
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART VII

TYPE A SUPPLIES: MONITORING

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.

(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.