
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Private Water Supplies (Scotland) Regulations 2006 and shall come into force on 3rd July 2006.

Interpretation

2.—(1) In these Regulations—

“the 1980 Act” means the Water (Scotland) Act 1980;

“the 1992 Regulations” means the Private Water Supplies (Scotland) Regulations 1992 ^{M1};

“the 2002 Act” means the Water Industry (Scotland) Act 2002 ^{M2};

“appropriate local authority” in relation to an authorisation of a temporary departure under Part V or an application for any such authorisation, means the local authority whose area contains the source of the private water supply to which the authorisation relates or, in the case of such an application, would apply if a departure were authorised in the terms sought;

“consumer” means a person to whom a private water supply is provided for human consumption purposes;

“disinfection” means a process which removes or renders inactive pathogenic micro-organisms so as to satisfy the requirements of Part IV in respect of micro-organisms (other than parameters), parasites and the parameters listed in Schedule 1 to these Regulations; and “disinfected” shall be construed accordingly;

“distribution network” means the system (including pipes, fittings and tanks) used to convey a private water supply from its source or point of collection to its point of connection with a domestic distribution system;

“domestic distribution system” means the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption purposes and the distribution network, which is the responsibility of a responsible person;

“health board” means a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978 ^{M3};

“human consumption purposes” in relation to a private water supply, means a supply—

- (a) for such domestic purposes as consist in or include cooking, drinking, food preparation or washing (including the maintenance of personal hygiene); or
- (b) for any of these domestic purposes to premises in which food is produced;

“indicator parameter” means a parameter listed in Table C of Schedule 1;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 ^{M4}; and “area”, in relation to a local authority, means the local government area (within the meaning of that Act) for which the council is constituted;

“monitoring local authority” means the local authority in whose area any premises served by a private water supply are located;

“parameter” means a property, element, organism or substance listed in the second column of the Tables in Schedule 1 as read, where appropriate, with the notes to that Schedule and those Tables;

“pesticides and related products” means—

- (a) any organic insecticide;
- (b) any organic herbicide;
- (c) any organic fungicide;
- (d) any organic nematocide;
- (e) any organic acaricide;
- (f) any organic algicide;
- (g) any organic rodenticide;
- (h) any organic slimicide; and
- (i) any product related to any of (a) to (h) (including any growth regulator),

and includes their relevant metabolites, degradation and reaction products;

“prescribed concentration or value”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified, and as read, where appropriate, with the notes to those Tables;

“private water supply” means a supply of water (including an abstraction of water from a source situated on the premises in which it is used or consumed) other than a supply provided by Scottish Water in pursuance of its core functions (within the meaning of section 70(2) of the 2002 Act);

“relevant person” has the meaning assigned by regulation 4;

“responsible person”, in relation to a domestic distribution system, means the person who owns or is otherwise responsible for that system;

“Scottish Water” means the body corporate established by section 20(1) of the 2002 Act;

“specification”, in relation to a parameter, means the concentration, value or state, shown as applicable to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified;

“state” in relation to an indicator parameter, means the state specified in relation to that parameter in Table C of Schedule 1 as measured by reference to the unit of measurement so specified;

[^{F1}“total indicative dose” means the committed effective dose for one year of ingestion resulting from all radionuclides whose presence has been detected in a supply of water intended for human consumption purposes, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;]

“Type A supply” means a private water supply for human consumption purposes which—

- (a) on average, provides 10 or more cubic metres of water per day or serves 50 or more persons, or

(b) regardless of the volume of water provided or the number of persons served, is supplied or used as part of a commercial or public activity,

and references in this definition

(i) to the average volume of water provided by such a supply, are references to such volume (calculated as a daily average) as may be reasonably estimated to have been distributed or, if not distributed, used or consumed from the supply during the year prior to the year in which these Regulations come into force; and that estimate may be on the assumption that five persons use one cubic metre of water per day; and

(ii) to the average number of persons served by such a supply, are references to such number of persons as may be reasonably estimated to be the maximum number served by the supply on any one day during the year prior to the year in which these Regulations come into force;

“Type B supply” means a private water supply for human consumption purposes, other than a Type A supply; and

“year” means a calendar year.

(2) Other expressions used both in these Regulations and in Council Directive [98/83/EC](#) of 3 November 1998 on the quality of water intended for human consumption ^{M5} have the same meaning in these Regulations as they have in that Directive.

(3) Any reference in these Regulations to

(a) a level, followed by a number, is a reference to a level of Type A supply determined in accordance with Part III;

(b) a numbered regulation shall be treated as the regulation bearing that number in these Regulations;

(c) a numbered paragraph shall be treated as the paragraph bearing that number in the regulation in which it appears; and

(d) a Schedule shall be treated as a reference to a Schedule to these Regulations.

(4) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000 ^{M6} which has been recorded in written form and is capable of being reproduced in that form.

F1 Words in reg. 2(1) inserted (28.11.2015) by [The Private and Public Water Supplies \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/346\)](#), regs. 1(1), 3

Marginal Citations

M1 [S.I. 1992/575](#), as amended by [S.I. 1998/1856](#). Regulation 23(b) was revoked by the Water Supply (Water Quality) (Scotland) Regulations 2001 ([S.S.I. 2001/207](#), [regulation 39\(1\)\(c\)](#)).

M2 2002 asp3, as amended by the [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#).

M3 1978 c. 29.

M4 1994 c. 39.

M5 O.J. No. L 330, 5.12.98, p.32.

M6 2000 c. 7.

Application of Regulations

3.—(1) These Regulations, apart from regulations 34(2) and 35, do not apply to a private water supply which is used—

(a) solely for washing a crop after it has been harvested; or

- (b) during the distillation of spirits—
 - (i) solely in the mashing process;
 - (ii) solely for washing plant; or
 - (iii) for both the purposes described in sub-paragraphs (i) and (ii) above but for no other purpose,

and which does not affect, either directly or indirectly, the fitness for human consumption of any food or drink or, as the case may be, spirits in their finished form.

(2) These Regulations, apart from regulations 34(2) and 35, do not apply to a private water supply which is—

- (a) a natural mineral water within the meaning of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999 ^{M7}; and
- (b) a medicinal product within the meaning of the Medicines Act 1968 ^{M8} or a product in respect of which any provision of that Act has effect as if it were such a medicinal product.

[^{F2}(3) These regulations do not apply to a Type A supply.]

F2 Reg. 3(3) inserted (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(a)** (with reg. 2)

Marginal Citations

M7 [S.I. 1999/1540](#) as amended by [S.S.I. 2000/62](#), 2003/139 and 2004/132.

M8 [1968 c. 67](#), as relevantly amended by [S.I. 1994/3119](#) and [S.I. 2005/50](#), **regulation 25**. “Medicinal product” and related expressions are defined in section 130 of that Act.

PART II

RELEVANT PERSONS

Determination and notification of relevant person

4.—(1) A local authority shall, in relation to each private water supply to any premises within its area, determine, for their respective interests, those persons who—

- (a) provide the supply;
- (b) occupy the land from, or on which, the supply is obtained or located; or
- (c) exercise powers of management or control in relation to the supply,

and a person so determined shall, in these Regulations, be referred to as a “relevant person”.

(2) As soon as reasonably practicable after making a determination under paragraph (1), the local authority shall notify each relevant person in writing of its determination and the reasons for it.

Appeal against determination of relevant person

5.—(1) A person aggrieved by a decision of a local authority to determine that person to be a relevant person may appeal to the sheriff against that determination, and the decision of the sheriff in that matter shall be final.

(2) An appeal to the sheriff under paragraph (1) shall be by way of summary application.

(3) The period within which an appeal under paragraph (1) may be brought shall be 21 days from the date on which notification of the local authority's determination was served on the person desiring to appeal.

(4) Where a person has been determined to be a relevant person under regulation 4(1), that determination shall not have effect until the period within which an appeal may be brought has expired or until an appeal which has been brought has been disposed of or is withdrawn.

[^{F3}Duty of relevant person in relation to disinfection

5A. Where a relevant person disinfects a private water supply for human consumption purposes, the relevant person must—

- (a) where necessary, subject the water to sufficient preliminary treatment to prepare the water for disinfection; and
- (b) design, operate and maintain the disinfection process so as to keep disinfection by-products as low as possible without compromising the performance of the disinfection process.]

F3 Reg. 5A inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **15**

[^{F4}Application and introduction of substances and products

5B. Where a relevant person, in the preparation or distribution of a private water supply for human consumption purposes, applies any substance or product to, or introduces any substance or product into, the water which is to be supplied for those purposes, the person must take all measures necessary to ensure that, in doing so, the water supplied does not, at its point of use, contain the substance or product, or any impurity associated with the substance or product, at a concentration or value which would make the water unwholesome.]

F4 Reg. 5B inserted (28.11.2015) by [The Private and Public Water Supplies \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/346\)](#), regs. 1(1), **4**

PART III

CLASSIFICATION OF PRIVATE WATER SUPPLIES

Classification and level of supplies

^{F5}6.

F5 Reg. 6 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(i)** (with reg. 2)

PART IV

WHOLESOMENESS

Wholesomeness: Private Water Supplies

7.—(1) Water supplied to any premises from a private water supply for human consumption purposes shall be regarded as wholesome for the purposes of Part VIA of the 1980 Act, as it applies to the supply of water for those purposes, if—

^{F6}(a)

(b) in respect of a Type B supply, the requirements of paragraph (3) are satisfied.

^{F7}(2)

(3) The requirements of this paragraph are—

(a) that the water does not contain—

- (i) any micro-organism (other than a parameter) or parasite; or
- (ii) any substance (other than a parameter),

at a concentration or value which would constitute a potential danger to human health;

(b) that the water does not contain any substance (whether or not a parameter) at a concentration or value which, in conjunction with any other substance it contains (whether or not a parameter), would constitute a potential danger to human health; and

(c) that the water does not contain concentrations or values of the parameters listed in the second column of Table D in Schedule 1 in excess of or, as the case may be, less than the prescribed concentration or values.

(4) The point at which the requirements of paragraph [^{F8}(3)] are to be complied with is—

(a) in the case of water supplied from a tanker or an intermittent short term supply, the point at which the water emerges from the tanker or the supply;

^{F9}(b)

(c) in the case of water supplied from a distribution network, at the point, within premises or an establishment, at which it emerges from the tap or taps that are normally used for human consumption purposes; and

(d) in any other case, the point which, in the reasonable opinion of the monitoring local authority, is representative of the quality of water consumed or available for consumption throughout the year and which would otherwise be available at any of the points of compliance referred to at sub-paragraphs (a) to (c).

^{F10}(5)

F6	Reg. 7(1)(a) omitted (27.10.2017) by virtue of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282) , reg. 1(1), Sch. 10 para. 2(d)(ii) (with reg. 2)
F7	Reg. 7(2) omitted (27.10.2017) by virtue of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282) , reg. 1(1), Sch. 10 para. 2(d)(ii) (with reg. 2)
F8	Word in reg. 7(4) substituted (27.10.2017) by The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282) , reg. 1(1), Sch. 10 para. 2(b) (with reg. 2)
F9	Reg. 7(4)(b) omitted (27.10.2017) by virtue of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282) , reg. 1(1), Sch. 10 para. 2(d)(ii) (with reg. 2)
F10	Reg. 7(5) omitted (27.10.2017) by virtue of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282) , reg. 1(1), Sch. 10 para. 2(d)(ii) (with reg. 2)

PART V

TYPE A SUPPLIES: TEMPORARY DEPARTURE FROM REQUIREMENTS OF PART IV

Application for authorisation of temporary departure in respect of a Type A supply that is not wholesome

F118.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Authorisation of temporary departure: terms and conditions

F119.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Authorisation of a second temporary departure

F1110.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Authorisation of a third temporary departure

F1111.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Authorisation of temporary departure: other limitations

F1112.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Authorisation of temporary departure: publicity

F1113.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Refusal of temporary departure: notification and publicity

^{F11}14.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Revocation and modification of temporary departure

^{F11}15.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

PART VI

**TYPE A SUPPLIES: RISK ASSESSMENTS,
INVESTIGATIONS AND REMEDIAL ACTION**

Type A Supplies: Risk Assessments

^{F11}16.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Investigations: Schedule 1 microbiological and chemical parameters

^{F11}17.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Investigations: Schedule 1 indicator parameters

^{F11}18.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Additional notification of consumers

^{F11}18A.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

PART VII

TYPE A SUPPLIES: MONITORING

Check monitoring – interpretation

^{F11}19.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Audit monitoring - interpretation

^{F11}20.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Monitoring duties and powers

^{F11}21.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Monitoring: general provision

^{F11}22.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Numbers of samples: Type A supplies

^{F11}23.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Monitoring: radon, total indicative dose and tritium

^{F11}24.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Additional monitoring

F1125.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

Decision on audit monitoring

F1126.

F11 Regs. 8-26 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iii)** (with reg. 2)

PART VIII

**TYPE B SUPPLIES: RISK ASSESSMENTS,
INVESTIGATIONS AND MONITORING**

Type B Supplies: Risk Assessments

27.—(1) A monitoring local authority shall, in respect of a Type B supply, provide such advice and assistance to a relevant person as will enable that person to undertake an assessment (“risk assessment”) of the potential risks to human health arising from their supply.

(2) A monitoring local authority may carry out a risk assessment (whether or not on the request of a relevant person or consumer), taking into account the matters specified in Schedule 4, of the potential health risks associated with any Type B supply in their area.

Investigations: Table D of Schedule 1 microbiological and chemical parameters

28.—(1) Where a monitoring local authority has reason to believe that a Type B supply fails, or is likely to fail, to satisfy a requirement of regulation 7(3), that authority may take such steps as it considers necessary to identify the following matters—

- (a) the cause and extent of the failure, or as the case may be, the apprehended failure;
- (b) the microbiological and chemical parameters listed in Table D of Schedule 1 in respect of which the prescribed specification has not been, or is unlikely to be, achieved; and
- (c) in relation to each parameter so identified, whether the failure, or apprehended failure, to achieve the prescribed specification is attributable to—
 - (i) the domestic distribution system;
 - (ii) the maintenance of that system; or
 - (iii) neither of those matters.

(2) As soon as reasonably practicable after the matters specified in paragraph (1) have been identified, the monitoring local authority shall notify the relevant person and the appropriate local authority of those matters and of the steps that the authority considers it is necessary or desirable to take in the interests of health.

(3) As soon as reasonably practicable after the relevant person receives notification given under paragraph (2), that person shall notify in writing every consumer, if any, of that supply likely to be affected by the matters specified in paragraph (1) of the cause and effect of the failure or, as the case

may be, the apprehended failure, and shall provide to those consumers, details of the steps (if any) specified in accordance with paragraph (2).

Monitoring duties and powers

29.—(1) For the purpose of determining whether a Type B supply satisfies the provisions of regulation 7(3), a monitoring local authority may take or cause to be taken, and analyse, or cause to be analysed, from any Type B supply located within its area such number of samples, if any, of water which the authority considers is necessary to establish whether the supply is wholesome.

(2) Samples from a Type B supply or from premises served by such a supply, shall be taken so that they are representative of the quality of water intended for human consumption purposes throughout the year and, in a case where a Type B supply serves a number of premises, from such premises selected at random as will ensure, insofar as is reasonably practicable, that their analysis will produce data which is representative of the quality of water so sampled.

(3) Samples are to be taken at the point of compliance determined in accordance with regulation [F127(4)].

(4) A monitoring local authority may at any time take and analyse a sample of water from any Type B supply (whether or not on the request of a relevant person or a consumer served by such a supply) for the parameters referred to in Table C of Schedule 2 to these Regulations, using the methodology specified in Schedule 5.

(5) A monitoring local authority shall as soon as is practicable and in any event, within 28 days of being requested to do so by a relevant person in relation to a Type B supply, or a consumer of such a supply serving premises in their area, take and analyse a sample from the supply representative of the quality of water intended for human consumption purposes throughout the year for compliance with the parameters specified in regulation 7(3).

(6) Without prejudice to the monitoring powers and duties in this regulation, a monitoring local authority shall have power to take and analyse a sample from a Type B supply in order to—

- (a) confirm or clarify the results of the analysis of a previous sample;
- (b) ascertain the effectiveness of remedial action taken in relation to the supply (whether or not such action was taken following service of a notice under section 76G of the 1980 Act^{M9}).

F12 Word in reg. 29(3) substituted (27.10.2017) by [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(c)** (with reg. 2)

Marginal Citations

M9 Section 76G was added by the Water Act 1989, Schedule 2, paragraph 1.

Additional Monitoring

30.—(1) This regulation applies to any Type B supply sampled by a monitoring local authority in accordance with regulation 29.

(2) A monitoring local authority may sample every appropriate Type B supply in its area in respect of any property, element, micro-organism, parasite or substance which fulfils the conditions specified in paragraph (3).

(3) The conditions specified in this paragraph are that—

- (a) the supply may have or contain a property, element, micro-organism, parasite or substance not listed in Table C of Schedule 2; and

- (b) the monitoring local authority reasonably believes that the concentration, amount or number of the property, element, micro-organism, parasite or substance may be such that it may (whether alone or in combination with a parameter or any other property, element, micro-organism, parasite or substance) cause the supply to fail to satisfy the provisions of regulation 7(3).

(4) A monitoring local authority may cause to be taken such samples at such frequency as it considers appropriate having regard to any anticipated risk of danger to human health, and which are representative of the quality of water intended for human consumption purposes throughout the year.

PART IX

PRIVATE WATER SUPPLIES: SAMPLING, ANALYSIS AND CHARGING

Collection and analysis of samples

31.—(1) A monitoring local authority shall secure, so far as is reasonably practicable, that in taking, handling, transporting, storing and analysing any sample taken for the purposes of these Regulations, or causing any such sample to be taken, handled, transported, stored and analysed, the appropriate requirements are satisfied.

(2) In paragraph (1), “the appropriate requirements” means such of the following requirements as are applicable—

- (a) that the sample is representative of the quality of the water intended for human consumption purposes at the point of compliance specified in regulation 7(4) ^{F13}... at the time of sampling;
- (b) that the sample is not contaminated when being taken or subsequently;
- (c) that the sample is kept at such temperature and in such conditions as will secure that there is no material alteration of the concentration or value or specification for the measurement or observation of which the sample is intended;
- (d) that the sample is analysed as soon as may be after the time it has been taken—
 - (i) by, or under the supervision of, a person who is competent to perform that task; and
 - (ii) with the use of such equipment as is suitable for the purpose;
- (e) that any laboratory at which samples are analysed has a system of analytical quality control that is subject from time to time to checking by a person who is—
 - (i) not under the control of either the laboratory or the monitoring local authority; and
 - (ii) approved by the Scottish Ministers for that purpose.

(3) A monitoring local authority shall maintain such records as are sufficient to enable it to establish, in relation to each sample taken for the purposes of these Regulations that such of the appropriate requirements as are applicable to that sample have been satisfied.

(4) Subject to paragraph (6), for the purpose of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values or specifications which contravene the prescribed concentrations or values or specifications, or exceed the specifications for indicator parameters—

- (a) the method of analysis specified in column (2) of Table A in Schedule 5 shall be used for determining compliance with the parameter specified in relation to that method in column (1);
- (b) the method of analysis used for determining compliance with a parameter specified in column (2) of Table B in Schedule 5 must be capable, at the time of use—

- (i) of measuring concentrations or values or specifications equal to the parametric value with the trueness and precision specified in relation to that parameter in columns (3) and (4) of that Table; and
 - (ii) of detecting the parameter at the limit of detection specified in relation to that parameter in column (5) of that Table;
 - (c) the method of analysis used for determining compliance with hydrogen ion parameter must be capable, at the time of use, of measuring concentrations equal to the parametric value with a trueness of 0.2 pH units and a precision of 0.2 pH units; and
 - (d) the method of analysis used for odour and taste parameters must be capable, at the time of use, of measuring values equal to the parametric value with a precision of 1 dilution number at 25°C.
- (5) For the purposes of paragraph (4)—
- “limit of detection” is to be calculated as—
- (a) three times the relative within batch standard deviation of a natural sample containing a low concentration of the parameter; or
 - (b) five times the relative within batch standard deviation of a blank sample; and
- “precision” (the random error) is to be calculated as twice the standard deviation (within a batch and between batches) of the spread of results about the mean; and
- “trueness” (the systematic error) is to be calculated as the difference between the mean value of the large number of repeated measurements and the true value.
- (6) Subject to paragraph (8), the Scottish Ministers may, on the application of any person, authorise a method of analysis other than that specified in paragraph (4)(a) (“the prescribed method”).
- (7) An application for the purpose of paragraph (6) shall be made in writing and shall be accompanied by—
- (a) a description of the method of proposed analysis; and
 - (b) the results of the tests carried out to demonstrate the reliability of that method and its equivalence to the prescribed method.
- (8) The Scottish Ministers shall not authorise the use of the method proposed in an application under paragraph (6) unless they are satisfied that the results obtained by the use of that proposed method are at least as reliable as those produced by the use of the prescribed method.
- (9) An authorisation under paragraph (6) may be subject to such conditions as the Scottish Ministers think fit.
- (10) The Scottish Ministers may at any time by notice in writing to the person to whom an authorisation under paragraph (6) has been given, revoke the authorisation; and no such notice shall be served later than 3 months before the date on which the revocation is stated to take effect.
- (11) Within 28 days of the results of analysis of any sample of a private water supply taken from any premises being available to the monitoring local authority which took the sample, or caused it to be taken, the monitoring local authority shall notify the relevant person of the results of that analysis, and any other person who is to be charged under regulation 33 for the taking and analysis of the sample from those premises.

F13 Words in reg. 31(2)(a) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(iv)** (with reg. 2)

Sampling of private water supplies: further provision

32. As soon as a monitoring local authority has reasonable grounds for believing that any element, organism or substance, other than residual disinfectant or a parameter, whether alone or in combination with a parameter or any other element, micro-organism, parasite or substance, may cause a private water supply serving premises located in the area of that authority to be a supply which does not satisfy—

(a) the provisions of Part IV; or

^{F14}(b)

it shall take, or cause to be taken, sufficient samples from the private water supply in respect of that element, organism or substance, in order to establish whether the supply is wholesome.

F14 Reg. 32(b) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(v)** (with reg. 2)

Charges for sampling, analysis and risk assessment

33.—(1) A local authority may charge a person for expenses reasonably incurred by it—

^{F15}(a)

(b) in respect of a Type B supply, for—

- (i) sampling a supply in accordance with these Regulations, up to a maximum of £70 per visit to any premises for that purpose;
- (ii) the analysis of samples, up to a maximum charge of £48 per visit to any premises for that purpose;
- (iii) preparatory work, including if required, visiting premises or the source of a Type B supply, in relation to a risk assessment to be carried out under regulation 27(2), up to a maximum of £70; and
- (iv) the carrying out of a risk assessment under regulation 27(2), up to a maximum of £50;

(2) Where a local authority has undertaken additional monitoring of a private water supply under regulation ^{F16}...30, that authority may charge a person for the expenses reasonably incurred by it.

(3) A local authority shall not charge for the expenses incurred by it in the taking and analysis of any sample taken for the purposes of regulation ^{F17}... 29(6)(a).

(4) Where in relation to any private water supply there is more than one person who may be charged, the local authority shall, in determining who is to be charged and any apportionment of that charge, have regard to the terms (if any) on which the water is supplied and the purposes for which it is used.

F15 Reg. 33(1)(a) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(vi)** (with reg. 2)

F16 Words in reg. 33(2) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(vii)** (with reg. 2)

F17 Words in reg. 33(3) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(viii)** (with reg. 2)

PART X

PRIVATE WATER SUPPLIES: RECORDS AND INFORMATION

Register of private water supplies

34.—(1) Subject to paragraph (2), a local authority shall prepare and maintain, in respect of every private water supply to premises in its area, a register containing information about—

- (a) whether the supply is—
 - ^{F18}(i)
 - ^{F19}(ii)
 - (iii) subject to paragraph (2), a supply in respect of which the provisions of regulation 3 apply;
- (b) the name and address of every relevant person in relation to the supply;
- (c) the addresses of premises which are served by the supply, and the purposes for which the water is supplied;
- (d) a description of the source of the supply, including—
 - (i) whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources; and
 - (ii) the location of the source of the supply (whether or not in the area of that local authority), including the appropriate Ordnance Survey National Grid Reference as regards the location of that source;
- (e) the estimated maximum average volume of water provided by the supply and the number of persons served by the supply on any one day;
- (f) any treatment carried out in relation to the supply;
- ^{F20}(g)
- (h) the results of any samples taken and analysed in relation to the supply under these Regulations;
- (i) any investigations carried out, and any action taken following such investigations in relation to the supply;
- ^{F21}(ia) any enforcement notices served by the authority in relation to the supply under section 76FB of the 1980 Act (whether or not confirmed by the Scottish Ministers under section 76FC of that Act), including—
 - (i) the particulars of the person on whom the notice was served
 - (ii) the date of service of the notice;
 - (iii) the matters specified in subsection (3) of section 76FB;]
- (j) any enforcement notices served by the authority in relation to the supply under section 76G of the 1980 Act (whether or not confirmed by the Scottish Ministers under section 76H of that Act), including—
 - (i) the particulars of the person on whom the notice was served;
 - (ii) the date of service of the notice;
 - (iii) the matters specified in subsection (2) of that section;
- (k) a copy of any risk assessment carried out under these Regulations in relation to the supply;
- ^{F22}(l)

- (m) such other information as the local authority may decide.
- (2) In respect of a private water supply—
- (a) which is used in the circumstances provided for in regulation 3(1), the requirements of paragraph (1) shall apply only in relation to sub-paragraphs (a) to (f) of that paragraph; and
 - (b) to which provisions of regulation 3(2) apply, the requirements of paragraph (1) shall apply only in relation to sub-paragraphs (a), (b) and (d) to (f) of that paragraph.
- (3) Subject to paragraph (4), a local authority shall make—
- (a) initial entries in the register in respect of the matters mentioned in paragraph (1) within six months after the date of coming into force of these Regulations;
 - (b) entries in respect of the matters mentioned in paragraph (1)(g) and (j) and within 28 days of the date of the authorisation and notice respectively; and
 - (c) entries relating to the results of the analysis of samples taken in accordance with regulation 31 within 28 days of the day on which the result is first known to the authority.
- (4) Where it appears to a local authority that a private water supply is to be used or is being used for the first time (or for the first time after being out of use for a period of twelve months or more), that local authority shall make initial entries in the register in respect of the matters mentioned in paragraph (1) within 3 months of first becoming aware of the private water supply.
- (5) Without prejudice to paragraphs (3) and (4), the local authority shall at least once, and no later than 31st March, in each year review and bring up to date the register required to be kept by paragraph (1).
- (6) Nothing in this regulation shall require a local authority to retain a record of any information mentioned in paragraph (1) at any time more than fifteen years after the date on which the information was first entered in the register.

- F18** Reg. 34(1)(a)(i) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(ix)** (with reg. 2)
- F19** Reg. 34(1)(a)(ii) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(ix)** (with reg. 2)
- F20** Reg. 34(1)(g) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(ix)** (with reg. 2)
- F21** Reg. 34(1)(ia) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **20**
- F22** Reg. 34(1)(l) omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(ix)** (with reg. 2)

Provision of information

35.—(1) A local authority shall make available for inspection by the public, in such places as it reasonably considers appropriate to ensure adequate accessibility, at all reasonable hours and free of charge, any register maintained by it in accordance with regulation 34.

(2) A local authority shall afford to any person, facilities for obtaining copies of entries, on payment of reasonable charges.

- (3) A local authority shall provide, upon reasonable request, to—
- (a) the Scottish Ministers;
 - (b) the Scottish Environment Protection Agency;

(c) the Health Board in whose area the supply is located,
such information as may be required from time to time on the matters contained within the register maintained in accordance with regulation 34.

(4) A local authority shall afford to any—

(a) neighbouring local authority, upon request, such information relating to an entry within the register maintained in accordance with regulation 34 as is considered necessary to enable that authority to fulfil its obligations under these Regulations; and

(b) to a neighbouring local authority, upon request, such information as is reasonably required to ascertain whether premises in its area are served by a private water supply.

(5) Not later than 31st March in each year, in respect of the preceding calendar year, a local authority shall provide the Scottish Environment Protection Agency with a copy of the register required to be kept under regulation 34.

(6) Not later than 31st March in each year, in respect of the preceding calendar year, a local authority shall provide—

(a) the Drinking Water Quality Regulator for Scotland ^{M10};

(b) the Scottish Environment Protection Agency; and

(c) the Health Board in whose area the supply is located,

with a completed annual return in accordance with the form provided for that purpose by the Scottish Ministers.

(7) Paragraph (6) is without prejudice to section 16 of the Water Industry (Scotland) Act 2002 ^{M11}.

Marginal Citations

M10 The office of the Drinking Water Quality Regulator for Scotland was established by Part 2 of the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#).

M11 2002 (asp3), as amended by the [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#).

Information Notice on premises

^{F23}**36.**

F23 Reg. 36 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(x)** (with reg. 2)

PART XI

MISCELLANEOUS

Revocations and savings

37.—(1) With effect from 3rd July 2006—

(a) the 1992 Regulations;

(b) the Private Water Supplies (Scotland) Amendment Regulations 1998 ^{M12}; and

^{F24}(c)

are revoked.

(2) Notwithstanding the revocation of the 1992 Regulations by paragraph (1), the following provisions shall continue to have effect on and after 3rd July 2006 as they had effect immediately before that date—

- (a) regulation 20 (collection and analysis of samples), in respect of any sample of water from a private supply taken on or before 2nd July 2006; and
- (b) regulation 21 (charges for sampling and analysis) in respect of expenses incurred by a council on or before 2nd July 2006.

(3) Notwithstanding the revocation of the 1992 Regulations by paragraph (1), a local authority shall, as at 3rd July 2006, retain all information obtained in accordance with Part IV of those Regulations for a period of fifteen years from the date upon which it was obtained.

F24 Reg. 37(1)(c) revoked (1.1.2015) by [The Public Water Supplies \(Scotland\) Regulations 2014 \(S.S.I. 2014/364\)](#), regs. 1(1), **50(2)(b)** (with reg. 1(3)(4))

Marginal Citations

M12 [S.I. 1998/1856](#).

St Andrew's House,
Edinburgh

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

Changes to legislation:

There are currently no known outstanding effects for the The Private Water Supplies (Scotland) Regulations 2006.