

SCOTTISH STATUTORY INSTRUMENTS

**2006 No. 209**

**The Private Water Supplies (Scotland) Regulations 2006**

**PART X S**

**PRIVATE WATER SUPPLIES: RECORDS AND INFORMATION**

**Register of private water supplies S**

**34.**—(1) Subject to paragraph (2), a local authority shall prepare and maintain, in respect of every private water supply to premises in its area, a register containing information about—

- (a) whether the supply is—
  - <sup>F1</sup>(i) . . . . .
  - <sup>F2</sup>(ii) . . . . .
  - (iii) subject to paragraph (2), a supply in respect of which the provisions of regulation 3 apply;
- (b) the name and address of every relevant person in relation to the supply;
- (c) the addresses of premises which are served by the supply, and the purposes for which the water is supplied;
- (d) a description of the source of the supply, including—
  - (i) whether the supply is taken from a watercourse, loch, spring, well or borehole, or any other source or combination of sources; and
  - (ii) the location of the source of the supply (whether or not in the area of that local authority), including the appropriate Ordnance Survey National Grid Reference as regards the location of that source;
- (e) the estimated maximum average volume of water provided by the supply and the number of persons served by the supply on any one day;
- (f) any treatment carried out in relation to the supply;
- <sup>F3</sup>(g) . . . . .
- (h) the results of any samples taken and analysed in relation to the supply under these Regulations;
- (i) any investigations carried out, and any action taken following such investigations in relation to the supply;
- <sup>F4</sup>(ia) any enforcement notices served by the authority in relation to the supply under section 76FB of the 1980 Act (whether or not confirmed by the Scottish Ministers under section 76FC of that Act), including—
  - (i) the particulars of the person on whom the notice was served
  - (ii) the date of service of the notice;
  - (iii) the matters specified in subsection (3) of section 76FB;]

- (j) any enforcement notices served by the authority in relation to the supply under section 76G of the 1980 Act (whether or not confirmed by the Scottish Ministers under section 76H of that Act), including—
    - (i) the particulars of the person on whom the notice was served;
    - (ii) the date of service of the notice;
    - (iii) the matters specified in subsection (2) of that section;
  - (k) a copy of any risk assessment carried out under these Regulations in relation to the supply;
  - <sup>F5</sup>(l) . . . . .
  - (m) such other information as the local authority may decide.
- (2) In respect of a private water supply—
- (a) which is used in the circumstances provided for in regulation 3(1), the requirements of paragraph (1) shall apply only in relation to sub-paragraphs (a) to (f) of that paragraph; and
  - (b) to which provisions of regulation 3(2) apply, the requirements of paragraph (1) shall apply only in relation to sub-paragraphs (a), (b) and (d) to (f) of that paragraph.
- (3) Subject to paragraph (4), a local authority shall make—
- (a) initial entries in the register in respect of the matters mentioned in paragraph (1) within six months after the date of coming into force of these Regulations;
  - (b) entries in respect of the matters mentioned in paragraph (1)(g) and (j) and within 28 days of the date of the authorisation and notice respectively; and
  - (c) entries relating to the results of the analysis of samples taken in accordance with regulation 31 within 28 days of the day on which the result is first known to the authority.
- (4) Where it appears to a local authority that a private water supply is to be used or is being used for the first time (or for the first time after being out of use for a period of twelve months or more), that local authority shall make initial entries in the register in respect of the matters mentioned in paragraph (1) within 3 months of first becoming aware of the private water supply.
- (5) Without prejudice to paragraphs (3) and (4), the local authority shall at least once, and no later than 31st March, in each year review and bring up to date the register required to be kept by paragraph (1).
- (6) Nothing in this regulation shall require a local authority to retain a record of any information mentioned in paragraph (1) at any time more than fifteen years after the date on which the information was first entered in the register.

<b>Textual Amendments</b>	
<b>F1</b>	Reg. 34(1)(a)(i) omitted (27.10.2017) by virtue of <a href="#">The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282)</a> , reg. 1(1), <b>Sch. 10 para. 2(d)(ix)</b> (with reg. 2)
<b>F2</b>	Reg. 34(1)(a)(ii) omitted (27.10.2017) by virtue of <a href="#">The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282)</a> , reg. 1(1), <b>Sch. 10 para. 2(d)(ix)</b> (with reg. 2)
<b>F3</b>	Reg. 34(1)(g) omitted (27.10.2017) by virtue of <a href="#">The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282)</a> , reg. 1(1), <b>Sch. 10 para. 2(d)(ix)</b> (with reg. 2)
<b>F4</b>	Reg. 34(1)(ia) inserted (20.4.2010) by <a href="#">The Water Quality (Scotland) Regulations 2010 (S.S.I. 2010/95)</a> , reg. 1(1), <b>20</b>
<b>F5</b>	Reg. 34(1)(l) omitted (27.10.2017) by virtue of <a href="#">The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (S.S.I. 2017/282)</a> , reg. 1(1), <b>Sch. 10 para. 2(d)(ix)</b> (with reg. 2)

## Provision of information **S**

**35.**—(1) A local authority shall make available for inspection by the public, in such places as it reasonably considers appropriate to ensure adequate accessibility, at all reasonable hours and free of charge, any register maintained by it in accordance with regulation 34.

(2) A local authority shall afford to any person, facilities for obtaining copies of entries, on payment of reasonable charges.

(3) A local authority shall provide, upon reasonable request, to—

- (a) the Scottish Ministers;
- (b) the Scottish Environment Protection Agency;
- (c) the Health Board in whose area the supply is located,

such information as may be required from time to time on the matters contained within the register maintained in accordance with regulation 34.

(4) A local authority shall afford to any—

- (a) neighbouring local authority, upon request, such information relating to an entry within the register maintained in accordance with regulation 34 as is considered necessary to enable that authority to fulfil its obligations under these Regulations; and
- (b) to a neighbouring local authority, upon request, such information as is reasonably required to ascertain whether premises in its area are served by a private water supply.

(5) Not later than 31st March in each year, in respect of the preceding calendar year, a local authority shall provide the Scottish Environment Protection Agency with a copy of the register required to be kept under regulation 34.

(6) Not later than 31st March in each year, in respect of the preceding calendar year, a local authority shall provide—

- (a) the Drinking Water Quality Regulator for Scotland <sup>M1</sup>;
- (b) the Scottish Environment Protection Agency; and
- (c) the Health Board in whose area the supply is located,

with a completed annual return in accordance with the form provided for that purpose by the Scottish Ministers.

(7) Paragraph (6) is without prejudice to section 16 of the Water Industry (Scotland) Act 2002 <sup>M2</sup>.

### Marginal Citations

- M1** The office of the Drinking Water Quality Regulator for Scotland was established by Part 2 of the [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#).
- M2** 2002 (asp3), as amended by the [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#).

## Information Notice on premises **S**

<sup>F6</sup>**36.** . . . . .

### Textual Amendments

- F6** Reg. 36 omitted (27.10.2017) by virtue of [The Water Intended for Human Consumption \(Private Supplies\) \(Scotland\) Regulations 2017 \(S.S.I. 2017/282\)](#), reg. 1(1), **Sch. 10 para. 2(d)(x)** (with reg. 2)

**Changes to legislation:**

There are currently no known outstanding effects for the The Private Water Supplies (Scotland) Regulations 2006, PART X.