
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 13

SCOTTISH MINISTERS: ENFORCEMENT POWERS

Powers of the Scottish Ministers on default of Scottish Water

46.—(1) Any duty or requirement imposed on Scottish Water by Parts 4 to 11 in exercise of powers under section 76B of the 1980 Act is enforceable by the Scottish Ministers under section 76E (enforcement of regulations made under section 76B) of the 1980 Act whether or not a failure to carry out the duty or requirement constitutes an offence.

(2) Section 11 (power of the Scottish Ministers to make a default order) of the 1980 Act also has effect for the enforcement by the Scottish Ministers of any duty or requirement imposed (in whole or in part) on Scottish Water by Parts 4 to 11 of these Regulations in exercise of any other power⁽¹⁾ (and whether or not a failure to carry out the duty or requirement constitutes an offence) but with the modification that the Scottish Ministers may make an order under section 11(2) without having caused a local inquiry to be held into the matter.

⁽¹⁾ This applies to any such duty or requirement imposed (in whole or part) by virtue of sections 76A(3)(b), 76F(5) and (6), 76J, and 101(1) and (1A) of the Water (Scotland) Act 1980 (c.45), section 56(1) and (2) of the Finance Act 1973 (c.51) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 (c.68).