
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 209

The Private Water Supplies (Scotland) Regulations 2006

PART VI

**TYPE A SUPPLIES: RISK ASSESSMENTS,
INVESTIGATIONS AND REMEDIAL ACTION**

Type A Supplies: Risk Assessments

16.—(1) Subject to paragraph (2), a monitoring local authority shall carry out an assessment (“risk assessment”) of the potential health risks associated with all Type A supplies in their area taking into account the matters specified in Schedule 4, in order to establish whether such supplies satisfy the requirements of Part IV.

(2) A monitoring local authority shall carry out a risk assessment—

- (a) where the supply is a new supply and is to be used for the first time, or for the first time after being out of use for a period of 12 months or more, within 6 months of that supply being classified a Type A supply in accordance with Part III; or
- (b) where the monitoring local authority considers, whether as a result of monitoring that supply in accordance with Part VII of these Regulations or otherwise, that the supply is no longer wholesome, as soon as reasonably practicable.

(3) A monitoring local authority shall use the information obtained as a result of carrying out a risk assessment under paragraphs (1) and (2) to inform any remedial action as may be required under regulations 17 and 18.

(4) At the same time as a monitoring local authority reviews and updates the classification of a Type A supply in accordance with Part III, it shall review and update the terms of the risk assessment, carried out under this regulation.

Investigations: Schedule 1 microbiological and chemical parameters

17.—(1) Subject to paragraph (3), where a monitoring local authority considers a Type A supply fails, or is likely to fail, to satisfy a requirement of regulation 7(2) that authority shall immediately take such steps as are considered necessary to identify the following matters—

- (a) the cause and extent of the failure, or as the case may be, the apprehended failure;
- [^{F1}(aa) whether the failure or, as the case may be, the apprehended failure, poses a risk to human health;]
- (b) the microbiological and chemical parameters listed in Tables A and B in Schedule 1 in respect of which the prescribed concentration or value has not been, or is unlikely to be, achieved; and
- (c) in relation to each parameter so identified, whether the failure, or apprehended failure, to achieve the prescribed concentration or value is attributable to—
 - (i) the domestic distribution system;

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- (ii) the maintenance of that system; or
 - (iii) neither of those matters.
- (2) Where a departure has been authorised under Part V—
- (a) paragraph (1) shall apply only in respect of the microbiological and chemical parameters listed in Tables A and B in Schedule 1 (if any) that are not specified in the authorisation; and
 - (b) a monitoring local authority which has reason to believe that the Type A supply fails, or is likely to fail, to satisfy the concentration or value required by the authorisation in relation to any of those, it shall immediately take such steps as are necessary to identify the matters specified in paragraph (1).
- (3) [^{F2}Immediately] after the matters specified in paragraph (1) have been identified, the monitoring local authority shall notify the relevant person^{F3}, the Scottish Ministers] and the appropriate local authority—
- (a) of those matters; ^{F4}...
 - [^{F5}(aa) whether those matters relate to premises or establishments in which water is supplied to the public (such as schools, hospitals and restaurants);]
 - (b) in relation to each parameter identified in accordance with paragraph (1)(b) whether the monitoring local authority considers a failure in respect of the parameter is likely to recur;
 - (c) of the action (if any) taken by that authority in relation to a failure which is attributable to the domestic distribution system or the maintenance of that system; and
 - (d) details of the steps (if any) that the authority considers it is necessary or desirable for consumers of the supply likely to be affected by the matters specified in paragraph (1) to take in the interests of their health.
- (4) As soon as [^{F6}possible] after the relevant person receives notification given under paragraph (3), that person shall notify, in writing—
- (a) every consumer of that supply; and
 - (b) where directed to do so by the monitoring local authority, every consumer the relevant person reasonably believes may have been or was likely to have been affected by the matters specified in paragraph (1), where the address or contact details of those consumers are known to that person or are readily ascertainable,
- of the matters referred to in paragraph (3)(a) to (d).
- (5) Where the monitoring local authority has identified a failure which is attributable to a domestic distribution system or the maintenance of that system, it shall, at the same time as notice is given under paragraph (3)—
- (a) notify in writing the responsible person in relation to that domestic distribution system, and having consulted with the health board in whose area the supply is located, inform that person of the nature of the failure and provide details of the steps (if any) that the authority considers it is necessary or desirable for that person and any other consumers of that supply to take in the interests of their health; and
 - (b) send a copy of the notification under sub-paragraph (a) to the relevant person in relation to the private water supply.
- (6) Where the monitoring local authority considers such a failure as is mentioned in paragraph (5) is likely to affect the supply of water to the public in premises in which water is so supplied, the authority shall at the same time as notice is given under paragraph (5)—
- (a) by notice in writing to the responsible person in respect of that domestic distribution system, inform that person of the nature of the failure and provide details of the steps (if

any) that the authority considers it is necessary or desirable for that person and any other consumers of that supply to take in the interests of their health; and

(b) send a copy of that notice to the relevant person in relation to the private water supply.

(7) As soon as [^{F7}possible] after a responsible person receives a notification given under paragraph (6)(a), that person shall—

(a) where directed to do so by the monitoring local authority, serve a copy of that notice on every consumer the responsible person reasonably believes may have been or was likely to have been affected by the failure, where the address or contact details of those consumers are known to that person or are readily ascertainable;

(b) prominently display a copy of the notice given under paragraph (6)(a) so that it might be conveniently read by any consumer that may attend at the premises; and

(c) take all such other steps as the monitoring local authority may reasonably require to inform the public of the failure.

(8) Where such a failure as is mentioned in sub-paragraphs (a) to (c) of paragraph (1) relates to the copper or lead parameter, the monitoring local authority shall, as soon as reasonably practicable after the occurrence, advise the responsible person to modify or replace such of the pipes and their associated fittings as it knows or has reason to believe have the potential for contributing to copper or lead in the water supplied to the premises served by that supply, so as to eliminate that potential (whether or not the presence of copper or lead in those pipes contributed to the failure).

[^{F8}(9) Where the failure constitutes a potential risk to human health, the monitoring local authority must give the relevant person or, as the case may be, the responsible person, the directions mentioned in—

(a) paragraph (4)(b); and

(b) paragraph (7)(a).]

Textual Amendments

- F1** Reg. 17(1)(aa) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(2)**
- F2** Word in reg. 17(3) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(3)(a)**
- F3** Words in reg. 17(3) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(3)(b)**
- F4** Word in reg. 17(3)(a) omitted (20.4.2010) by virtue of [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(3)(c)**
- F5** Reg. 17(3)(aa) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(3)(d)**
- F6** Word in reg. 17(4) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(4)**
- F7** Word in reg. 17(7) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(5)**
- F8** Reg. 17(9) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **17(6)**

Investigations: Schedule 1 indicator parameters

18.—(1) Where a monitoring local authority considers a Type A supply does not meet the specifications for indicator parameters set out in Table C in Schedule 1, it shall immediately take such steps as are necessary to identify—

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- (a) the indicator parameters in respect of which the specifications are not met;
 - [^{F9}(aa) whether the inability to meet the specifications poses a risk to human health;]
 - (b) the reason why the specifications are not met; and
 - (c) ^{F10}... whether the inability to meet that specification is attributable to—
 - (i) the domestic distribution system;
 - (ii) the maintenance of that system; or
 - (iii) neither of those matters.
- (2) [^{F11}Immediately] after the matters specified in paragraph (1) have been identified, the monitoring local authority shall notify the relevant person[^{F12}, the Scottish Ministers,] and the appropriate local authority—
- (a) of those matters;
 - [^{F13}(aa) whether those matters relate to premises or establishments in which water is supplied to the public (such as schools, hospitals and restaurants)]
 - (b) in relation to each parameter identified in accordance with paragraph (1)(a), whether the authority considers a recurrence of the inability to meet the specification in respect of that parameter is likely; and
 - (c) details of the steps (if any) that the authority considers it is necessary or desirable for consumers of the supply likely to be affected by the matters specified in paragraph (1) to take in the interests of their health.
- (3) As soon as [^{F14}possible] after a relevant person receives notification given under paragraph (2), that person shall notify in writing every consumer of that supply of the matters referred to in paragraph (2)(a) to (c).
- (4) Where, in a case to which paragraph (1)(c) applies, the inability to meet the specification has been identified as attributable to the domestic distribution system or to the maintenance of that system, the monitoring local authority shall, at the same time as notice is given under paragraph (2)—
- (a) notify in writing the responsible person in relation to that system of the nature of the failure and provide details of the steps (if any) that the authority considers it is necessary or desirable for that person and any consumers served by the supply to take in the interests of their health; and
 - (b) send a copy of the notification to the relevant person in relation to the supply.
- (5) As soon as [^{F15}possible] after a responsible person is notified under paragraph (4)(a), that person shall notify—
- (a) every consumer of that supply likely to be affected by the failure;
 - (b) where directed to do so by the monitoring local authority, every consumer the responsible person reasonably believes may have been or was likely to have been affected by the failure referred to in paragraph (4)(a), where the address or contact details of those consumers are known to that person or are readily ascertainable; and
 - (c) the relevant person in relation to the supply.
- (6) Where the monitoring local authority considers such an inability as is mentioned in paragraph (4) is likely to affect the supply of water to the public in premises in which water is so supplied, the authority, at the same time as notification is given under paragraph (2), shall—
- (a) by notice in writing to the responsible person in respect of that domestic distribution system, inform that person of the nature of the failure and provide details of the steps (if any) that the authority considers it is necessary or desirable for the responsible person and any other consumers of that supply to take in the interests of their health; and

(b) send a copy of the notice to the relevant person in relation to the supply.

(7) As soon as ^[F16]possible] after a responsible person receives notification given under paragraph (6)(a), that person shall—

(a) where directed to do so by the monitoring local authority, serve a copy of that notice on every consumer the responsible person reasonably believes may have been or was likely to have been affected by the failure, where the address or contact details of those consumers are known to that person or are readily ascertainable;

(b) prominently display a copy of the notice given under paragraph (6)(a) so that it might be conveniently read by any member of the public that might attend at the premises; and

(c) take all such other steps as are reasonably required to inform the public of the failure.

^[F17](8) Where the failure constitutes a potential risk to human health, the monitoring local authority must give the responsible person the directions mentioned in—

(a) paragraph (5)(b); and

(b) paragraph (7)(a).]

Textual Amendments

- F9** Reg. 18(1)(aa) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(2)(a)**
- F10** Words in reg. 18(1)(c) omitted (20.4.2010) by virtue of [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(2)(b)**
- F11** Word in reg. 18(2) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(3)(a)**
- F12** Words in reg. 18(2) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(3)(b)**
- F13** Reg. 18(2)(aa) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(3)(c)**
- F14** Word in reg. 18(3) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(4)**
- F15** Word in reg. 18(5) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(5)**
- F16** Word in reg. 18(7) substituted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(6)**
- F17** Reg. 18(8) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **18(7)**

^[F18]Additional notification of consumers

18A. Unless the monitoring local authority consider the failure identified under regulation 17 or 18 to be trivial, it must take such steps as are necessary to notify consumers, or to ensure that consumers are notified, of any remedial action performed under or pursuant to a notice served under section 76G of the 1980 Act in respect of that failure.]

Textual Amendments

- F18** [Reg. 18A](#) inserted (20.4.2010) by [The Water Quality \(Scotland\) Regulations 2010 \(S.S.I. 2010/95\)](#), regs. 1(1), **19**

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