
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 6

INVESTIGATION AND REMEDIAL ACTION

Scottish Water to restore water quality

20.—(1) Subject to paragraphs (4) and (5), where an investigation under regulation 17(1) establishes that the failure in question is on-going, Scottish Water must as soon as possible—

- (a) take such remedial action as is necessary to restore the quality of the water (to which the failure relates) so that it—
 - (i) satisfies the requirements of regulation 4(2)(b) and (c); and
 - (ii) meets the prescribed concentration or value for a parameter in Table C; and
- (b) where the water fails to satisfy a requirement of regulation 4(2) in relation to—
 - (i) copper (item 10) in Table B; or
 - (ii) lead (item 15) in Table B,

take action to modify or replace such of Scottish Water's pipes and associated fittings as it knows or has reason to believe have the potential for contributing to copper or lead in the water supplied to the premises, so as to eliminate that potential (whether or not copper or lead in those pipes contributed to the failure).

(2) Except where it considers that the failure in question is trivial, Scottish Water must inform (in so far as it has not already done so) those of its consumers who are likely to be affected by the failure of any remedial action taken under paragraph (1)(a).

(3) For the purposes of securing compliance with paragraph (1)(a), the Drinking Water Quality Regulator for Scotland and the Scottish Ministers must, in the exercise of their enforcement functions, give priority to enforcement action having regard, among other things, to—

- (a) the extent to which the prescribed concentration or value for a parameter (in Table A, Table B and Table C) has not been met; and
- (b) the potential danger to human health.

(4) Where the investigation establishes that the failure in question is due to a domestic distribution system in premises where water is supplied to the public (or to the maintenance of that system), paragraph (1)(a) does not apply in so far as a local authority must, under section 76FB of the 1980 Act⁽¹⁾, require the person who owns or is otherwise responsible for that system to take any such remedial action as is required by that paragraph.

(5) Where the investigation establishes that the failure in question is due to a private domestic distribution system (or to the maintenance of that system) and there is a risk that the water in question

(1) 1980 c.45; section 76FB was inserted by S.S.I. 2010/95 and is amended by regulation 48 of these Regulations.

is failing or will fail to satisfy a requirement of regulation 4(2)(b) or (c) or meet the prescribed concentration or value for a parameter in Table C, Scottish Water must ensure that—

- (a) appropriate measures are taken to reduce or eliminate that risk (such as advising the owner and any occupiers of the premises served by the private domestic distribution system in question of any possible remedial action that they could take); and/or
- (b) other measures (such as appropriate treatment techniques) are taken to change the nature or properties of the water before it is supplied so as to reduce or eliminate that risk.