
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 temporary departure: terms and conditions

- 9.—(1) An appropriate local authority shall only determine an application for an authorisation—
- (a) after the expiry of the period for making representations specified under regulation 8(5);
 - (b) where it receives a representation within that period, and that representation is not withdrawn, after having considered that representation; and
 - (c) where it is satisfied that the relevant person has complied with the notification requirements of regulation 8(4).
- (2) An appropriate local authority shall not grant an application for an authorisation made under regulation 8 unless it is satisfied—
- (a) that the authorisation is necessary to maintain a supply of water for human consumption purposes;
 - (b) that a supply of water for those purposes cannot be maintained by any other reasonable means; and
 - (c) that the supply of water in accordance with the authorisation does not constitute a potential danger to human health.
- (3) Subject to paragraphs (4) and (6), an appropriate local authority may authorise a departure for such period (“the departure period”) which, in the opinion of the appropriate local authority, is no longer than is reasonably required in order to secure a supply of water for human consumption purposes which satisfies the requirements of Part IV.
- (4) No departure period shall exceed three years.
- (5) Subject to paragraph (6), an authorisation under paragraph (3)—
- (a) shall specify—
 - (i) the grounds on which it is granted;
 - (ii) the location of the supply in respect of which it is granted, including the source of the supply, and the addresses of any premises served by that supply;
 - (iii) the extent to which a departure from the prescribed concentration or value of any parameter is authorised;
 - (iv) in respect of each parameter to which paragraph (iii) applies, the results of the analysis of the samples (if any) taken in relation to the supply in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;

- (v) in respect of each parameter to which paragraph (iii) applies, the results of the analysis of the samples (if any) taken in relation to the supply in question between the first day on which the prescribed concentration or value could not be met and the date of application;
 - (vi) the average daily volume of water provided by the supply, in so far as that can readily be ascertained, and the estimated number of persons served by the supply;
 - (vii) whether or not any food production undertaking would be affected; and
 - (viii) the departure period; and
- (b) shall require the implementation of a scheme for monitoring the quality of water supplied by that supply in the area in question during the departure period (which may be, but need not be, the scheme submitted in accordance with regulation 8(2)(b)); and
- (c) shall—
- (i) require the carrying out of the steps which, in the appropriate local authority's opinion, are reasonably required in order to secure that the supply fully satisfies the requirements of Part IV (whether or not the steps are those proposed in the summary submitted in accordance with regulation 8(2)(c)) by the end of the departure period; and
 - (ii) specify, in relation to those steps—
 - (aa) the timetable for the work;
 - (bb) an estimate of the cost of the work; and
 - (cc) provisions for reviewing the progress of the work and for reporting to the appropriate local authority the result of the review;
 - (d) shall require the taking of such steps as may be specified to give to the persons served by the supply to which the authorisation applies and, in particular, to those groups of such persons for which the supply of water in accordance with the authorisation could present a special risk, advice as to the measures (if any) that it would be advisable in the interests of their health for those persons to take for the whole or any part of the departure period; and
 - (e) such additional matters as the appropriate local authority considers necessary.
- (6) Where the appropriate local authority is of the opinion—
- (a) that the extent of the contravention of the requirements of Part IV as respects any parameter is trivial; and
 - (b) that the prescribed concentration or value as respects that parameter is likely to be achieved within the period of 30 days beginning with the day on which the prescribed concentration or value in respect of that parameter was contravened,
- the particulars to be specified in the authorisation shall be those required by paragraph (5)(a)(iii) and (viii), and sub-paragraphs (b) to (e) of that paragraph shall not apply.
- (7) An appropriate local authority shall, as soon as reasonably practicable, notify the relevant person of the authorisation and its terms.