



Water Industry (Scotland) Act 2002

2002 asp 3

PART 2

DRINKING WATER QUALITY REGULATOR

Enforcement of duties of public water suppliers

13 Emergencies

- (1) Where the Regulator reasonably believes—
 - (a) that a public water supplier has contravened or is contravening any drinking water quality duty,
 - (b) that as a result of the contravention there is a significant risk to public health or the quality of a public drinking water supply, and
 - (c) that urgent action is necessary to reduce or remove that risk,the Regulator may take action in accordance with this section.
- (2) The Regulator may serve on the water supplier an emergency notice requiring the water supplier, by such date as the notice may specify, to take such steps as the notice may specify, being steps which the Regulator considers necessary for the purpose of reducing or removing the risk referred to in subsection (1)(b).
- (3) Without prejudice to subsection (2), the Regulator may—
 - (a) enter any premises and carry out such work as the Regulator considers necessary for the purpose mentioned in that subsection, 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.
- (4) The expenses which may be recovered under subsection (3)(b) include such proportion of the Regulator's administrative expenses (including expenses incurred in establishing the contravention and in connection with the emergency notice) as the Regulator considers appropriate.
- (5) A person who intentionally obstructs a person acting in the exercise of any power conferred by subsection (3)(a) is guilty of an offence.

Status: This is the original version (as it was originally enacted).

- (6) If, at any time after the date specified in the emergency notice (or such later date as the Regulator may have substituted under section 14(1)(b)), anything which the notice requires the water supplier to do has not been done, the water supplier is guilty of an offence.
- (7) A person guilty of an offence under subsection (5) or (6) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.
- (8) An offence under subsection (6) 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.