



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 2

#### DRINKING WATER QUALITY REGULATOR

##### *Enforcement of duties of public water suppliers*

#### **11 Enforcement notices: further provisions**

- (1) The Regulator must—
  - (a) send a copy of an enforcement notice to the [<sup>F1</sup>Commission] and to any local authority or Health Board consulted by the Regulator under section 10(2), and
  - (b) arrange for the notice to be published in such manner as the Regulator thinks appropriate for bringing it to the attention of persons affected, or who may be affected, by the contravention.
- (2) A public water supplier on whom an enforcement notice has been served may, by summary application made within 14 days of the date of service, appeal to the sheriff against the notice.
- (3) Where an appeal is brought under subsection (2) the enforcement notice is of no effect until the appeal is withdrawn or finally determined.
- (4) On an appeal under subsection (2) the sheriff may make such order as the sheriff thinks fit.
- (5) The decision of the sheriff on such an appeal is final.
- (6) A public water supplier on whom an enforcement notice has been served—
  - (a) must consult the Health Board for any area affected by the contravention to which the notice relates, and
  - (b) must, in rectifying the contravention or taking steps to prevent its recurrence, have regard to any views expressed by the Health Board.
- (7) The duty under subsection (6) does not apply during any period in which the enforcement notice is of no effect by virtue of subsection (3).

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*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 11. (See end of Document for details)*

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[<sup>F2</sup>(7A) Where a public water supplier has rectified the contravention specified in an enforcement notice, the Regulator must publish (or arrange for the publication of) information to this effect, in such a manner as the Regulator thinks appropriate for bringing it to the attention of persons affected, or who may have been affected, by the contravention.]

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#### **Textual Amendments**

- F1** Word in s. 11(1)(a) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(1\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F2** [S. 11\(7A\)](#) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), [6](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 11.