



Water Industry (Scotland) Act 2002

2002 asp 3

PART 2

DRINKING WATER QUALITY REGULATOR

Enforcement of duties of public water suppliers

12 Failure to comply with enforcement notices

- (1) This section applies where, in relation to an enforcement notice, a public water supplier—
 - (a) fails to rectify, or (as the case may be) to take steps to prevent the recurrence of, a contravention specified in the notice by the date specified in relation to the contravention under subsection (3)(c) of section 10, or
 - (b) fails to complete a step specified under subsection (3)(d) of that section by a date specified in relation to that step under subsection (4),(or, in either case, by such later date as the Regulator may have substituted under section 14(1)(b)).
- (2) Where this section applies, the Regulator may—
 - (a) enter any premises and carry out the work necessary to rectify or prevent the recurrence of the contravention or, as the case may be, to complete the step, and
 - (b) recover from the water supplier any expenses which the Regulator reasonably incurs in carrying out, or securing the carrying out, of that work.
- (3) The expenses which may be recovered under subsection (2)(b) include such proportion of the Regulator's administrative expenses (including expenses incurred in establishing the contravention and in connection with the enforcement notice) as the Regulator considers appropriate.
- (4) A person who intentionally obstructs a person acting in the exercise of any power conferred by subsection (2)(a) is guilty of an offence.
- (5) If, at any time after a date referred to in subsection (1), anything which the enforcement notice requires the water supplier to do by that date has not been done, the water supplier is guilty of an offence.

Status: This is the original version (as it was originally enacted).

- (6) A person guilty of an offence under subsection (4) or (5) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

- (7) An offence under subsection (5) may be charged by reference to any day or longer period of time and a public water supplier may be convicted of a second or subsequent offence under that subsection by reference to any period of time following conviction for such an offence.