

SCHEDULE 7

ENFORCEMENT NOTICES

Power to serve enforcement notice

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

- (a) that a person has contravened a requirement of these Regulations and the contravention is likely to recur; or
- (b) that a person is contravening a requirement of these Regulations and the contravention is likely to continue or to recur or both,

and (in either case) that the person is not taking appropriate steps for the purpose of rectifying the contravention or (as the case may be) preventing its recurrence, the enforcing authority may serve on the person an enforcement notice.

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

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

(3) An enforcement notice must specify—

- (a) the contravention to which it relates;
- (b) the enforcing authority's reasons for believing (as the case may be) that the contravention—
 - (i) has occurred and is likely to recur; or
 - (ii) is occurring and is likely to continue or to recur or both;
- (c) the date by which the person is required to rectify the contravention or (as the case may be) take steps to prevent its recurrence;
- (d) any particular steps which the enforcing authority requires the person to take for that purpose; and
- (e) the date on which the notice is to take effect.

(4) An enforcement notice may specify different dates by which different steps specified under sub-paragraph (3)(d) must be completed.

(5) The date referred to in paragraph (3)(e) 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 an enforcement 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
- (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 contravention.

(7) In sub-paragraph (1), the references to “person” do not include—

- (a) an enforcing authority;
- (b) the Drinking Water Quality Regulator for Scotland; or
- (c) the Scottish Ministers.