

SCHEDULE 10

Regulation 45

CHANGES TO OTHER ENACTMENTS

**Amendment of the Water (Scotland) Act 1980**

1.—(1) The Water (Scotland) Act 1980(1) is amended in accordance with sub-paragraphs (2) to (6).

(2) Omit section 76FA (domestic distribution failures where water is supplied to the public by private supply).

(3) In section 76FB (remedial powers of local authorities where domestic distribution failure affects supply to public)—

- (a) in subsection (1), omit paragraph (a);
- (b) in subsection (2), omit “the relevant water quality issue or, as the case may be,”;
- (c) in subsection (3)(a), omit “the relevant water quality issue or, as the case may be,”;
- (d) in subsection (4), omit “a relevant water quality issue or” in both places where it occurs;
- (e) in subsection (8), omit “a relevant water quality issue or”; and
- (f) in subsection (9)—
  - (i) at the end of paragraph (a), insert “or”;
  - (ii) at the end of paragraph (b), for “;” substitute “.”; and
  - (iii) omit paragraphs (c) and (d).

(4) In section 76G (remedial powers of local authorities in relation to private supplies), omit subsection (1A).

(5) In section 76HA (application of sections 76G and 76H to certain private supplies)—

- (a) in subsection (1), for “private water supply to which the Private Water Supplies (Scotland) Regulations 2006 (S.S.I. 2006/209)” substitute “supply of water to which the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017”; and
- (b) in subsection (2)—
  - (i) for paragraph (a) substitute—
    - “(a) in subsection (1), for “water for domestic or food production purposes” substitute “water intended for human consumption (within the meaning of the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017)”;
  - (ii) omit paragraphs (ba) to (d) and (f); and
  - (iii) in paragraph (e), in the text to be substituted—
    - (aa) for “the relevant person” substitute “a “relevant person””; and
    - (bb) for the words from “of water” to the end, substitute “which is a supply of water to which the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 apply, has the same meaning as it has in those Regulations.”.

(6) In section 76L (interpretation etc. of Part VIA)—

- (a) for the definition of “domestic distribution system” substitute—

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(1) 1980 c.45; sections 76FA, 76FB and subsection (1A) of section 76G were inserted by S.S.I. 2010/95 and amended by S.S.I. 2014/364, section 76HA was inserted by S.S.I. 2006/297 and amended by S.S.I. 2010/95, and section 76L was inserted by section 168 and schedule 22 of the Water Act 1989 (c.15).

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“domestic distribution system” has the same meaning as it has in the Public Water Supplies (Scotland) Regulations 2014;” and

- (b) omit the definition of “relevant water quality issue”.

### **Amendment of the Private Water Supplies (Scotland) Regulations 2006**

**2.** In the Private Water Supplies (Scotland) Regulations 2006(2)—

- (a) after regulation 3(2) insert—  
“3) These regulations do not apply to a Type A supply.”;
- (b) in regulation 7(4), for “(2)” substitute “(3)”;
- (c) in regulation 29(3), for “7(5)” substitute “7(4)”;
- (d) omit—
- (i) regulation 6;
  - (ii) regulation 7(1)(a), (2), (4)(b) and (5);
  - (iii) regulations 8 to 26;
  - (iv) in regulation 31(2)(a), “or (5)”;
  - (v) regulation 32(b);
  - (vi) regulation 33(1)(a);
  - (vii) in regulation 33(2), “25 or”;
  - (viii) in regulation 33(3), “22(6)(a) or”;
  - (ix) regulation 34(1)(a)(i) and (ii), (g) and (l);
  - (x) regulation 36;
  - (xi) in schedule 2, Table A and Table B;
  - (xii) schedule 2A;
  - (xiii) schedule 3;
  - (xiv) in schedule 4, in paragraph (1), “16 and”; and
  - (xv) schedule 5A.

### **Amendment of the Private Water Supplies (Grants) (Scotland) Regulations 2006**

**3.** In the Private Water Supplies (Grants) (Scotland) Regulations 2006(3)—

- (a) in regulation 2(1)—
- (i) after the definition of “the 2006 Regulations” insert—  
“the 2017 Regulations” means the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017;” and
  - (ii) after the definition of “estimated expenditure” insert—  
“private water supply” has the same meaning as it has in subsection (2) of section 47 (power to provide funds for private water supplies) of the Local Government in Scotland Act 2003(4);”;
- (b) in regulation 3(1), after “(2)” insert “or (3)”;

(2) S.S.I. 2006/209, as amended by S.S.I. 2010/95, S.S.I. 2014/364, S.S.I. 2015/346 and S.S.I. 2017/282.

(3) S.S.I. 2006/210, as amended by S.S.I. 2014/364.

(4) 2003 asp 1.

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- (c) after regulation 3(2) insert—
- “(3) Subject to regulation 10(a) and (b), an eligible person is a person who is a “relevant person” within the meaning of the 2017 Regulations in relation to a private water supply—
- (a) in a case where—
- (i) water introduced into, and supplied through and from, the private water supply system which is used, or intended to be used, to provide the supply of water has been risk assessed in accordance with Part 3 of the 2017 Regulations; and
- (ii) the risk assessment (as updated, where applicable) establishes that the water—
- (aa) poses a potential danger to human health;
- (bb) has failed to meet one or more of the water quality standards and the failure is likely to recur; or
- (cc) is failing to meet one or more of the water quality standards and the failure is likely to continue or to recur or both; or
- (b) in a case where the private water supply is both—
- (i) a “supply of water in pipes” within the meaning of the 2017 Regulations; and
- (ii) the subject of one or more of the following:—
- (aa) a derogation granted under schedule 5 of the 2017 Regulations;
- (bb) a remediation notice, an enforcement notice or an emergency notice served under the 2017 Regulations; or
- (cc) a notice served under section 76G of the 1980 Act.”; and
- (d) in regulation 4(3), after “3(2)(b)” insert “or, as the case may be, 3(3)”;
- (e) in regulation 5, after “2006 Regulations” insert “or, as the case may be, the 2017 Regulations”; and
- (f) in regulation 9(4)(a), after “Part VI or Part VIII of the 2006 Regulations” insert “or, in a case where the application is made by or on behalf of a person who is an eligible person by virtue of regulation 3(3)(a), information showing that the risk assessment referred to in regulation 3(3)(a) has been carried out and a summary of the results of the risk assessment (as updated, where applicable)”.

## Revocations

4. The following provisions are revoked:—
- (a) regulations 3, 4 and 16 to 19 and paragraph (a) of regulation 5 of the Water Quality (Scotland) Regulations 2010<sup>(5)</sup>;
- (b) paragraphs (b) and (c) of regulation 48 of the Public Water Supplies (Scotland) Regulations 2014<sup>(6)</sup>; and
- (c) regulations 5 to 7 and 9 to 12 of the Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2015<sup>(7)</sup>.

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<sup>(5)</sup> S.S.I. 2010/95.

<sup>(6)</sup> S.S.I. 2014/364, as amended by S.S.I. 2015/100, S.S.I. 2015/346 and S.S.I. 2017/281.

<sup>(7)</sup> S.S.I. 2015/346.

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