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SCOTTISH STATUTORY INSTRUMENTS

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**2017 No. 281**

**The Public Water Supplies (Scotland)  
Amendment Regulations 2017**

**Amendment of Part 1 of the 2014 Regulations**

**2.—**(1) Part 1 (general) of the 2014 Regulations is amended in accordance with paragraphs (2) to (5).

(2) For regulation 1(3) substitute—

“(3) Subject to paragraph (4), these Regulations (except Part 15) apply, to the extent relevant, only in relation to—

- (a) water introduced into, or supplied through or from, any part of the public water supply system, including water supplied by Scottish Water pursuant to an arrangement under section 6(1)(b) of the Water Services etc. (Scotland) Act 2005<sup>(1)</sup>;
- (b) water supplied by Scottish Water by any other means, including from a tanker or in bottles or containers; and
- (c) water supplied with the help of services provided by Scottish Water, as described in section 30 of the Water Industry (Scotland) Act 2002<sup>(2)</sup>.”.

(3) In regulation 1(4), for sub-paragraph (a) substitute—

- “(a) water which is both intended for sale in bottles or containers and either—
- (i) recognised as a natural mineral water by regulation 4(1) of the 2007 Regulations; or
  - (ii) required by regulation 10(1) or 13 of the 2007 Regulations to meet the requirements of schedule 2 of those Regulations;”.

(4) In regulation 2(1)—

(a) after the definition of “the 2001 Regulations” insert—

““the 2007 Regulations” means the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007<sup>(3)</sup>”;

(b) after the definition of “area” insert—

““blending point” means a point at which waters originating from two or more sources and treated for the purposes of their supply for human consumption purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are satisfied;”;

(c) after the definition of “consumer” insert—

““consumer’s tap” means, in the case of water supplied from a distribution network, the point within premises at which the water emerges from a tap which is normally used for human consumption purposes;”;

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(1) 2005 asp 3.

(2) 2002 asp 3. Section 30 was amended by section 21(2) of the Water Services etc. (Scotland) Act 2005 (asp 3).

(3) S.S.I. 2007/483, amended by S.S.I. 2009/273, S.S.I. 2010/89, S.S.I. 2011/94, S.S.I. 2014/312, S.S.I. 2015/100 and S.S.I. 2015/363.

- (d) for the definition of “the Directive” substitute—  
 ““the Directive” means Council [Directive 98/83/EC](#) on the quality of water intended for human consumption<sup>(4)</sup>”;
- (e) after the definition of “disinfection” insert—  
 ““Drinking Water Quality Regulator for Scotland” means a person appointed under section 7(1) of the Water Industry (Scotland) Act 2002”;
- (f) in the definition of “human consumption purposes”, for sub-paragraph (b) substitute—  
 “(b) the purposes of the manufacture, processing, preservation or marketing of a product or substance intended for human consumption (unless, in accordance with Regulation [\(EC\) No 852/2004](#) of the European Parliament and of the Council on the hygiene of foodstuffs<sup>(5)</sup>, the competent authority<sup>(6)</sup> is satisfied that the quality of the water supplied by Scottish Water for these purposes cannot affect the wholesomeness of a particular product or substance in its finished form);”;
- (g) for the definition of “parameter” substitute—  
 ““parameter” means a parameter referred to in column (2) of Table A, Table B or Table C, except in regulation 14A and schedule 3 where it means a parameter referred to in paragraph 2 of Part A of schedule 3 or in the first column of Table 1, Table 2 or Table 3 in that schedule;”;
- (h) after the definition of “parameter” insert—  
 ““point of compliance” means—  
 (a) in the case of water supplied from a distribution network—  
 (i) in relation to a parameter in Table A or Table B, the point or points specified for the parameter in column (5) of the table in question; and  
 (ii) in relation to any other micro-organism, substance or parasite, each point within premises at which it emerges from taps normally used for human consumption purposes;  
 (b) in the case of water supplied from a tanker, the point at which it emerges from the tanker;  
 (c) in the case of water put into a bottle or container, the point at which the water is put into the bottle or container; and  
 (d) in the case of water intended to be used in a food-production undertaking, the point at which the water is to be used in the undertaking;  
 “point of monitoring” means, in relation to a parameter in Table C, the point or points specified for the parameter in column (5) of that table;”;
- (i) for the definition of “private water supply” substitute—  
 ““public water supply system” has the same meaning as it has in section 28(1) of the Water Services etc. (Scotland) Act 2005<sup>(7)</sup>;  
 “risk assessment” means, in relation to a treatment works and its connected supply system, the assessment carried pursuant to regulation 30(2) (as updated, where applicable, by Scottish Water pursuant to paragraph (6) or (6A) of that regulation);”;

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(4) OJ L 330, 5.12.1998, p.32, as amended by Regulation [\(EC\) No 1882/2003](#) of the European Parliament and of the Council (OJ L 284, 31.10.2003, p.1), Regulation [\(EC\) No 596/2009](#) of the European Parliament and of the Council (OJ L 188, 18.7.2009, p.14), Commission Directive (EU) 2015/1787 (OJ L 260, 7.10.2015, p.6) and Corrigendum (OJ L 111, 20.4.2001, p.31).

(5) OJ L 139 30.4.2004, p.1 as last amended by Regulation [\(EC\) No 219/2009](#) (OJ L 87, 31.3.2009, p.109).

(6) The competent authority is Food Standards Scotland or, where Food Standards Scotland has delegated this function to a local authority, the relevant local authority. See [S.S.I. 2006/3](#), relevantly amended by [S.S.I. 2015/100](#).

(7) [2005 asp 3](#).

- (j) for the definition of “supply point” substitute—

““supply point”, in the case of water supplied from a distribution network, means a blending point, service reservoir, treatment works or other point within a water supply zone in relation to which the Drinking Water Quality Regulator for Scotland is satisfied that there would be no adverse change to the measured value of a parameter in a sample of the water taken at the point (as compared to the measured value of the parameter in samples of water taken at each point within premises at which it emerges from taps normally used for human consumption purposes within the water supply zone);”;
  - (k) after the definition of “treatment works” insert—

““water” means water in relation to which these Regulations apply;

“water quality standards” means requirements of regulation 4(2), as modified by virtue of any departure authorised under regulation 24(1) or 25(5) or granted pursuant to a request under regulation 25(7));”;
  - (l) at the end of the definition of “water supply zone”, omit “and”; and
  - (m) after the definition of “water supply zone” insert—

““wholesome” and cognate expressions have the meaning they have in the 1980 Act, as construed in accordance with section 109(1) of that Act<sup>(8)</sup>; and”.
- (5) In regulation 2(4)—
- (a) at the end of sub-paragraph (a), insert “and”;
  - (b) in sub-paragraph (b) omit “Table 1, Table 2, Table 3 or”;
  - (c) at the end of the sub-paragraph (b), for “; and” substitute “.”; and
  - (d) omit sub-paragraph (c).

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(8) Section 109(1) (interpretation) of the 1980 Act provides that, in that Act, “wholesome” and cognate expressions (subject to any express provision or anything in the context to the contrary) are to be construed subject to the provisions of any regulations made under section 76J (standards of wholesomeness) of that Act. Since the provisions in regulation 4(1) and (4) of these Regulations were made under that section 76J, these expressions must be construed subject to those provisions.

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Water Supplies (Scotland) Amendment Regulations 2017, Section 2.