to meet) the water quality standards; and
- (d) the date on which the notice is to take effect.

(4) A remediation notice may specify different dates by which different steps specified under sub-paragraph (3)(c) must be completed.

(5) The date referred to in sub-paragraph (3)(d) must be no earlier than the day following the last day on which an appeal may be brought under paragraph 2(1).

(6) The enforcing authority must—

- (a) send a copy of the remediation notice to the Drinking Water Quality Regulator for Scotland and to any local authority or Health Board consulted by the enforcing authority under sub-paragraph (2); and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) arrange for the notice to be published in such manner as the enforcing authority thinks appropriate for bringing it to the attention of persons affected, or who may be affected, by the supply of water.