
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART I
GENERAL

Citation and commencement

1. These Regulations may be cited as the Private Water Supplies (Scotland) Regulations 2006 and shall come into force on 3rd July 2006.

Interpretation

2.—(1) In these Regulations—

“the 1980 Act” means the Water (Scotland) Act 1980;

“the 1992 Regulations” means the Private Water Supplies (Scotland) Regulations 1992(1);

“the 2002 Act” means the Water Industry (Scotland) Act 2002(2);

“appropriate local authority” in relation to an authorisation of a temporary departure under Part V or an application for any such authorisation, means the local authority whose area contains the source of the private water supply to which the authorisation relates or, in the case of such an application, would apply if a departure were authorised in the terms sought;

“consumer” means a person to whom a private water supply is provided for human consumption purposes;

“disinfection” means a process which removes or renders inactive pathogenic micro-organisms so as to satisfy the requirements of Part IV in respect of micro-organisms (other than parameters), parasites and the parameters listed in Schedule 1 to these Regulations; and “disinfected” shall be construed accordingly;

“distribution network” means the system (including pipes, fittings and tanks) used to convey a private water supply from its source or point of collection to its point of connection with a domestic distribution system;

“domestic distribution system” means the pipework, fittings and appliances which are installed between the taps that are normally used for human consumption purposes and the distribution network, which is the responsibility of a responsible person;

“health board” means a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978(3);

“human consumption purposes” in relation to a private water supply, means a supply—

(1) S.I.1992/575, as amended by S.I. 1998/1856. Regulation 23(b) was revoked by the Water Supply (Water Quality) (Scotland) Regulations 2001 (S.S.I. 2001/207, regulation 39(1)(c)).
(2) 2002 asp3, as amended by the Water Services etc. (Scotland) Act 2005 (asp 3).
(3) 1978 c. 29.

(a) for such domestic purposes as consist in or include cooking, drinking, food preparation or washing (including the maintenance of personal hygiene); or

(b) for any of these domestic purposes to premises in which food is produced;

“indicator parameter” means a parameter listed in Table C of Schedule 1;

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(4); and “area”, in relation to a local authority, means the local government area (within the meaning of that Act) for which the council is constituted;

“monitoring local authority” means the local authority in whose area any premises served by a private water supply are located;

“parameter” means a property, element, organism or substance listed in the second column of the Tables in Schedule 1 as read, where appropriate, with the notes to that Schedule and those Tables;

“pesticides and related products” means—

(a) any organic insecticide;

(b) any organic herbicide;

(c) any organic fungicide;

(d) any organic nematocide;

(e) any organic acaricide;

(f) any organic algicide;

(g) any organic rodenticide;

(h) any organic slimicide; and

(i) any product related to any of (a) to (h) (including any growth regulator),

and includes their relevant metabolites, degradation and reaction products;

“prescribed concentration or value”, in relation to any parameter, means the maximum or minimum concentration or value specified in relation to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified, and as read, where appropriate, with the notes to those Tables;

“private water supply” means a supply of water (including an abstraction of water from a source situated on the premises in which it is used or consumed) other than a supply provided by Scottish Water in pursuance of its core functions (within the meaning of section 70(2) of the 2002 Act);

“relevant person” has the meaning assigned by regulation 4;

“responsible person”, in relation to a domestic distribution system, means the person who owns or is otherwise responsible for that system;

“Scottish Water” means the body corporate established by section 20(1) of the 2002 Act;

“specification”, in relation to a parameter, means the concentration, value or state, shown as applicable to that parameter in the Tables in Schedule 1 as measured by reference to the unit of measurement so specified;

“state” in relation to an indicator parameter, means the state specified in relation to that parameter in Table C of Schedule 1 as measured by reference to the unit of measurement so specified;

“Type A supply” means a private water supply for human consumption purposes which—

- (a) on average, provides 10 or more cubic metres of water per day or serves 50 or more persons, or
- (b) regardless of the volume of water provided or the number of persons served, is supplied or used as part of a commercial or public activity,

and references in this definition

- (i) to the average volume of water provided by such a supply, are references to such volume (calculated as a daily average) as may be reasonably estimated to have been distributed or, if not distributed, used or consumed from the supply during the year prior to the year in which these Regulations come into force; and that estimate may be on the assumption that five persons use one cubic metre of water per day; and
- (ii) to the average number of persons served by such a supply, are references to such number of persons as may be reasonably estimated to be the maximum number served by the supply on any one day during the year prior to the year in which these Regulations come into force;

“Type B supply” means a private water supply for human consumption purposes, other than a Type A supply; and

“year” means a calendar year.

(2) Other expressions used both in these Regulations and in Council Directive [98/83/EC](#) of 3 November 1998 on the quality of water intended for human consumption⁽⁵⁾ have the same meaning in these Regulations as they have in that Directive.

(3) Any reference in these Regulations to

- (a) a level, followed by a number, is a reference to a level of Type A supply determined in accordance with Part III;
- (b) a numbered regulation shall be treated as the regulation bearing that number in these Regulations;
- (c) a numbered paragraph shall be treated as the paragraph bearing that number in the regulation in which it appears; and
- (d) a Schedule shall be treated as a reference to a Schedule to these Regulations.

(4) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000⁽⁶⁾ which has been recorded in written form and is capable of being reproduced in that form.

Application of Regulations

3.—(1) These Regulations, apart from regulations 34(2) and 35, do not apply to a private water supply which is used—

- (a) solely for washing a crop after it has been harvested; or
- (b) during the distillation of spirits—
 - (i) solely in the mashing process;
 - (ii) solely for washing plant; or
 - (iii) for both the purposes described in sub-paragraphs (i) and (ii) above but for no other purpose,

and which does not affect, either directly or indirectly, the fitness for human consumption of any food or drink or, as the case may be, spirits in their finished form.

⁽⁵⁾ O.J. No. L 330, 5.12.98, p.32.

⁽⁶⁾ 2000 c. 7.

(2) These Regulations, apart from regulations 34(2) and 35, do not apply to a private water supply which is—

- (a) a natural mineral water within the meaning of the Natural Mineral Water, Spring Water and Bottled Drinking Water Regulations 1999(7); and
- (b) a medicinal product within the meaning of the Medicines Act 1968(8) or a product in respect of which any provision of that Act has effect as if it were such a medicinal product.

(7) S.I. 1999/1540 as amended by S.I. 2000/62, 2003/139 and 2004/132.

(8) 1968 c. 67, as relevantly amended by S.I. 1994/3119 and S.I. 2005/50, regulation 25. “Medicinal product” and related expressions are defined in section 130 of that Act.