
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 7

AUTHORISATION OF TEMPORARY DEPARTURES

Authorisation of temporary supply of water that is not wholesome

24.—(1) Subject to paragraph (2), the Scottish Ministers may, on the application of Scottish Water in writing (or in electronic form) and in accordance with regulation 25, authorise a departure from a requirement of Part 3 in so far as the requirement relates to both—

- (a) a parameter in Table B; and
- (b) a supply of water by Scottish Water within a water supply zone.

(2) The Scottish Ministers must not authorise a departure under paragraph (1) unless they are satisfied—

- (a) that the authorisation is necessary to maintain in that zone a supply of water for human consumption purposes;
- (b) that a supply of water for those purposes cannot be maintained in that zone by any other reasonable means; and
- (c) that the supply of water in accordance with the authorisation does not constitute a potential danger to human health.

(3) Scottish Water must provide with its application—

- (a) a statement—
 - (i) of the grounds on which the authorisation is sought;
 - (ii) of the water supply zone in respect of which the authorisation is sought;
 - (iii) of the parameters in respect of which the prescribed concentration or value cannot be met;
 - (iv) in respect of each parameter to which head (iii) applies, of the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;
 - (v) in respect of each parameter to which head (iii) applies, of the results of the analysis of the samples (if any) taken in the water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;
 - (vi) of the average daily quantity of water supplied to that zone or, if that quantity cannot readily be ascertained, of the average daily quantity of water supplied from the treatment works that supplies water to that zone;
 - (vii) of the estimated population of that zone;

- (viii) as to whether, if a departure were authorised in the terms sought, any relevant food-production undertaking would be affected;
 - (ix) of the period for which the authorisation is sought; and
 - (x) of the reasons why the supply cannot be maintained by other reasonable means;
- (b) a scheme for monitoring the quality of water supplied in the zone during the period for which the authorisation is sought; and
 - (c) a summary of the steps that it proposes to take in order to secure that the supply satisfies the requirements of Part 3, including—
 - (i) a timetable for the work;
 - (ii) an estimate of the cost of the work; and
 - (iii) provisions for reviewing the progress of the work and for reporting the result of the review to the Scottish Ministers.
- (4) At the same time as it makes an application for an authorisation under paragraph (1), Scottish Water must give to—
- (a) every appropriate health board;
 - (b) every appropriate local authority;
 - (c) the Scottish Association of Citizens Advice Bureaux⁽¹⁾; and
 - (d) the Water Industry Commissioner for Scotland,
- a copy of the application and of the statement, scheme and summary referred to in paragraph (3).
- (5) A body to whom documents have been given in accordance with paragraph (4) may make representations to the Scottish Ministers in connection with the application; and any such representations must be made not later than the end of the period of 30 days beginning with the date on which the application for the authorisation is made.
- (6) In paragraph (4)—
- “appropriate health board” means a health board whose area contains any part of the water supply zone to which the authorisation being sought would relate; and
 - “appropriate local authority” means a local authority whose area contains any part of the water supply zone to which the authorisation being sought would relate.

(1) The Scottish Association of Citizens Advice Bureaux is a company limited by guarantee, formed and registered under the Companies Act 2006 with the company number SC089892, and a registered charity with the number SC016637.