

---

STATUTORY INSTRUMENTS

---

**1992 No. 575 (S.64)**

**WATER SUPPLY, SCOTLAND**

**The Private Water Supplies (Scotland) Regulations 1992**

<i>Made</i>	- - - -	<i>9th March 1992</i>
<i>Laid before Parliament</i>		<i>11th March 1992</i>
<i>Coming into force</i>	- -	<i>1st April 1992</i>

The Secretary of State, in exercise of the powers conferred on him by sections 76F(5) and (6), 76J, 101(1) and (1A) 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:

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Private Water Supplies (Scotland) Regulations 1992 and shall come into force on 1st April 1992.

**Interpretation and application of Regulations**

2.—(1) In these Regulations—

“category one supply” has the meaning given by regulation 10;

“category two supply” has the meaning given by regulation 11;

“parameter” means a property, element, organism or substance listed in the second column of the Tables in Schedule 1, in column 1 of Schedule 2 or in Part II of Schedule 3;

“pesticides and related products” means any fungicide, herbicide or insecticide and polychlorinated biphenyls and terphenyls;

---

(1) 1980 c. 45; sections 76F and 76J were added by the Water Act 1989 (c. 15), Schedule 22, paragraph 1 and section 76F was amended by the Food Safety Act 1990 (c. 16), section 56(3); section 101(1A) was added by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 10, paragraph 9(5); section 109(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

“prescribed concentration or value” in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified;

“quarter” means a period of three months beginning on 1st January, 1st April, 1st July or 1st September in any year;

“trihalomethanes” means trichloromethane, dichlorobromomethane, dibromochloro methane and tribromomethane;

“year” means a calendar year.

(2) For the purposes of these Regulations the relevant persons, in relation to a private supply of water to any premises in the area of an islands or district council, are the owners and occupiers of those premises and (whether or not the source of the supply is in that authority’s area) the owners and occupiers of the premises where that source is situated and any other person who exercises powers of management or control in relation to that source.

(3) Any reference in these Regulations to—

(a) a class, followed by—

(i) a letter, is a reference to a class of category one supply;

(ii) a number, is a reference to a class of category two supply;

(b) a Table followed by a letter, is a reference to the Table that bears that letter in Schedule 1; and

(c) (i) a numbered Part, regulation or Schedule is a reference to the Part, regulation or Schedule in these Regulations that bears that number;

(ii) a numbered paragraph is a reference to the paragraph that bears that number in the regulation in which the reference appears.

(4) These Regulations do not apply to a private supply which is used solely for washing a crop after it has been harvested and which does not affect the fitness for consumption of any food or drink in its finished form.

(5) Regulations 4 to 8 and 14(4) to (6) do not apply to class F supplies.

## PART II

### WHOLESOMENESS

#### Wholesomeness

3.—(1) This regulation has effect subject to Part III.

(2) Water supplied to any premises from a private supply for such domestic purposes as consist of or include drinking, washing or cooking or for food production purposes(2) shall be regarded as wholesome for the purposes of Part VIA of the Water (Scotland) Act 1980(3), as it applies to the supply of water for any of those purposes, if the requirements of paragraph (3) are satisfied; and, where the water has been softened or desalinated and is supplied for drinking or cooking or for food production purposes, the requirements of paragraph (4) are also satisfied.

(3) The requirements of this paragraph are—

---

(2) 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).

(3) Part VIA was added by the Water Act 1989, Schedule 22, paragraph 1.

- (a) that the water does not contain any element, organism or substance (other than a parameter) at a concentration or value which would be detrimental to public health;
  - (b) that the water does not contain any element, organism or substance (whether or not a parameter) at a concentration or value which in conjunction with any other element, organism or substance it contains (whether or not a parameter) would be detrimental to public health;
  - (c) that the water does not have a concentration or value of any parameter listed in Tables A to C in excess of the prescribed concentration or value;
  - (d) in respect of any parameter listed in Table D that—
    - (i) samples taken over the preceding 12 months in relation to that parameter have established that the average concentration or value did not exceed the prescribed concentration or value;
    - (ii) where only one sample is taken in that period in relation to that parameter, the concentration or value did not exceed the prescribed concentration or value; or
    - (iii) where no sample is taken in that period in relation to that parameter, the concentration or value for any sample taken in relation to that parameter in the current year does not exceed the prescribed concentration or value;
  - (e) in respect of trihalomethanes that—
    - (i) samples taken over the preceding quarter in relation to trihalomethanes have established that the average concentration did not exceed 100µg/l;
    - (ii) where only one sample is taken in that period in relation to that parameter, the concentration did not exceed 100µg/l; or
    - (iii) where no sample is taken in that period in relation to that parameter, the concentration for any sample taken in relation to that parameter in the current quarter does not exceed 100µg/l.
- (4) The requirements of this paragraph are that the water's hardness and alkalinity are not below the relevant minimum concentration specified in Table E.

## PART III

### RELAXATION OF REQUIREMENTS OF PART II

#### **Authorisations - private supplies**

4.—(1) The Secretary of State may, upon the written application of a relevant person, authorise a relaxation of the provisions of Part II as respects a private supply if he is satisfied—

- (a) that the authorisation is necessary, as an emergency measure, to maintain a supply for human consumption;
- (b) that the authorisation is called for by reason of exceptional meteorological conditions;
- (c) that the authorisation is called for by reason of the nature and structure of the ground in the area from which the supply emanates; or
- (d) that the supply is or is to be used solely for food production purposes.

(2) The Secretary of State may, in the circumstances mentioned in paragraph (1)(c), authorise a relaxation of the provisions of Part II as respects a private supply notwithstanding that no application for such authorisation has been made.

(3) A relevant person shall, if there are other relevant persons in relation to the private supply in question, at the same time as he makes an application for an authorisation under paragraph (1)—

- (a) serve notice of the application on all those persons; or
- (b) publish a notice of the application at least once in each of two successive weeks in one or more newspapers circulating in the locality of the supply.

#### **Authorisations restrictions**

5.—(1) An authorisation—

- (a) granted under regulation 4(1)(a) shall not so relax the provisions of Part II as to give rise to a risk to public health which the Secretary of State considers unacceptable;
- (b) granted under regulation 4(1)(b) or (c) shall not relax the provisions of that Part so far as they relate to parameters mentioned in Table B or C or item 7 of Table D, or so as to give rise to a public health hazard;
- (c) granted under regulation 4(1)(d) shall not relax the provisions of that Part so as to affect the fitness for human consumption of food or drink in its finished form.

(2) An authorisation shall specify the extent to which the prescribed concentration or value for any parameter is authorised to be contravened.

(3) An authorisation granted under regulation 4(1)(a) or (b) shall specify the date on which it ceases to have effect and an authorisation granted under regulation 4(1)(c), (1)(d) or (2) may specify such a date.

#### **Authorisations - conditions**

6. An authorisation may include conditions relating to—

- (a) the quality of water to which the authorisation applies;
- (b) the steps to be taken to improve the quality of the water;
- (c) the monitoring of the quality of the water; and
- (d) the giving of notice of such matters concerning the water as are mentioned in the authorisation to—
  - (i) the Secretary of State;
  - (ii) the islands or district council in whose area are situated any premises which are served by the private supply to which the authorisation applies or the source of that supply, or
  - (iii) any other person named in the authorisation.

#### **Revocation and modification of authorisations**

7.—(1) Subject to paragraphs (2) and (3), the Secretary of State may at any time modify or revoke an authorisation (whether or not the authorisation is expressed to be granted for a specified period); and regulations 4 to 6 shall apply with suitable adaptations in relation to the modification of an authorisation.

(2) The Secretary of State shall not revoke or modify an authorisation without giving at least six months' notice of his intention to do so by—

- (a) serving notice of the revocation or modification on any relevant person on whose application the authorisation was granted;
- (b) publishing a notice of the revocation or modification in such manner as the Secretary of State considers appropriate for bringing it to the attention of relevant persons; and

- (c) serving a copy of the notice on any islands or district council in whose area are situated any premises which are served by the private supply to which the authorisation applies or the source of that supply,

but he may revoke or modify an authorisation without notice if it appears to him that the immediate revocation or modification of the authorisation is required in the interests of public health.

(3) A person on whose application an authorisation has been granted shall notify the Secretary of State as soon as he is aware that the circumstances which gave rise to the application for the authorisation cease to exist; and notwithstanding paragraph (2), the Secretary of State shall thereupon revoke the authorisation.

### **Authorisations by islands or district councils**

**8.—**(1) Subject to paragraph (2), the Secretary of State may authorise an islands or district council to exercise in relation to a private supply any power conferred on him by regulations 4 to 7; and accordingly, upon such authorisation, those regulations shall apply as if references to the Secretary of State were references to the council:

Provided that nothing in this paragraph shall affect the power conferred on the Secretary of State by regulation 7(1) or permit an islands or district council to modify or revoke an authorisation granted by the Secretary of State.

(2) An islands or district council may be authorised under paragraph (1) in relation to a private supply only if some or all of the premises served by the supply are within their area; and, where only some of those premises are within their area, only if the powers conferred on them by the authorisation are exercised jointly with, or with the consent of, any other such council in whose area the rest of the premises are situated.

(3) Where an islands or district council grants an authorisation under regulation 4(1)(a) or (d), as applied to that council by virtue of paragraph (1), it shall notify that fact to the Secretary of State as soon as practicable thereafter.

## **PART IV**

### **MONITORING OF PRIVATE SUPPLIES**

#### **Duty to monitor**

**9.** It shall be the duty of every islands and district council to take and analyse samples of water from every category one and category two private supply serving premises in their area in accordance with the following provisions of this Part.

#### **Category one supplies**

**10.—**(1) For the purposes of this Part, a private supply is a category one supply if any water from the supply is supplied for domestic purposes and the supply is not a category two supply.

(2) Subject to paragraph (3), category one supplies shall be divided into classes in accordance with the following Table by reference to the number of persons supplied with water for domestic purposes and the relevant average daily volume of water supplied; but, if those factors would result in a supply falling into different classes, it shall be treated as falling into the class which is earlier in alphabetical sequence.

---

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

---

TABLE

Class	Number of persons supplied with water for domestic purposes	Relevant average daily volume of water supplied in m <sup>3</sup> /day
A	>5,000	>1,000
B	501 to 5,000	101 to 1,000
C	101 to 500	21 to 100
D	25 to 100	5 to 20
E	<25	<5

(3) A category one supply which only serves a single dwelling shall be classified as a class F supply.

(4) Subject to regulation 12, references in this regulation—

- (a) to the number of persons supplied with water for domestic purposes are references to such number of persons as may be reasonably estimated to be the maximum number normally served by the supply for those purposes on any one day during the year prior to the year in which the classification is made; and
- (b) to the relevant average daily volume of water supplied are references to such volume (calculated as a daily average) as may be reasonably estimated to have been distributed or, if not distributed, used or consumed, for domestic purposes or the purposes mentioned in regulation 11(2)(a) during the year prior to the year in which the classification is made.

### Category two supplies

**11.—**(1) For the purposes of this Part, subject to paragraph (2), a private supply is a category two supply if any water from the supply is supplied for food production purposes or is supplied for domestic purposes to premises used—

- (a) for the purposes of a business involving the preparation of food or drink for consumption on the premises;
- (b) as a staff canteen or otherwise for the purposes of supplying employees of a business with food or drink for consumption on the premises;
- (c) as a hospital, nursing home, residential home, hostel, boarding school or other similar institution; or
- (d) as a camp site or a site for touring caravans or for the purposes of a business involving the provision of holiday or other short-term accommodation.

(2) A private supply shall not be a category two supply where—

- (a) it is used for cleansing or cooling operations in connection with the production of milk; and
- (b) if it were not for that use, it would be classified as a category one supply,

unless it would fall within class E in which case it shall be classified as a class 5 supply.

(3) Subject to paragraphs (2) and (4), category two supplies shall be divided into classes in accordance with the following Table by reference to the average daily volume of water supplied for domestic or food production purposes.

TABLE

Class	Average daily volume of water supplied for domestic or food production purposes in m <sup>3</sup> /day
1	>1,000
2	101 to 1,000
3	21 to 100
4	2 to 20
5	<2

(4) A private supply which is used solely—

- (a) for cleansing or cooling operations in connection with the production of milk shall be classified as a class 5 supply; or
- (b) for washing crops after harvesting and which does affect the fitness for consumption of any food or drink in its finished form shall be classified as a class 4 supply, unless the average daily volume supplied for those purposes is less than 2m<sup>3</sup> per day, in which case it shall be classified as a class 5 supply.

(5) Subject to regulation 12, references in this regulation to the average daily volume of water supplied for domestic or food production purposes are references to such volume (calculated as a daily average) as may be reasonably estimated to have been distributed or, if not distributed, used or consumed for those purposes from the supply during the year prior to the year in which the classification is made; and that estimate may be on the assumption that five persons use one cubic metre of water per day.

### **Classification of new or restored supplies**

**12.** Where it appears to an islands or district council that a private supply is to be used or is being used for the first time (or for the first time after being out of use for a period of twelve months or more), there shall be estimated, for the purpose of initially classifying the supply under regulation 10 or 11, the number of persons supplied with water, and the average daily volume of water supplied, in relation to the current year rather than by reference to the year prior to it.

### **Review of classifications of supplies**

**13.** It shall be the duty of an islands or district council to review at least once each year the classification of all the private supplies serving premises in their area.

### **Monitoring general provisions**

**14.—(1)** Samples from a private supply shall be taken at such times of the year and of the day and, in a case where a private supply serves a number of premises, from such premises selected at random as will ensure, so far as reasonably practicable, that their analysis will produce data which is representative of the quality of the water from that supply.

(2) Samples are to be taken—

- (a) in relation to premises supplied with water for food production purposes, from a point immediately before the point where the supply is so used;
- (b) in relation to all other premises, at a tap used for supplying water for drinking or cooking.

(3) Where an islands or district council is required under the provisions of Schedule 2 or 3 to take more than one sample within a specified period, the samples shall be taken at regular intervals.

(4) An islands or district council shall, in accordance with paragraph (5), take and analyse a sample of water from any supply to which regulation 12 applies as soon as it is aware of its use or proposed use.

(5) The sample of water to be taken by virtue paragraph (4) shall be in addition to any other sample required by these Regulations and shall be analysed for compliance of with the prescribed concentrations or values for—

- (a) in the case of a class A, B, 1 or 2 supply, all the parameters listed in column (1) of Schedule 2;
- (b) in the case of a class C, D, E, 3, 4 or 5 supply, the parameters listed in column (1) Part II of Schedule 3.

(6) It shall be the duty of an islands or district council in each year to take such samples of water from private supplies of classes C, D, E, 3, 4 and 5 serving premises in their area as will ascertain and record the extent to which any pesticides and related products are present in those supplies.

(7) An islands or district council shall, within 14 days of being requested to do so by any person who is a relevant person in relation to a private supply serving premises in their area, take and analyse a sample from the supply for compliance of the parameters mentioned in paragraph (8) with the prescribed concentrations or values for those parameters.

(8) The parameters mentioned in this paragraph are those in respect of which there are reasonable grounds for believing that their concentration or value in the supply in question has caused or is likely to cause the water in that supply to be unwholesome.

(9) Without prejudice to the duty imposed on it by regulation 9 to take and analyse samples in accordance with this Part, an islands or district council shall have power to take and analyse a sample from a private supply in order to—

- (a) confirm or clarify the results of the analysis of a previous sample;
- (b) ascertain the effectiveness of remedial action taken in relation to the supply (whether or not such action was taken following service of a notice under section 76G of the Act<sup>(4)</sup>).

#### **Monitoring of class A, B, 1 and 2 - supplies standard sampling frequency**

**15.**—(1) Subject to paragraph (2) and regulations 16 to 18, an islands or district council shall, in the case of a class A, B, 1 or 2 supply, take in each year not less than the standard number of samples specified in column (3) or, as the case may be, column (6) of Schedule 2 for each parameter listed in column (1) of that Schedule and shall analyse the samples for compliance with the prescribed concentrations or values for those parameters.

(2) In the period from 1st April 1992 to 31st December 1992 the number of samples taken shall be not less than three-quarters of the standard number of samples so specified, which number shall be rounded up, if necessary, to the nearest whole number.

#### **Reduced sampling frequency**

**16.**—(1) Subject to paragraphs (4) and (5), where—

- (a) an islands or district council sample in accordance with regulation 15 for three successive years and in each of those years the requirement mentioned in paragraph (2) is satisfied in relation to a parameter listed in column (1) of Part I or III of Schedule 2; and

---

(4) Section 76G was added by the Water Act 1989, Schedule 22, paragraph 1.



- (b) there are reasonable grounds for believing that the concentration or value in respect of that parameter is unlikely to increase or, in the case of hydrogen ion, decrease to any significant extent in the next following year,

the number of samples to be taken in that year in respect of that parameter may be reduced to the frequency specified in column (2) or, as the case may be, column (5) of that Schedule in relation to that parameter.

(2) The requirement referred to in paragraph (1)(a) is that an analysis of each sample taken in relation to the parameter in question has established—

- (a) in the case of hydrogen ion, a pH value that is not less than 6.5 and not more than 8.5;
- (b) in any other case, a concentration or value which is less than 50 per cent of the prescribed concentration or value for that parameter.

(3) Where in accordance with paragraph (1) the number of samples to be taken in any year in respect of the conductivity or hydrogen ion parameter may be reduced to the frequency applicable for that parameter specified in column (2) or, as the case may be, column (5) of Schedule 2, the number of samples to be taken in that year in respect of the qualitative odour and qualitative taste parameters may be reduced to the same frequency.

(4) The preceding provisions of this regulation shall apply in relation to the period ending on 31st December 1995 so that the reduced frequency of sampling may be adopted in that period in relation to a parameter if—

- (a) it would have been permissible if these Regulations had been in force throughout the period of three years mentioned in paragraph (1); or
- (b) the islands or district council did not sample as frequently as required by regulation 15 during the relevant period before these Regulations came into force but a scientific assessment of the samples actually taken during that period justify the reduction.

(5) Where by virtue of paragraph (4) the number of samples to be taken in the period from 1st April 1992 to 31st December 1992 may be reduced, the number taken in that period shall be not less than three-quarters of the relevant reduced number specified in column (2) or, as the case may be, column (5) of Schedule 2, which number shall be rounded up, if necessary, to the nearest whole number.

### **Increased sampling frequency**

**17.—**(1) Subject to paragraph (2), where the analysis of any sample taken by an islands or district council has established in respect of any parameter listed in column 1 of Parts I to IV of Schedule 2 that the prescribed concentration or value for that parameter or, as the case may be, the relaxed concentration or value therefor specified in an authorisation granted under Part II has been contravened, the sampling frequency for that parameter shall be increased—

- (a) for the remainder of that year, to the frequency specified in column (4) or, as the case may be, column (7) of that Schedule multiplied by the number of whole months in that period and divided by 12; and, where the result is not a whole number, rounded up to the nearest whole number;
- (b) for subsequent years, to the frequency so specified.

(3) If for a whole year during the period in which the sampling frequency in respect of a parameter has been increased in accordance with paragraph (1), no sample exceeds the prescribed concentration or value for that parameter, the council may revert to sampling in accordance with regulation 15.

### **Additional provisions for class 2 supplies**

**18.** An islands or district council shall in the case of a class 2 supply serving premises in their area take a sample twice a month for all parameters listed in column (1) of Part V of Schedule 2 until the results of analysis demonstrate that the supply in question complies with the prescribed concentrations or values for the parameters specified in Table C when the council may sample in accordance with regulation 15.

### **Monitoring of class C, D, E, 3, 4 and 5 supplies**

**19.—(1)** An islands or district council shall, in accordance with Schedule 3, take samples in the case of a class C, D, E, 3, 4 or 5 supply and analyse them for compliance with the prescribed concentrations or values for the parameters specified in that Schedule in relation to that class of supply.

## **PART V**

### **MISCELLANEOUS**

#### **Collection and analysis of samples**

**20.—(1)** An islands or district council shall secure, so far as is reasonably practicable, that in taking, handling, transporting, storing and analysing any sample taken for the purposes of these Regulations, the appropriate requirements are satisfied.

(2) In paragraph (1), “the appropriate requirements” means such of the following requirements as are applicable:—

- (a) that the sample is representative of the quality of the water at the time of sampling;
- (b) that the sample is not contaminated when being taken or subsequently;
- (c) that the sample is kept at such temperature and in such conditions as will secure that there is no material alteration of the concentration or value for the measurement or observation of which the sample is intended;
- (d) that the sample is analysed as soon as may be after the time it has been taken—
  - (i) by, or under the supervision of, a person who is competent to perform that task;
  - (ii) with the use of such equipment as is suitable for the purpose;
  - (iii) by applying such analytical systems and methods as are capable of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values which contravene the prescribed concentrations or values or, as the case may be, the relaxed concentrations or values specified in an authorisation granted under Part II; and
- (e) that any laboratory at which samples are analysed has a system of analytical quality control that is subject from time to time to checking by a person who is—
  - (i) not under the control of either the laboratory or the council; and
  - (ii) approved by the Secretary of State for that purpose.

(3) Within 28 days of the results of analysis of any sample of a private supply taken from any premises being available to the council which took the sample, the council shall notify the owner of those premises of the results of that analysis and any other person who is to be charged under regulation 21(1) for the taking and analysis of the sample from those premises.

### **Charges for sampling and analysis**

**21.**—(1) Subject to the provisions of this regulation, an islands or district council may in respect of a private supply serving premises in their area charge the person prescribed in paragraphs (3) and (4) for expenses reasonably incurred by the council for—

- (a) sampling a supply in accordance with these Regulations subject to a maximum charge of £50 per visit to any premises for that purpose; and
- (b) the analysis, in accordance with these Regulations, of samples taken for the purposes thereof subject to the maximum charges set out in Schedule 4.

(2) The power to charge mentioned in paragraph (1) does not include a power to charge—

- (a) in the case of a class C, D, E, 3, 4 or 5 supply for the taking and analysis of any sample taken pursuant to regulation 14(6); or
- (b) for the taking and analysis of any sample taken solely in exercise of the power conferred by regulation 14(9)(a).

(3) Subject to paragraph (4), the person who is to be charged under paragraph (1) is—

- (a) in a case where there is an agreement, contract, licence or other legally binding document relating to the terms on which water is supplied and which identifies a person as being liable for maintenance of, or for any costs associated with, the supply, that person;
- (b) in a case where the premises served by the supply is a croft within the meaning of the Crofters (Scotland) Act 1955(5) and is occupied by a tenant, the tenant of the croft; and
- (c) in any other case, the owner of the premises served by the supply.

(4) Where in any case to which paragraph (3)(b) or (c) applies, there are a number of premises served by the supply, the charges payable shall be apportioned equally among the owners, or in the case of crofts occupied by a tenant, the tenants of all the premises served:

Provided that where one or more of the premises served is a food production premises and the others are not, the charges payable for the sampling and analysis required in respect of those premises, which is additional to the sampling and analysis required in respect of the other premises, shall be borne solely by the owner, or where the food production premises are a croft occupied by a tenant, the tenant, of those food production premises, or if there are more than one food production premises, equally by the owners or, as the case may be, tenants of all such premises.

### **Sampling and analysis by persons other than islands or district council**

**22.**—(1) Subject to paragraph (2), an islands or district council may enter into arrangements with—

- (a) a relevant person for the taking and analysis of samples in accordance with these Regulations on behalf of, but at no expense to, the council; or
- (b) any other person for the analysis of samples in accordance with these Regulations on behalf of the council (whether or not involving the council in expense).

(2) An islands or district council shall only enter into arrangements under paragraph (1) if they have reasonable grounds for believing that the tasks will be carried out by, or under the supervision of, a person competent to perform them and otherwise in accordance with these Regulations.

(3) Arrangements under paragraph (1)(a) shall include a requirement for the results of any analysis to be sent to the council as soon as they are available.

**Consequential amendment of the Water Supply (Water Quality) (Scotland) Regulations 1990**

**23.** The Water Supply (Water Quality) (Scotland) Regulations 1990(6) shall be amended as follows:—

- (a) in regulation 3(2) after the words “to any premises” there shall be inserted the words “by a water authority”; and
- (b) regulation 8 shall be revoked.

St Andrew’s House,  
Edinburgh  
9th March 1992

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

---

(6) [S.I. 1990/119](#), amended by [S.I. 1991/1333](#).

## SCHEDULE 1

Regulation 2(1)

## PRESCRIBED CONCENTRATIONS OR VALUES

Table A

Item	Parameters	Units of measurement	Concentration or Value (maximum unless otherwise stated)
1.	Colour	mg/l Pt/Co scale	20
2.	Turbidity (including suspended solids)	Formazin turbidity units	4
3.	Odour (including hydrogen sulphide)	Dilution number	3 at 25°C
4.	Taste	Dilution number	3 at 25°C
5.	Temperature	°C	25
6.	Hydrogen ion	pH value	9.5, 5.5 (minimum)
7.	Sulphate	mg SO <sub>4</sub> /l	250
8.	Magnesium	mg Mg/l	50
9.	Sodium	mg Na/l	150
10.	Potassium	mg K/l	12
11.	Dry residues	mg/l	1500 (after drying at 180°C)
12.	Nitrate	mg NO <sub>3</sub> /l	50
13.	Nitrite	mg NO <sub>2</sub> /l	0.1
14.	Ammonium (ammonia and ammonium ions)	mg NH <sub>4</sub> /l	0.5
15.	Kjeldahl nitrogen	mg N/l	1
16.	Oxidizability (permanganate value)	mg O <sub>2</sub> /l	5
17.	Total organic carbon	mg C/l	No significant increase over that normally observed
18.	Dissolved or emulsified hydrocarbons (after extraction with petroleum ether); mineral oils	µg/l	10
19.	Phenols	µg C <sub>6</sub> H <sub>5</sub> OH/l	0.5

Note: (i) if silver is used in water treatment process, 80 may be substituted for 10.

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

Item	Parameters	Units of measurement	Concentration or Value (maximum unless otherwise stated)
20.	Surfactants	µg/l (as lauryl sulphate)	200
21.	Aluminum	µgAl/l	200
22.	Iron	µgFe/l	200
23.	Manganese	µg/Mn/l	50
24.	Copper	µg Cu/l	3000
25.	Zinc	µg Zn/l	5000
26.	Phosphorus	µg P/l	2200
27.	Fluoride	µg F/l	1500
28.	Silver	µg Ag/l	10(i)

Note: (i) if silver is used in water treatment process, 80 may be substituted for 10.

Table B

Item	Parameters	Units of measurement	Maximum Concentration
1.	Arsenic	µg As/l	50
2.	Cadmium	µg Cd/l	5
3.	Cyanide	µg CN/l	50
4.	Chromium	µg Cr/l	50
5.	Mercury	µg Hg/l	1
6.	Nickel	µg Ni/l	50
7.	Lead	µg/ Pb/l	50
8.	Antimony	µg Sb/l	10
9.	Selenium	µg Se/l	10
10.	Pesticides and related products:		
	(a) <del>(a)</del> individual substances	µg/l	0.1
	(b) (b) total substances	µg/l	0.5
	(i)		
11.	Polycyclic aromatic hydrocarbons (ii)	µg/l	0.2

Notes:

- (i) The sum of the detected concentrations of individual substances.  
(ii) the sum of the detected concentrations of fluoranthene, benzo 3,4 fluoranthene, benzo 1,1,2 fluoranthene, benzo 3,4 pyrene, benzo 1,1,2 perylene and indeno (1,2,3-cd) pyrene.

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

Table C

Item	Parameters	Units of measurement	Maximum Concentration
1.	Total coliforms	number/100 ml	0
2.	Faecal coliforms	number/100 ml	0
3.	Faecal streptococci	number/100 ml	0
4.	Sulphite-reducing clostridia	number/20 ml	≤1(i)
5.	Colony counts	number/1 ml at 22°C or 37°C	No significant increase over that normally observed

Note: (i) Analysis by multiple tube method.

Table D(i)

Item	Parameters	Units of measurement	Concentration or Value
1.	Conductivity	µS/cm	1500 at 20°C
2.	Chloride	mg Cl/l	400
3.	Calcium	mg Ca/l	250
4.	Substances extractable in chloroform	mg/l dry residue	1
5.	Boron	µg B/l	2000
6.	Barium	µg Ba/l	1000
7.	Benzo 3,4 pyrene	µg/l	10
8.	Tetrachloromethane	µg/l	3
9.	Trichloroethene	µg/l	30
10.	Tetrachloroethene	µg/l	10

Note: (i) See regulation 3(3)(d).

Table E

Item	Parameters	Units of measurement	Minimum Concentration(i)
1.	Total hardness	mg Ca/l	60
2.	Alkalinity	mg HCO <sub>3</sub> /l	30

Note: (i) See regulation 3(4).

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

## SCHEDULE 2

Regulations 15 to 18

## SAMPLING FREQUENCIES FOR CLASSES A, B, 1 AND 2

Parameter (1)	Sampling Frequency (number per annum) Class A and Class 1			Sampling Frequency (number per annum) Class B and Class 2		
	Reduced (2)	Standard (3)	Increased (4)	Reduced (5)	Standard (6)	Increased (7)
PART I:						
Conductivity	6	12	24	4	6	12
Hydrogen ion	6	12	24	4	6	12
Odour (qualitative)	6	12	24	4	6	12
Taste (qualitative)	6	12	24	4	6	12
PART II:						
Odour (quantitative)	—	4	24	—	4	12
Taste (quantitative)	—	4	24	—	4	12
Turbidity	—	4	24	—	4	12
Temperature	—	4	24	—	4	12
Nitrate	—	4	24	—	4	12
Nitrite	—	4	24	—	4	12
Ammonium	—	4	24	—	4	12
Iron	—	4	24	—	4	12
Aluminium	—	4	24	—	4	12
Manganese	—	4	24	—	4	12
Colour	—	4	24	—	4	12
PART III:						
Trihalomethanes		4	12	1	4	12
Tetrachloromethane		4	12	1	4	12
Trichloroethene		4	12	1	4	12
Notes:						
(i) Increased or reduced sampling where permitted or required may be confined to the substance in question.						
(ii) The sum of the detected concentrations of fluoranthene, benzo 3,4 fluoranthene, benzo 1,1,2 fluo ranthene, benzo 3,4 pyrene, benzo 1,1,2 perylene and indeno (1, 2, 3-cd) pyrene.						



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

Parameter (1)	Sampling Frequency (number per annum) Class A and Class 1			Sampling Frequency (number per annum) Class B and Class 2		
	Reduced (2)	Standard (3)	Increased (4)	Reduced (5)	Standard (6)	Increased (7)
Tetrachloroethene		4	12	1	4	12
Copper	1	4	12	1	4	12
Lead	1	4	12	1	4	12
Zinc	1	4	12	1	4	12
Pesticides and related products(i)	1	4	12	1	4	12
Polycyclic aromatic hydrocarbons(ii)	1	4	12	1	4	12
PART IV:						
Chloride	—	1	12	—	1	12
Sulphate	—	1	12	—	1	12
Calcium	—	1	12	—	1	12
Magnesium	—	1	12	—	1	12
Sodium	—	1	12	—	1	12
Potassium	—	1	12	—	1	12
Dry residues	—	1	12	—	1	12
Oxidizability (permanganate value)	—	1	12	—	1	12
Total organic carbon	—	1	12	—	1	12
Boron	—	1	12	—	1	12
Surfactants	—	1	12	—	1	12
Phosphorus	—	1	12	—	1	12
Fluoride	—	1	12	—	1	12
Barium	—	1	12	—	1	12

Notes:

- (i) Increased or reduced sampling where permitted or required may be confined to the substance in question.
- (ii) The sum of the detected concentrations of fluoranthene, benzo 3,4 fluoranthene, benzo 1,1,2 fluo ranthene, benzo 3,4 pyrene, benzo 1,1,2 perylene and indeno (1, 2, 3-cd) pyrene.

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

Parameter (1)	Sampling Frequency (number per annum) Class A and Class 1			Sampling Frequency (number per annum) Class B and Class 2		
	Reduced (2)	Standard (3)	Increased (4)	Reduced (5)	Standard (6)	Increased (7)
Silver	—	1	12	—	1	12
Arsenic	—	1	12	—	1	12
Cadium	—	1	12	—	1	12
Cyanide	—	1	12	—	1	12
Chromium	—	1	12	—	1	12
Mercury	—	1	12	—	1	12
Nickel	—	1	12	—	1	12
Antimony	—	1	12	—	1	12
Selenium	—	1	12	—	1	12
Total hardness	—	1	12	—	1	12
Alkalinity	—	1	12	—	1	12
PART IV:						
Total coliforms	—	24	—	—	12	24
Faecal coliforms	—	24	—	—	12	24
Residual disinfectant	—	24	—	—	12	24
Colony counts	—	24	—	—	12	

Notes:

- (i) Increased or reduced sampling where permitted or required may be confined to the substance in question.
- (ii) The sum of the detected concentrations of fluoranthene, benzo 3,4 fluoranthene, benzo 1,12 fluo ranthene, benzo 3,4 pyrene, benzo 1,12 perylene and indeno (1, 2, 3-cd) pyrene.

## SCHEDULE 3

Regulation 19

## SAMPLING FOR CLASSES C, D, E, 3, 4 AND 5

PART 1  
FREQUENCY

Class of Supply	Basic Parameters(2)	Number of Samples(1) Additional Parameters(3)	Coliform Parameters(4)
C	1	1	1
D	1	1	—
E(5)	1	1	—
3	2(6)	2(6)	4(6)(7)
4	2(6)	1(6)	—
5	—	—	1

## Notes:

- (1) Samples are to be taken each year except in the case of class E supplies (see note 5). If more than one sample is required, the samples must be taken on separate occasions.
- (2) The basic parameters are listed in column (1) of Part II of this Schedule.
- (3) The additional parameters are listed in column (2) of Part II of this Schedule. The islands or district council must sample for any additional parameters in respect of which there are reasonable grounds for believing that, because of any characteristics of the locality or of the supply's distribution system, the concentration or value in respect of that parameter has caused or is likely to cause the water in the supply to become unwholesome.
- (4) The coliform parameters are total coliforms and faecal coliforms. Sampling for coliform parameters is additional to the coliform sampling carried out as part of sampling for basic parameters and must be carried out on separate occasions.
- (5) Class E supplies are to be sampled once for basic and additional parameters before 31st December 1994 unless—
- they have been sampled for those parameters during 1990 or 1991; and
  - there are reasonable grounds for believing that no change has occurred or is likely to occur which may cause the quality of the supply to deteriorate.

From 1st January 1995 all class E supplies are to be sampled once every 5 years.

- (6) The sampling frequency should be halved if the premises served by the supply are used for not more than six months in the year.
- (7) In the first year in which the supply is used as a class 3 supply, 2 samples must be taken in the first two months of the year and 3 in the remainder of that year. In 1992, 2 samples must be taken in the course of April, May and June and 2 in the remainder of that year.

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

## PART II PARAMETERS

Basic parameters (1)	Additional Parameters (2)		
Hydrogen ion	Odour (quantitative)	Zinc	Fluoride
Conductivity	Taste (quantitative)	Polycyclic aromatic hydrocarbons(4)	Barium
Total coliforms	Temperature		Silver
Faecal coliforms	Nitrite	Chloride	Arsenic
Lead(1)	Ammonium	Sulphate	Cadmium
Nitrate(2)	Iron	Calcium	Cyanide
Odour (qualitative)	Aluminium	Magnesium	Chromium
Taste (qualitative)(3)	Manganese	Sodium	Mercury
Turbidity	Colour	Potassium	Nickel
	Trihalomethanes	Dry residues	Antimony
	Tetrachloromethane	Oxidizability	Selenium
	Trichloroethene	(permanganate value)	Total hardness
	Tetrachloroethene	Total organic carbon	Alkalinity
	Copper	Boron	Residual disinfectant
		Surfactants	Colony counts
		Phosphorus	

Notes:

- (1) Samples need not be analysed for lead if there are reasonable grounds for believing that lead pipework or solder is not present in the plumbing of the property or that naturally occurring lead is not present in the water.
- (2) Samples need not be analysed for nitrate if there are reasonable grounds for believing that nitrate levels in the locality concerned are below 25 mg NO<sub>3</sub>/l.
- (3) Samples should not be assessed qualitatively for taste if there are reasonable grounds for suspecting that the water may give rise to a health hazard.
- (4) The sum of the detected concentrations of fluoranthene, benzo 3,4 fluoranthene, benzo 1,1,2 fluo ranthene, benzo 3,4 pyrene, benzo 1,1,2 perylene and indeno (1,2,3,-cd) pyrene.

### SCHEDULE 4

Regulation 21(1)(b)

#### MAXIMUM CHARGES FOR ANALYSIS

Class of supply	Parameters sampled and analysed	Maximum charge
A,B,1,2	Schedule 2: Part I	£20

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

Class of supply	Parameters sampled and analysed	Maximum charge
C,D,E,F,3,4,5	Part II	£40
	Part III	£270
	Part IV	£350
	Part V	£20
	All parameters	£700
	Schedule 3 and regulation 14(7):	
	Basic parameters	£40
	Additional parameters:	£30 (for all or any of these parameters)
	Odour (quantitative)	
	Taste (quantitative)	
	Temperature	
	Nitrite	
	Ammonium	
	Iron	
	Aluminium	
	Manganese	
	Colour	
	Trihalomethanes	£50 (for all or any of these parameters)
	Tetrachloromethane	
	Trichloroethene	
Tetrachloroethene		
Copper	£15 (for both parameters or either of them)	
Zinc		
Polycyclic aromatic hydrocarbons	£50 (for both parameters or either of them)	
Benzo 3.4 pyrene		
Chloride	£40 (for all or any of these parameters)	
Sulphate		
Calcium		
Magnesium		
Sodium		

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

Class of supply	Parameters sampled and analysed	Maximum charge
C,D,E,F,3,4,5	Potassium	
	Dry residues	
	Oxidizability	
	Total organic carbon	£20
	Boron	£40
	Surfactants	£40
	Phosphorus	£80 (for both parameters or either or them)
	Cyanide	
	Fluoride	£20 (for all or any of these parameters)
	Total hardness	
	Alkalinity	
	Additional parameters:	
	Barium	£100 (for all or any of these parameters)
	Silver	
	Arsenic	
	Cadmium	
	Chromium	
	Mercury	
	Nickel	
	Antimony	
Selenium		
Residual disinfectant	£15 (for both parameters or either of them)	
Colony counts		
Coliform parameters	£20	

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations supplement Part VIA (Quality of Water) of the Water (Scotland) Act 1980 (“the 1980 Act”). They are concerned with the quality of water supplied from private supplies in Scotland for drinking, washing or cooking or for food production purposes. The Regulations come into force on 1st April 1992.

Parts II and III of these Regulations replace Parts II and III of the Water Supply (Water Quality) (Scotland) Regulations 1990 (as amended by the Water Supply (Water Quality) (Scotland) Amendment Regulations 1991) as they apply to private supplies.

Effect is given in Part II of the Regulations in relation to private supplies to Article 7 of Council Directive [80/778/EEC](#) (OJ No.L229, 30.8.80, p.11) which relates to the quality of water intended for human consumption. Part V of the Regulations gives effect in relation to private supplies to paragraphs 1 to 4 of Article 12 (monitoring the quality of water intended for human consumption) of that Directive.

Part I (regulations 1 and 2) includes definitions of terms used in the Regulations.

Part II (regulation 3 and Schedule 1) prescribes standards of wholesomeness in respect of water from private supplies for drinking, washing or cooking or for food production purposes. In particular, it provides that water from private supplies is to be regarded as wholesome if it contains concentrations or values in respect of various properties, elements, organisms and substances which do not contravene prescribed maximum and, in some cases, minimum concentrations or values. They include the maximum admissible and minimum required concentrations and values specified in Annex 1 to Council Directive [80/778/EEC](#).

Part III (regulations 4 to 8) enables the Secretary of State or the appropriate local authority, if so authorised, to relax the requirements of Part II. The circumstances in which relaxation is permissible are consistent with those specified in paragraphs 1 and 3 of Article 9 and paragraph 1 of Article 10 of Council Directive [80/778/EEC](#).

Part IV (regulations 9 to 19 and Schedules 2 and 3) provides for the classification of private supplies into category one supplies and category two supplies and for the monitoring of those supplies.

Category one supplies are all supplies used for supplying water for domestic purposes which are not category two supplies. Category two supplies are supplies used for food production purposes or for supplying water for domestic purposes to premises used—

- (a) as staff canteens or for the purposes of a business of preparing food or drink for consumption on the premises;
- (b) as hospitals, nursing homes, residential homes, hostels and boarding schools or similar institutions;
- (c) as camp sites or touring caravan sites or for providing holiday or short-term accommodation.

In certain circumstances private supplies which are also used in connection with the production of milk are classified as category one or category two supplies according to the volume of water from the supply distributed or, if not distributed, used or consumed.

Category one and category two supplies are divided into classes for monitoring purposes according to the estimated daily average volume of water distributed, or if not distributed, used or consumed

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

from the supply. An additional consideration in relation to the division of category one supplies into classes is the estimated maximum number of people normally served by the supply on any one day. Regulations 14 to 19 and Schedules 2 and 3 provide for the taking and analysis of samples of water from category one and category two supplies. The frequency of sampling and the parameters to be analysed vary according to the category and class of private supply.

Part V (regulations 20 to 23 and Schedule 4) prescribes requirements relating to the taking, handling, storage, transport and analysis of samples. It makes provision for local authorities to charge for sampling and analysis subject to certain limits and also provision for sampling and analysis by other persons on behalf of local authorities.

Provisions of existing Regulations which are replaced in relation to private supplies by Parts II and III of these Regulations are revoked (regulation 23).