
STATUTORY INSTRUMENTS

1991 No. 1333 (S. 129)

WATER SUPPLY, SCOTLAND

**The Water Supply (Water Quality)
(Scotland) Amendment Regulations 1991**

Made - - - - *5th June 1991*

Laid before Parliament *10th June 1991*

Coming into force

*except for the purposes of
regulations 7(b) and (c) and
13(b)*

1st July 1991

*for the purposes of
regulations 7(b) and (c) and
13(b)*

1st January 1992

The Secretary of State, in exercise of the powers conferred on him by sections 76A, 76B, 76J, 101(1) and 109(1) of the Water (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Water Supply (Water Quality) (Scotland) Amendment Regulations 1991 and shall come into force on 1st July 1991 except for regulations 7(b) and (c) and 13(b) which shall come into force on 1st January 1992.

(2) In these Regulations “the principal Regulations” means the Water Supply (Water Quality) (Scotland) Regulations 1990(2).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with the following provisions of these Regulations.

(1) 1980 c. 45; sections 76A, 76B and 76J were added by the Water Act 1989 (c. 15), Schedule 22, paragraph 1; sections 76A and 76B were amended by the Food Safety Act 1990 (c. 16), section 56(2); section 109(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.
(2) S.I.1990/119.

Part II of the principal Regulations (wholesomeness)

3. In regulation 3 (wholesomeness)–

- (a) in paragraph (2) after the words “or cooking” in both places where they occur there shall be inserted the words “or for food production purposes”**(3)**, and for the words “those domestic purposes” there shall be substituted the words “those purposes”;
- (b) in paragraph (3)(c), for the words “and (6) below” there shall be substituted the words “to (8) below”;
- (c) in paragraph (5) the word “solely” shall be omitted; and
- (d) for paragraphs (6) and (7) there shall be substituted the following paragraphs:–

“(6) Water shall not be regarded as unwholesome by virtue of paragraph (3)(c) above by reason of the presence in it of total coliforms (item 1 of Table C)–

- (a) in a case where 50 or more samples have been taken in accordance with these Regulations within the preceding 12 months from sampling points within the water supply zone in question, if the results of analysis of all those samples establish that in 95% of those samples such coliforms were absent; or
- (b) in a case where less than 50 samples have been so taken within the preceding 12 months, if the results of analysis of the last 50 samples so taken establish that in 95% of those samples such coliforms were absent.

(7) Subject to paragraph (8) below, water supplied to any premises for such domestic purposes as are mentioned in paragraph (2) or for food production purposes shall be regarded as unwholesome for the purposes of Part VIA of the Act if on transfer from a treatment works or service reservoir for supply for such purposes it contained a concentration of any of the parameters listed in Table C in excess of the prescribed concentration.

(8) Water transferred from a service reservoir for supply for the purposes mentioned in paragraph (7) shall not be regarded as unwholesome for the purposes of Part VIA of the Act by reason of the presence in it of total coliforms (item 1 of Table C) if the results of analysis of every sample taken in accordance with these Regulations in each week in which the reservoir in question is in use in the preceding 12 months establish that in 95% of all those samples such coliforms were absent.”.

Part III of the principal Regulations (relaxation of requirements of Part II)

4.—(1) In regulation 4 (authorisations public supplies) in paragraph (1) for the words “conditions; or” there shall be substituted the word “conditions” and after sub-paragraph (c) there shall be inserted the following sub-paragraph:–

- “; or
- (d) that the supply is or will be used solely for food production purposes.”.

(2) In regulation 5 (authorisations restrictions)–

- (a) after paragraph (1)(b) there shall be inserted the following sub-paragraph:–

- “;
- (c) granted under regulation 4(1)(d) shall not relax the provisions of the said Part II so as to affect the fitness for human consumption of the food or drink in its final form.”; and

(3) See the definition of “food production purposes” in section 76L(1A) of the Water (Scotland) Act 1980; section 76L was added by the Water Act 1989, Schedule 22, paragraph 1 and subsection (1A) was inserted by the Food Safety Act 1990, section 56(6).

(b) in paragraph (3) for “regulation 4(1)(c)” there shall be substituted “regulation 4(1)(c), (1)(d)”.

(3) In regulation 6(1) (authorisations limitations and conditions), for the words “source; or” there shall be substituted the word “source” and after sub-paragraph (b) there shall be inserted the following sub-paragraph:–

“; or

(c) for a particular food production purpose.”.

(4) In regulation 7(2) (revocation and modification of authorisations) after the words “at least six months” there shall be inserted the words “(or, such shorter period as the water authority may agree, being not less than six weeks)”.

Part IV of the principal Regulations (monitoring of water supplies)

5. In regulation 9(2) (interpretation) in the definition of “the standard number” after the words “domestic purposes” there shall be inserted the words “and, if water is supplied for food production purposes, for those purposes”.

6. In regulation 12 (authorisation of supply points)–

(a) in paragraph (1), at the beginning there shall be inserted the words “Subject to paragraphs (2) to (5),” and after the words “of samples taken” there shall be inserted the words “for a water supply zone”;

(b) in paragraph (2) after the words “analysis of samples taken” there shall be inserted the words “for a water supply zone” and at the end there shall be inserted the words “within that zone”;

(c) after paragraph (2), there shall be inserted the following paragraphs:–

“(3) Subject to paragraphs (4) and (5), the Secretary of State may at any time modify or revoke an authorisation granted under paragraph (1).

(4) Unless it appears to the Secretary of State that the immediate modification or revocation of an authorisation is required in the interests of public health, he shall not modify or revoke such an authorisation without giving at least six months' (or, if the water authority agrees, at least six weeks') notice of his intention to do so to the water authority to which the authorisation relates.

(5) A water authority on whose application such an authorisation has been granted shall notify the Secretary of State as soon as they believe that an analysis of samples taken from a supply point for a water supply zone would produce significantly different data in respect of the parameter in question than an analysis of samples taken from any of the sampling points within that zone; and, notwithstanding paragraph (4), the Secretary of State shall thereupon revoke the authorisation.”.

7. In regulation 13 (frequency of sampling)–

(a) in paragraph (1), for the words “paragraphs (2) to (9)” there shall be substituted the words “paragraphs (2) to (10)”;

(b) in paragraph (3) for the words “paragraphs (1) and (2)” and “Table 1 or 2” there shall be substituted respectively the words “paragraph (4)” and “Table 1, 2 or 2A”;

(c) in paragraph (4) for the words “Table 1, 2 or 3” there shall be substituted the words “Table 1, 2, 2A or 3”;

(d) after paragraph (5), there shall be inserted the following paragraph:–

“(5A) Where, in accordance with paragraph (4), the number of samples to be taken in any year in respect of the conductivity or hydrogen ion parameters may be the reduced

corresponding number, the number of samples to be taken in that year in respect of the qualitative odour and qualitative taste parameters may be similarly reduced.”;

- (e) in paragraph (7)(b), after the words “consequence of” there shall be inserted the word “either” and after the words “works or otherwise)” there shall be inserted the words “or of any change in any other circumstances”;
- (f) after paragraph (9) there shall be inserted the following paragraph:–
 - “(10) Where the sampling frequency specified in relation to any parameter in Tables 1 to 6–
 - (a) is one per annum, not less than three months shall elapse between the taking of successive samples;
 - (b) is more than one per annum the samples shall be taken at regular intervals.”.

8. In regulation 14 (sampling further provisions)–

- (a) in paragraphs (1) and (2) for the words “take samples” there shall be substituted the words “take sufficient samples”;
- (b) in paragraph (1) after the words “zone in respect of that parameter” there shall be inserted the words “in order to establish whether or not the water is wholesome” and
- (c) in paragraph (2) after the words “other than a parameter,” there shall be inserted the words “in order to establish whether or not the water is detrimental to public health”.

Part V of the principal Regulations (monitoring additional provisions)

9.—(1) In regulation 15 (interpretation) in the definition of “the standard number”, after the words “for domestic purposes” there shall be inserted the words “and, if water is supplied for food production purposes, for those purposes”.

(2) In regulation 17 (sampling at treatment works)–

- (a) in paragraph (1) for the words “paragraphs (2) to (4)” there shall be substituted the words “paragraphs (2) to (4) and (6)”;
- (b) in paragraph (5) after the words “for domestic” there shall be inserted the words “or food production”;
- (c) after paragraph (5) there shall be inserted the following paragraph:–
 - “(6) Samples in respect of any parameter mentioned in Table 7 shall be taken at regular intervals.”.

(3) Regulation 19 shall be omitted.

Part VI of the principal Regulations (water treatment)

10.—(1) In regulation 23 (treatment of raw water)–

- (a) in paragraph (1), after the words “or cooking” there shall be inserted the words “or for food production purposes”; and
- (b) in paragraph (4), after the word “drinking” there shall be inserted the words “or food production purposes”.

(2) In regulation 24 (contamination from pipes)–

- (a) in paragraph 1(b), after the words “that pipe as” there shall be inserted the words “is used for the supply of water for food production purposes or”; and
- (b) in paragraph (3), after the words “for domestic” there shall be inserted the words “or food production”.

- (3) In regulation 25 (application and introduction of substances and products)
 - (a) in paragraphs (1) and (4), after the words “or cooking” there shall be inserted the words “or for food production purposes”;
 - (b) in paragraph (1)(c), after the words “for domestic” there shall be inserted the words “or food production”.
- (4) In regulation 26(1) (use of processes), after the words “or cooking” there shall be inserted the words “or for food production purposes”.

Part VII of the principal Regulations (records and information)

11.—(1) In regulation 28(1)(f) (maintenance of records) for the words “regulations 16 to 19” there shall be substituted the words “regulations 16 to 18”.

- (2) In regulation 29 (publication and provision of information)—
 - (a) in paragraph (3) after the word “council” there shall be inserted the words “and to the Secretary of State”; and
 - (b) in paragraph (4) for the words “and a health board” there shall be substituted the words “, a health board, and the Secretary of State”.
- (3) In regulation 30 (annual report)—
 - (a) in paragraph (1)(a) after the words “for domestic purposes” there shall be inserted the words “and, if water is supplied for food production purposes, for those purposes”; and
 - (b) in paragraph (3) after the words “send a copy to” there shall be inserted the words “the Secretary of State and”.

Schedules to the principal Regulations

12. In Schedule 1, Table C, at the end of note (i) there shall be inserted the words “to (8)”.

- 13.** In Schedule 2 (sampling frequencies)—
- (a) in Tables 1, 3 and 5 to 7, after the words “domestic purposes” wherever they occur there shall be inserted the words “and, if water is supplied for food production purposes, for those purposes”;
 - (b) for Table 2, there shall be substituted the Tables in Schedule 1 to these Regulations; and
 - (c) in Table 6, after the words “number is 52.” there shall be inserted the words “In cases where the population is not an exact multiple of 5000, the population figure shall be rounded up to the nearest multiple of 5000.”.

14. For the form set out in Schedule 3 (information for local authorities) there shall be substituted the form set out in Schedule 2 to these Regulations.

15. In Schedule 4, at the end of note (iv) to Form B, there shall be inserted the words “Columns (4), (5) and (6) should not be completed”.

St Andrew’s House,
Edinburgh
5th June 1991

James Douglas-Hamilton
Parliamentary Under Secretary of State, Scottish
Office

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

SCHEDULE 1

Regulation 13(b)

TABLES TO BE INSERTED IN SCHEDULE 2 TO THE PRINCIPAL REGULATIONS

“Table 2: Sampling frequencies at consumers' taps

<i>Parameters</i>	<i>Water Supply Zone Volume distributed (m3d) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)</i>	<i>Population Supplied</i>	<i>Sampling Frequency Reduced</i>		<i>(number per annum)</i>	
			<i>Ground Water</i>	<i>Surface water</i>	<i>Standard</i>	<i>Increased</i>
Turbidity }	≤100	≤500			4	12
Temperature }						
Hydrogenion }						
Nitrate }						
Nitrite }						
Ammonium }						
Iron }						
Aluminium }						
Manganese }						
Colour }						
	101–1000	501–5000			4	12
	1001–2000	5001–10000			4	12
	2001–4000	10001–20000	4	4	6	24
	4001–7000	20001–35000	4	5	10	36

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<i>Parameters</i>	<i>Water Supply Zone Volume distributed (m3d) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)</i>	<i>Population Supplied</i>	<i>Sampling Frequency Reduced</i>		<i>(number per annum)</i>		
			<i>Ground Water</i>	<i>Surface water</i>	<i>Standard</i>	<i>Increased</i>	
		7001–10000	35001–50000	4	5	10	48

Table 2A: Sampling frequencies at consumers' taps

<i>Parameters</i>	<i>Water Supply Zone Volume distributed (m3d) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)</i>	<i>Population Supplied</i>	<i>Sampling Frequency Reduced</i>		<i>(number per annum)</i>	
			<i>Ground Water</i>	<i>Surface water</i>	<i>Standard</i>	<i>Increased</i>
Odour (quantitative) }	≤100	≤500	1		4	12
Taste (quantitative) }	101–1000	501–5000	1		4	12
	1001–2000	5001–10000	1		4	12
	2001–4000	10001–20000	1		6	24

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<i>Parameters</i>	<i>Water Supply Zone Volume distributed (m3d) for domestic purposes (and, if water is supplied for food production purposes, for those purposes)</i>	<i>Population Supplied</i>	<i>Sampling Frequency Reduced</i> (number per annum)			
			<i>Ground Water</i>	<i>Surface water</i>	<i>Standard</i>	<i>Increased</i>
	4001–7000	20001–35000	1	4	10	36
	7001–10000	35001–50000	2	5	10	48”

SCHEDULE 2

Regulation 14

“INFORMATION FOR
LOCAL AUTHORITIES

WATER SUPPLY ZONE (NAME OF ZONE)

<i>Parameter</i>	<i>No. of samples taken in period</i>	<i>PVC(1) (including unit of measurement)</i>	<i>% of samples contravening PVC(2)</i>	<i>Concentration or Value (all samples)</i>		
				<i>Min.</i>	<i>Mean</i>	<i>Max.</i>

Notes

(1) PVC=prescribed concentration or value specified in Schedule 1. For zones for which a relaxation has been authorised under regulation 4, the extent to which the prescribed concentration or value for the parameter in question is authorised to be relaxed should also be recorded, in parenthesis.

(2) For zones for which a relaxation has been authorised under regulation 4, this column should record the percentage of samples

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Parameter	No. of samples taken in period	PVC(1) (including unit of measurement)	% of samples contravening PVC(2)	Concentration or Value (all samples)		
				Min.	Mean	Max.

Notes

(1) PVC=prescribed concentration or value specified in Schedule 1. For zones for which a relaxation has been authorised under regulation 4, the extent to which the prescribed concentration or value for the parameter in question is authorised to be relaxed should also be recorded, in parenthesis.

(2) For zones for which a relaxation has been authorised under regulation 4, this column should record the percentage of samples contravening the relaxed concentration or value specified in the authorisation.

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Parameter	No. of samples taken in period	PVC(1) (including unit of measurement)	% of samples contravening PVC(2)	Concentration or Value (all samples)		
				Min.	Mean	Max.

Notes

(1) PVC=prescribed concentration or value specified in Schedule 1. For zones for which a relaxation has been authorised under regulation 4, the extent to which the prescribed concentration or value for the parameter in question is authorised to be relaxed should also be recorded, in parenthesis.

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Parameter	No. of samples taken in period	PVC(1) (including unit of measurement)	% of samples contravening PVC(2)	Concentration or Value (all samples)		
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Parameter	No. of samples taken in period	PVC(1) (including unit of measurement)	% of samples contravening PVC(2)	Concentration or Value (all samples)		
				Min.	Mean	Max.

Notes

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Commentary on Water Quality

Action taken to comply with section 76E(4)(b) undertakings”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Supply (Water Quality) (Scotland) Regulations 1990 (the “1990 Regulations”).

The principal changes to the 1990 Regulations are—

- (a) standards of wholesomeness prescribed in those Regulations in respect of water that is supplied by water authorities and private suppliers for drinking, washing or cooking are also prescribed in respect of water that is so supplied for use in food production (regulations 3(a), 4(1), (2) and (3), 5, 9(1) and (2)(b), 10(2), (3) and (4), 11(3)(a) and 13(a));
- (b) regulation 3 is amended to allow to be regarded as wholesome water which, on transfer from a service reservoir for supply, contains total coliforms (a microbiological parameter) only if 95% of the results of analysis of samples taken in respect of that parameter in the preceding 12 months established an absence of total coliforms (regulations 3(b) and (d) and 12);
- (c) regulation 12 is amended to enable the Secretary of State to modify or revoke an authorisation granted under paragraph (1) of that regulation and the Secretary of State is permitted to make modifications under amendments to regulations 7 and 12 after giving at least six weeks' notice if the authority agrees (regulations 4(4) and 6); and
- (d) amendments are made to Part VII in relation to the provision of information (regulation 11).

The amendments described at (a) above supplement the amendments to Part VIA of the Water (Scotland) Act 1980 made by section 56 of the Food Safety Act 1990 and give effect to the requirements of Council Directive [80/778/EEC](#) (OJ No. L 229, 30.8.80, p.11) in relation to water used in a food production undertaking.

The Regulations also make a number of amendments to clarify the requirements of the 1990 Regulations and to correct minor errors and omissions.