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SCOTTISH STATUTORY INSTRUMENTS

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**2001 No. 207**

**The Water Supply (Water Quality) (Scotland) Regulations 2001**

**PART VII**

**WATER TREATMENT**

**Application and introduction of substances and products**

**27.**—(1) In this regulation—

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products<sup>(1)</sup>;

“EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992<sup>(2)</sup> as adjusted by the Protocol signed at Brussels on 17th March 1993<sup>(3)</sup>;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that body to the European Commission; and

“harmonized standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the European Commission and published by the Commission in the Official Journal of the European Communities.

(2) Subject to paragraph (3), a water authority shall not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 4(1) purposes unless one of the requirements of paragraph (4) is satisfied.

(3) A substance or product which, at the time of its application or introduction, bears an appropriate CE marking in accordance with the Directive, or conforms to—

- (a) an appropriate harmonised standard or European technical approval; or
- (b) an appropriate British Standard or some other national standard of an EEA State which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (4) is satisfied; but any such application or introduction shall be subject to—

- (i) such national conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the Scottish Ministers by an instrument in writing; and
- (ii) such other requirements, within the meaning of Council Directive [98/34/EC](#), as amended<sup>(4)</sup> (which lays down a procedure for the provision of information in the field of technical

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(1) O.J. No. L 40, 11.2.89, p.12.

(2) Cmnd 2073.

(3) Cmnd 2183.

(4) O.J. No. L 204, 21.7.98, p.37 amended by Council Directive [98/48/EC](#) (O.J. No. L 217, 5.8.98, p.18).

standards and regulations and of rules on information society services), in relation to such substances and products, as have been communicated to the Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive, and whose adoption by a Member State has also been communicated to the Commission.

- (4) The requirements of this paragraph are—
- (a) that the Scottish Ministers have for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
  - (b) that the Scottish Ministers are satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied;
  - (c) that the substance or product is to be applied or introduced solely for the purposes of testing or research, and the water authority has given to the Scottish Ministers not less than 3 months' notice of their intention so to apply or introduce the substance or product.

(5) An application for such an approval as is mentioned in paragraph (4)(a) may be made by any person.

(6) If the Scottish Ministers decide to issue an approval under paragraph (4)(a), they may include in the approval such conditions as they consider appropriate and, subject to paragraph (10), may at any time revoke or vary any approval they have previously given.

(7) Where substances or products are applied or introduced in any case in which the requirement mentioned in paragraph (4)(c) is satisfied, their application or introduction shall be discontinued within 12 months of the date on which they were first applied or introduced or, if the Scottish Ministers by notice given in writing (or in electronic form) to the water authority so directs, within such other period (whether longer or shorter) as may be specified in the notice.

(8) The Scottish Ministers may, by notice given in writing (or in electronic form) to any water authority, prohibit it from applying to, or introducing into, water intended to be supplied for regulation 4(1) purposes any substance or product which the authority would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraph (2) and any of sub-paragraphs (b) or (c) of paragraph (4); or
- (b) paragraph (3).

(9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.

- (10) The Scottish Ministers may—
- (a) revoke by an instrument in writing (or in electronic form) any approval given by them under paragraph (4)(a);
  - (b) modify any such approval by an instrument in writing (or in electronic form) by including conditions or varying existing conditions;
  - (c) issue any such notice as is mentioned in paragraph (8):

but, unless they are satisfied that it is necessary to do so in the interests of public health without notice, shall not do any of those things without giving all such persons as are, in their opinion, likely to be affected by the revocation or modification of the approval or by the issue of the notice at least six months' notice in writing (or in electronic form) of their intention.

(11) Notice shall be given forthwith by the Scottish Ministers to all persons likely to be affected by the making of such an instrument as is mentioned in paragraph (10)(a) or (b).

(12) At least once in each year beginning with the year 2004, the Scottish Ministers shall issue a list of all the substances and products in relation to which—

- (a) an approval under paragraph (4)(a) has been granted or refused;
  - (b) such an approval has been revoked or modified;
  - (c) a notice has been issued under paragraph (8),
- with particulars of the action taken.