
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 7

AUTHORISATION OF TEMPORARY DEPARTURES

Authorisations: terms and conditions

25.—(1) Subject to paragraph (2), a departure authorised under regulation 24(1) must be for as short a period as the Scottish Ministers consider is reasonably required for securing a supply of water for human consumption purposes that satisfies the requirements of Part 3 (“the departure period”).

(2) A departure period must not exceed 3 years.

(3) Subject to paragraph (4), an authorisation under regulation 24(1) must—

(a) specify—

(i) the grounds on which it is granted;

(ii) every water supply zone in respect of which it is granted;

(iii) the extent to which a departure from the prescribed concentration or value of any parameter is authorised;

(iv) in respect of each parameter to which head (iii) applies, 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, the results of the analysis of the samples (if any) taken in each 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) the average daily quantity of water supplied from each of those zones or, if that quantity cannot readily be ascertained, the average daily quantity of water supplied from the treatment works that supplies water to that zone;

(vii) the estimated population of each of those zones;

(viii) whether or not any relevant food-production undertaking would be affected; and

(ix) the departure period;

(b) require the implementation of a scheme for monitoring the quality of water supplied in each of those zones during the departure period (which may be, but need not be, the scheme submitted in accordance with regulation 24(3)(b));

(c) require the carrying out of the steps which the Scottish Ministers consider are reasonably required in order to secure that the supply satisfies the requirements of Part 3 (whether or not the steps are those proposed in the summary submitted in accordance with regulation 24(3)(c));

(d) specify, in relation to those steps—

- (i) the 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 to the Scottish Ministers the result of the review; and
- (e) require the taking of such steps as may be specified to give to the population within the water supply zones to which the authorisation applies and, in particular, to those groups of that population for which the supply of water in accordance with the authorisation could present a special risk, advice as to the measures (if any) that it would be advisable in the interests of their health for persons within that population or those groups to take for the whole or any part of the departure period.
- (4) Where the Scottish Ministers consider that—
- (a) the failure to comply with a requirement of Part 3 as respects any parameter is trivial; and
 - (b) the parameter in question is likely to comply with the prescribed concentration or value for that parameter within the period of 30 days beginning with the day on which the parameter failed to comply with that prescribed concentration or value,
- the particulars to be specified in the authorisation are those required by paragraph (3)(a)(iii) and (ix) and paragraph (3)(b) to (e) do not apply.
- (5) Where it appears to the Scottish Ministers that a supply of water that satisfies the requirements of Part 3 cannot be restored by the end of the departure period authorised under regulation 24(1) (“first departure”), they may authorise a second departure.
- (6) Paragraphs (1) to (4) and (9) apply to a second departure as they apply to a first departure.
- (7) Where it appears to the Scottish Ministers that a supply of water that satisfies the requirements of Part 3 cannot be restored by the end of the second departure period, they may request the European Commission to grant a third departure (for a period not exceeding 3 years) in accordance with Article 9(2) of the Directive.
- (8) Where the European Commission grants a third departure (“derogation”), the Scottish Ministers must send a copy of the derogation to—
- (a) the Drinking Water Quality Regulator for Scotland; and
 - (b) Scottish Water.
- (9) Paragraph (4) does not apply if the failure to comply with a prescribed concentration or value has occurred on more than 30 days on aggregate during the previous 12 months.