

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 2(2) of the European Communities Act 1972 (c. 68), modify sections 76G and 76H of the Water (Scotland) Act 1980 (c. 45) (“the 1980 Act”) in their application to private water supplies to which the Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”) apply.

The 2006 Regulations introduce a new scheme for the regulation of private water supplies in Scotland. Where supplies do not meet the requisite water quality standards set out in those Regulations, local authorities can serve a notice under sections 76G and 76H of the 1980 Act requiring those responsible for those supplies to take steps to remedy the failure.

New section 76HA(2), which is inserted by regulation 2 of these Regulations, modifies section 76G of the 1980 Act to place a duty on local authorities to serve notices in the case of Type A supplies (as defined in the 2006 Regulations). Type A supplies are those which must satisfy the water quality standards set out in Council Directive 98/83/EC on the quality of water intended for human consumption (O.J. No. L 330, 5.12.98, p.32). In the case of Type B supplies, to which the Directive does not apply, local authorities retain their powers to serve notices.

New section 76HA(3) modifies section 76H of the 1980 Act to make it an offence to fail to comply with any notice served under section 76G of that Act.