
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Public Water Supplies (Scotland) Regulations 2014

PART 15

CONSEQUENTIAL AMENDMENTS AND REVOCATIONS

Amendment of the Water (Scotland) Act 1980

48. In the 1980 Act(1)—

(a) in section 76E—

(i) after subsection (2) insert—

“(2A) The reference in subsection (2) of section 11 to “such a failure on the part of Scottish Water” is to be construed as a reference to a failure by Scottish Water in any of the duties referred to in subsection (1) above.”;

(ii) after subsection (3) insert—

“(3A) Before making an order under subsection (2) of section 11, the Scottish Ministers must consult the Drinking Water Quality Regulator for Scotland.”; and

(iii) repeal subsection (4);

(b) in section 76FA(1)(c), repeal sub-paragraphs (i) and (ii);

(c) the title of that section becomes “Domestic distribution failures where water is supplied to the public by private supply”;

(d) for section 76FB(1)—

(i) the words from “have” to the end become paragraph (a); and

(ii) after that paragraph, insert—

“; or

(b) receive a report on the findings of an investigation in accordance with regulation 19(1)(c) of the Public Water Supplies (Scotland) Regulations 2014 (SSI 2014/XXX).”;

(e) in section 76FB(2), after “issue” insert “or, as the case may be, the failure or apprehended failure which is the subject of the investigation,”;

(f) in section 76FB(3)(a), after “issue” insert “or, as the case may be, the failure or apprehended failure”;

(g) in section 76FB(4) and (8), after “issue”, in each place it occurs, insert “or a relevant failure”;

(h) in section 76FB(9), for paragraphs (a) and (b) substitute—

(1) 1980 c.45; sections 76E and 76L were inserted by section 168 of, and Schedule 22 to, the Water Act 1989 (c. 15); sections 76FA and 76FB were inserted by S.S.I. 2010/95.

- “(a) Part 2 of Table B in Schedule 1 to the Public Water Supplies (Scotland) Regulations 2014 (SSI 2014/XXX);
- (b) Table C in Schedule 1 to those Regulations;”;
- (i) after section 76FB(9) insert—
 - “(10) In subsections (4) and (8) “a relevant failure” means a failure or apprehended failure which is the subject of an investigation to which subsection (1)(b) applies.”; and
- (j) in section 76L(1A) repeal “otherwise than on the premises”**(2)**.

(2) Section 76L was inserted by section 168 of, and Schedule 22 to, the Water Act 1989 (c.15) and paragraph (1A) of that section was inserted by section 56(6) of the Food Safety Act 1990 (c.16).