
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

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) ^{F1}... 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—

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- (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.

Textual Amendments

F1 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

^{F2}(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.

Textual Amendments

F2 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—

^{F3}(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 ^{F4}...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 ^{F5}... 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.

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Textual Amendments

- F3** 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)
- F4** 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)
- F5** 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)

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