
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART VII

TYPE A SUPPLIES: MONITORING

Check monitoring – interpretation

19. In this Part, “check monitoring” means monitoring a Type A supply for the purpose of obtaining representative information at regular intervals—

- (a) as to the organoleptic and microbiological quality of water; and
- (b) where relevant, as to the effectiveness of drinking water treatment (particularly of disinfection),

for the purpose of determining—

- (i) as regards the parameters listed in Tables A and B in Schedule 1, whether water supplied for human consumption purposes satisfies the provisions of Part IV or, if a departure has been authorised under Part V in relation to that supply, those provisions as read with the terms of that departure; and
- (ii) as regards indicator parameters listed in Table C in Schedule 1, whether water supplied for human consumption purposes meets the specifications for those parameters.

Audit monitoring - interpretation

20.—(1) In this Part, “audit monitoring” means monitoring a Type A supply for the purpose of obtaining representative information at regular intervals from which it may be established—

- (a) as regards the parameters listed in Tables A and B in Schedule 1, whether water supplied for human consumption purposes satisfies the provisions of Part IV or, if a departure has been authorised under Part V in relation to that supply, those provisions as read with the terms of that departure; and
- (b) as regards indicator parameters listed in Table C in Schedule 1, whether water supplied for human consumption purposes meets the specification for those parameters.

Monitoring duties and powers

21.—(1) Subject to regulation 26, for the purpose of determining whether a Type A supply satisfies the provisions of Part IV or, if a departure has been authorised under Part V in relation to a Type A supply, those provisions as read with the terms of that authorisation, a monitoring local authority shall take or cause to be taken, and analyse or cause to be analysed, from any Type A supply located within its area, not less than the number of samples of water specified in, or in accordance with, the provisions of this Part.

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(2) Except in a case to which paragraph (3) applies, the parameters listed in Tables A to C in Schedule 1 shall be subject—

(a) as regards a parameter listed in column (2) of Table A in Schedule 2, to check monitoring; and

(b) as regards a parameter listed in column (2) of Table B in Schedule 2, to audit monitoring.

(3) Where the distribution of water—

(a) is by tanker; or

(b) is, or is likely to be, an intermittent short term supply,

samples of water from each tanker or intermittent short term supply from which water is distributed shall be taken 48 hours after the commencement of the distribution from that tanker or supply and every 48 hours thereafter until the distribution is discontinued.

Monitoring: general provision

22.—(1) Samples from a Type A supply shall be taken such that they are representative of the quality of water intended for human consumption purposes throughout the year and, in a case where a Type A supply serves a number of premises, from such premises selected at random unless, by notice in writing to a monitoring local authority (whether or not on the application of that authority), the Scottish Ministers otherwise direct.

(2) Samples are to be taken at the point of compliance determined in accordance with regulation 7(4)(a) to (d).

(3) Where a monitoring local authority is required in accordance with Schedule 2 to take more than one sample within a specified period, the samples shall be taken so that they are representative of the quality of water intended for human consumption purposes throughout that period.

(4) A monitoring local authority shall take and analyse a sample of water from every Type A supply to which regulations 19 and 20 apply, for the parameters referred to in Schedule 1, using the methodology specified in Schedule 5 as soon as it has been classified as a Type A supply under Part III.

(5) A monitoring local authority shall as soon as reasonably practicable and, in any event, within 28 days of being requested to do so by a relevant person, take and analyse a sample of water from a Type A supply which is representative of the quality of water intended for human consumption purposes throughout the year for compliance with the prescribed concentration or value or state for the parameters specified in regulation 7(2).

(6) Without prejudice to the monitoring obligations in this Part, a monitoring local authority shall have power to take and analyse a sample from a Type A 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^{M1}).

Marginal Citations

M1 Section 76G was added by the Water Act 1989, Schedule 22, paragraph 1.

Numbers of samples: Type A supplies

23.—(1) Subject to paragraph (2) and regulations 21 and 22, in each year a monitoring local authority shall take, or cause to be taken the standard number of samples of water as regards residual disinfectant and each parameter listed in column (2) of Tables A and B in Schedule 2, and shall

analyse the samples for compliance with the prescribed concentrations or values or states given in Schedule 1 for those parameters.

(2) Subject to paragraphs (4) and (5), where in respect of a parameter subject to check monitoring—

- (a) a monitoring local authority is of the opinion that the quality of water provided by a Type A supply is unlikely to deteriorate;
- (b) in each of two successive years the requirement mentioned in paragraph (3) is satisfied in relation to a parameter listed in Table A in Schedule 2; and
- (c) the monitoring local authority considers the concentration or value in respect of that parameter is unlikely to increase or, in the case of hydrogen ion (item 9 in Table A in Schedule 2), decrease to any significant extent in the following year,

the number of samples to be taken in that year in respect of that parameter may be the reduced number.

(3) The requirement referred to in paragraph (2)(b) is that an analysis of each sample taken in relation to the parameter in question has shown no significant variation and has established—

- (a) if the parameter is colony counts, no abnormal change;
- (b) if the parameter in question is hydrogen ion, a pH value that is not less than 6.5 and not more than 9.5; and
- (c) in any other case, a concentration or value or state given in Schedule 1 that is constant and significantly better than the prescribed concentration or value or state for that parameter.

(4) Paragraph (2)(b) shall apply in the period from 3rd July 2006 to 2nd July 2008, so that the reduced number of samples may be taken in that period in relation to a parameter if—

- (a) it would have been permissible if these Regulations had been in force throughout the period of at least two years mentioned in that paragraph; or
- (b) the monitoring local authority did not sample as frequently as required by paragraph (1) during the period from 3rd July 2004 to 2nd July 2006 (“the relevant period”) before these Regulations came into force but an assessment of the samples actually taken during that period, whether or not for the purpose of the 1992 Regulations, justify the reduction.

(5) Except in a case where the provisions of paragraph (6) apply, in the period from 3rd July 2006 to 31st December 2006 the number of samples taken shall be—

- (a) not less than one half of the standard number of samples, which number shall be rounded up, if necessary, to the nearest whole number; or
- (b) where paragraph (2) applies, not less than one half of the reduced number of samples, which number shall be rounded up, if necessary, to the nearest whole number.

(6) Where, in the period 3rd July 2006 to 31st December 2006, the number of samples to be taken by virtue of paragraph (5) in relation to a parameter is 1, the monitoring local authority need not sample that parameter if a sample has been taken by that authority in respect of that supply in the period 1st January 2006 to 2nd July 2006, whether or not for the purposes of the 1992 Regulations.

(7) Where the analysis of the reduced number of samples taken by a monitoring local authority has established in respect of any parameter listed in Tables A and B in Schedule 2 that the prescribed specification for that parameter or, as the case may be, the relaxed specification for that parameter or, as the case may be, the relaxed specification therefor specified in an authorisation granted under Part V has been contravened, the monitoring local authority shall revert to carrying out—

- (a) the number of samples proportionate to the remainder of that year in respect of that parameter; and where the result is not a whole number, that proportion rounded up to the nearest whole number; and

(b) for subsequent years, the standard number of samples.

(8) Samples required to be taken by this regulation shall be taken so that they are representative of the quality of water intended for human consumption purposes throughout the year.

(9) In this regulation, “the standard number” means, in relation to each parameter listed in column (2) of Tables A and B in Schedule 2, the relevant number shown for each parameter in those Tables in the columns for levels 1 to 3 respectively; and “the reduced number” means, in relation to each parameter listed in column (2) of Table A of that Schedule, the relevant number shown for each parameter in brackets in the columns for those levels.

Monitoring: total indicative dose and tritium

24.—(1) Where the Scottish Ministers determine that either of the conditions specified in paragraph (2) is satisfied in respect of any area within the area of a monitoring local authority, they shall by notice in writing to that authority—

- (a) specify that area;
- (b) specify which condition or conditions in paragraph (2) is or, as the case may be, are satisfied; and
- (c) confirm that any Type A supply in that area need not be monitored in respect of the parameter to which the relevant condition relates.

(2) The conditions specified in this paragraph are that Type A supplies in the area specified in the notice under paragraph (1) would—

- (a) give rise to a calculated total indicative dose in respect of radioactivity that is well below the value specified in column (3) of Table C in Schedule 1; or
- (b) as the case may be, contain a level of tritium that is well below the concentration specified in column (3) of Table C in Schedule 1.

(3) Where the Scottish Ministers determine that a condition in paragraph (2) specified in a notice under paragraph (1) is no longer satisfied, they shall, by notice in writing, revoke any notice given under paragraph (1) to the extent it applies in respect of that condition.

(4) Where a notice under paragraph (1) has been given to a monitoring local authority, and until such time as that notice is revoked, the monitoring local authority need not monitor any Type A supply in the area to which the notice relates in respect of a parameter to which the condition or conditions, as the case may be, in the notice applies.

Additional monitoring

25.—(1) This regulation applies to every Type A supply sampled by a monitoring local authority in accordance with this Part.

(2) A monitoring local authority shall sample every 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 Schedule 1; and
- (b) the monitoring local authority considers 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 Part IV or, if a

departure has been authorised under Part V in relation to that supply, those provisions as read with the terms of that departure.

(4) A monitoring local authority shall 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.

Decision on audit monitoring

26.—(1) Where a monitoring local authority has completed an investigation in accordance with Schedule 3 and is satisfied, taking into account the matters specified in Schedule 4, that one or more parameters referred to in column 2 of the Table in Schedule 3 is, or are, not likely to be present in a Type A supply in its area in concentrations which could lead to the risk of a breach of the prescribed specification in respect of such parameter or parameters as specified in Tables B and C in Schedule 1, it may decide not to monitor that parameter or those parameters in respect of that supply.

(2) Before making a decision under paragraph (1), the monitoring local authority shall notify—

- (a) the relevant person and any responsible person in relation to the supply;
- (b) the Health Board in whose area the supply is located; and
- (c) any neighbouring monitoring local authority which may have an interest in the supply.

(3) The notification under paragraph (2) shall include the following details concerning the particular Type A supply—

- (a) the average volume of water provided by the supply and the number of persons served by it;
- (b) the parameter or parameters to which the decision relates and the results of the investigations undertaken in accordance with Schedule 3;
- (c) the period during which the decision will have effect (which, subject to paragraph (6), shall be such period as the monitoring local authority considers reasonable);
- (d) the period (which shall be not less than 28 days) in which representations may be made to the monitoring local authority in respect of the decision; and
- (e) such other information which the monitoring local authority considers necessary.

(4) A monitoring local authority shall not implement the decision until after the expiry of the period for making representations specified in any notification under paragraph (2), and after considering any representations made in response to such a notification.

(5) As soon as reasonably practicable after implementing any decision, the monitoring local authority shall notify the persons specified in paragraph (2) of—

- (a) the parameter or parameters listed in column 2 of the Table in Schedule 3 which the authority considers is, or are, not likely to be present in the supply in concentrations which could lead to the risk of a breach of the prescribed specification in respect of such parameter or parameters as specified in Tables B and C in Schedule 1;
- (b) the conditions specified in column 4 of the Table in Schedule 3 which, the authority considers are satisfied, and a statement of the reasons for this;
- (c) in respect of each parameter, the period during which the decision will have effect; and
- (d) any other information which the authority considers necessary.

(6) A monitoring local authority shall, at least once in every 5 years, review any decision made under this regulation, and may modify or revoke it at any time.

(7) A monitoring local authority shall notify the persons specified in paragraph (2) about any decision to modify or revoke any decision made under this regulation.

Status: Point in time view as at 03/07/2006.

Changes to legislation: There are currently no known outstanding effects for the The Private Water Supplies (Scotland) Regulations 2006, PART VII. (See end of Document for details)

(8) Where a decision has been revoked under paragraph (6), a monitoring local authority shall not make a further decision under this regulation in respect of that parameter or those parameters before the expiry of a period of 2 years from the date on which the revocation takes effect.

Status:

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Changes to legislation:

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