
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART V

**TYPE A SUPPLIES: TEMPORARY DEPARTURE
FROM REQUIREMENTS OF PART IV**

Authorisation of a third temporary departure

11.—(1) An appropriate local authority shall, before the expiry of the departure period specified in any authorisation granted under regulation 10, review whether the supply fails or is likely to fail to satisfy a requirement of regulation 7(2) by the end of that departure period.

(2) Where, following the review, it appears to the appropriate local authority that the supply fails or is likely to fail to satisfy a requirement of regulation 7(2) by the end of the departure period, it may, if it considers there are exceptional circumstances for doing so, and subject to the provisions of this regulation, request that the Scottish Ministers seek the authorisation of a third departure from the European Commission, in accordance with Article 9(2) of Council Directive [98/83/EC](#)(1).

(3) Where paragraph (2) applies, the appropriate local authority shall notify the relevant person and the Scottish Ministers of—

- (a) the results of the review undertaken in accordance with paragraph (1); and
- (b) the exceptional circumstances which the authority considers justify its proposal to authorise a third departure.

(4) The Scottish Ministers shall, as soon as reasonably practicable, request an authorisation of a third departure from the European Commission if satisfied that there are grounds for a third departure.

(5) The appropriate local authority shall provide to the Scottish Ministers such information as may be required to enable them to be satisfied that there are grounds for a third departure.

(6) The Scottish Ministers shall, as soon as reasonably practicable, notify the European Commission's decision as regards the third departure to the appropriate local authority.

(7) Paragraphs (2) to (5) and (7) of regulation 9 shall apply to the authorisation of a third departure as they apply to an authorisation under regulation 9; and paragraph (5) of that regulation shall apply to a departure under this regulation, but with the substitution for the words in paragraph (5) "Subject to paragraph (6)" of the words "Subject to any decision of the European Commission".