

SCOTTISH STATUTORY INSTRUMENTS

**2015 No. 346**

**WATER SUPPLY**

**The Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015**

*Made* - - - - 29th September 2015  
*Laid before the Scottish Parliament* - - - - 1st October 2015  
*Coming into force* - - 28th November 2015

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 76B, 76F(5) to (8), 76J and 101(1) and (1A) of the Water (Scotland) Act 1980 <sup>M1</sup> and section 2(2) of the European Communities Act 1972 <sup>M2</sup> and all other powers enabling them to do so.

There has been a consultation as required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety <sup>M3</sup>.

**Marginal Citations**

**M1** 1980 c.45. Sections 76B, 76F(5) and (6) and 76J were inserted by section 168 of, and Schedule 22 to, the [Water Act 1989 \(c.15\)](#) and section 76F(7) and (8) was inserted by section 114 of the [Local Government etc. \(Scotland\) Act 1994 \(c.39\)](#) (“the 1994 Act”). Section 76B was amended by section 56(2) of the [Food Safety Act 1990 \(c.16\)](#) and paragraph 50 of schedule 6 to the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#). Section 76F(5) was amended by paragraph 119(42) of Schedule 13 to the 1994 Act. Section 76J was amended by paragraph 119(45) of Schedule 13 to the 1994 Act. Section 101(1A) was inserted by section 27(1) of, and paragraph 9(5) of Schedule 10 to, the [Natural Heritage \(Scotland\) Act 1991 \(c.28\)](#). Section 109(1) contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made. The definition of “prescribed” in section 109(1) was amended by paragraph 38(f) of Schedule 11 to the [Local Government Finance Act 1992 \(c.14\)](#).

**M2** 1972 c.68. Section 2(2) was amended by the [Scotland Act 1998 \(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [Schedule](#), Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is cited to

enable provision in relation to the matters listed in the penultimate paragraph of the explanatory note to these Regulations.

**M3** OJ L 31, 1.2.2002, p.1, to which there are no relevant amendments to Article 9.

## **PART 1**

### **General**

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015 and come into force on 28th November 2015.

(2) These Regulations extend to Scotland only.

#### **Interpretation**

2. In these Regulations—

“the 2006 Regulations” means the Private Water Supplies (Scotland) Regulations 2006<sup>M4</sup>; and

“the 2014 Regulations” means the Public Water Supplies (Scotland) Regulations 2014<sup>M5</sup>.

#### **Marginal Citations**

**M4** [S.S.I. 2006/209](#), amended by [S.S.I. 2010/95](#) and [S.S.I. 2014/364](#).

**M5** [S.S.I. 2014/364](#), amended by [S.S.I. 2015/100](#).

## **PART 2**

### **Amendment of Private Water Supplies (Scotland) Regulations 2006**

#### **Amendment of regulation 2**

3. In regulation 2(1) (interpretation) of the 2006 Regulations, after the definition of “state” insert—

““total indicative dose” means the committed effective dose for one year of ingestion resulting from all radionuclides whose presence has been detected in a supply of water intended for human consumption purposes, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;”.

#### **Insertion of regulation 5B**

4. After regulation 5A (duty of relevant person in relation to disinfection)<sup>M6</sup> of the 2006 Regulations insert—

##### **“Application and introduction of substances and products**

**5B.** Where a relevant person, in the preparation or distribution of a private water supply for human consumption purposes, applies any substance or product to, or introduces any substance or product into, the water which is to be supplied for those purposes, the

person must take all measures necessary to ensure that, in doing so, the water supplied does not, at its point of use, contain the substance or product, or any impurity associated with the substance or product, at a concentration or value which would make the water unwholesome.”.

**Marginal Citations**

**M6** Regulation 5A was inserted by [S.S.I. 2010/95](#).

**Amendment of regulation 21**

<sup>F1</sup>5. ....

**F1** [Regs. 5-7](#) revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Amendment of regulation 22**

<sup>F1</sup>6. ....

**F1** [Regs. 5-7](#) revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Amendment of regulation 24**

<sup>F1</sup>7. ....

**F1** [Regs. 5-7](#) revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Amendment of Schedule 1**

- 8.** In Schedule 1 (prescribed concentrations and values) to the 2006 Regulations—
- (a) in Part II (national requirements) of Table B (chemical parameters), omit the entries for—
    - (i) item 3 (hydrogen ion);
    - (ii) item 6 (odour); and
    - (iii) item 9 (taste);
  - (b) in Table C (indicator parameters)—
    - (i) in the heading for column (3), after “maximum” insert “ unless otherwise stated ”;
    - (ii) after the entry for item 5 (colony count) insert—

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“5A.	Colour	Acceptable to consumers and no abnormal change”;
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(iii) after the entry for item 6 (conductivity) insert—

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“6A.	Hydrogen ion	9.5	pH value
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*Changes to legislation: There are currently no known outstanding effects for the The Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015. (See end of Document for details)*

		6.5 (minimum)	
6B.	Odour	Acceptable to consumers and no abnormal change	
6C.	Radon (for radioactivity)( <b>ii</b> )	100	Bq/l”;
(iv) after the entry for item 7 (sulphate) insert—			
“7A.	Taste	Acceptable to consumers and no abnormal change”;	
(v) after the entry for item 10 (tritium) insert—			
“10A.	Turbidity	Acceptable to consumers and no abnormal change”;	
(vi) in the entry for item 8 (total indicative dose), omit “(ii)” and “/year”;			
(vii) in the entry for item 10 (tritium), after “(for radioactivity)” insert “ (iii) ”; and			
(c) in the notes to Table C, for note (ii) substitute—			
“(ii) Remedial action is to be deemed justified on radiological protection grounds, without further consideration, where radon concentrations exceed 1,000 Bq/l.			
(iii) If the concentration of tritium exceeds this value, an analysis of the presence of other artificial radionuclides must be also carried out by Scottish Water.”.			

**Amendment of Schedule 2**

F29. ....

**F2** Regs. 9-12 revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Insertion of Schedule 2A**

F210. ....

**F2** Regs. 9-12 revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Amendment of Schedule 3**

F211. ....

**F2** Regs. 9-12 revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

**Insertion of Schedule 5A**

F212. ....

**F2** Regs. 9-12 revoked (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017](#) (S.S.I. 2017/282), reg. 1(1), **sch. 10 para. 4(c)** (with reg. 2)

## PART 3

### Amendment of Public Water Supplies (Scotland) Regulations 2014

#### Amendment of regulation 2

**13.** In regulation 2(1) (interpretation) of the 2014 Regulations, after the definition of “human consumption purposes” insert—

““indicative dose” means the committed effective dose for one year of ingestion resulting from all radionuclides whose presence has been detected in a supply of water intended for human consumption purposes, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;”.

#### Amendment of regulation 6

<sup>F3</sup>**14.** . . . . .

**F3** [Reg. 14](#) revoked (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/281), regs. 1(1), **12**

#### Amendment of regulation 9

<sup>F4</sup>**15.** . . . . .

**F4** [Reg. 15](#) revoked (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017](#) (S.S.I. 2017/281), regs. 1(1), **12**

#### Amendment of Schedule 1

**16.** In Schedule 1 (prescribed concentrations and values) to the 2014 Regulations—

(a) in Part 2 of Table C (indicator parameters)—

(i) in the entry for item 14 (indicative dose), omit “/year”;

(ii) after that entry, insert—

“14A.	Radon <sup>(e)</sup>	100	Bq/l	Supply point <sup>(b)</sup> ”; and
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(iii) in the entry for item 15 (tritium), after “Tritium” insert “<sup>(f)</sup>”;

(b) in the notes to Table C, after the note for “<sup>(d)</sup>” insert—

“(e) Remedial action is to be deemed justified on radiological protection grounds, without further consideration, where radon concentrations exceed 1,000 Bq/l.

(f) If the concentration of tritium exceeds this value, an analysis of the presence of other artificial radionuclides must be also carried out by Scottish Water.”; and

(c) after Table C (and the notes to that table), omit the definition of “Indicative dose”.

**Amendment of Schedule 2**

17. In Schedule 2 (monitoring) to the 2014 Regulations—

<sup>F5</sup>(a) .....

<sup>F5</sup>(b) .....

(c) after Table 4, in the final paragraph, omit “ “Indicative dose”, ”.

**F5** Reg. 17(a)(b) revoked (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **12**

**Insertion of Schedule 2A**

<sup>F6</sup>18. ....

**F6** Reg. 18 revoked (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **12**

**Insertion of Schedule 3A**

<sup>F7</sup>19. ....

**F7** Reg. 19 revoked (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **12**

St Andrew's House,  
Edinburgh

*AILEEN McLEOD*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Private Water Supplies (Scotland) Regulations 2006 and the Public Water Supplies (Scotland) Regulations 2014 with the aim of further protecting human health from the adverse effects of any contamination of water supplied for human consumption purposes.

<sup>M7M8</sup>In particular, these Regulations implement Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption . They also make some adjustments to the Private Water Supplies (Scotland) Regulations 2006 in connection with the implementation of Council Directive [98/83/EC](#) on the quality of water intended for human consumption .

Part 1 makes provision for citation, commencement, extent and interpretation.

Part 2 amends the Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”).

Part 3 amends the Public Water Supplies (Scotland) Regulations 2014 (“the 2014 Regulations”).

The powers in section 2(2) of the European Communities Act 1972 (“the 1972 Act”) are exercised so far as may be necessary (to supplement the other powers cited) for the purposes of implementing, or enabling the implementation of, obligations arising under or by virtue of Council Directive [98/83/EC](#) and Council Directive 2013/51, and for the purposes of dealing with matters arising out of or related to such obligations. In particular, these powers enable—

provision to be made in regulation 4 in relation to the application and introduction of substances and products (pursuant to Article 10 of Council Directive [98/83/EC](#)); and

other provision to be made in these Regulations (including provision which inserts radon as an indicator parameter) to the extent that these other provisions also have the effect of indirectly extending the scope of regulation 18 (investigations: Schedule 1 indicator parameters) of the 2006 Regulations and that of regulations 17 to 23 (investigation and remedial action) of the 2014 Regulations so as to enable appropriate remedial action to be taken in relation to radon (pursuant to Article 7 of Council Directive 2013/51).

A business and regulatory impact assessment has been prepared for these Regulations. A copy of this may be obtained from the Scottish Government, Victoria Quay, Leith, Edinburgh, EH6 6QQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015.