
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 364

WATER SUPPLY

The Public Water Supplies (Scotland) Regulations 2014

Made - - - - - *17th December 2014*

Coming into force - - - - - *1st January 2015*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 76A(3)(b), 76B, 76F(5) and (6), 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980(1), section 56(1) and (2) of the Finance Act 1973(2) and section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(3) and of all other powers enabling them to do so(4).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972, and it appears to the Scottish Ministers that it is expedient for the reference in regulation 33(2) to [Directive 98/34/EC](#) of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services(5) to be construed as a reference to that instrument as amended from time to time.

There has been a consultation as required by Article 9 of Regulation [\(EC\) No 178/2002](#) of the European Parliament and of the Council laying down the general principles and requirements of

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- (1) [1980 c.45](#). Sections 76A(3)(b), 76B, 76F(5) and (6) and 76J were inserted by section 168 of, and Schedule 22 to, the Water Act 1989 [\(c.15\)](#). Section 76A(3)(b) was amended by paragraph 49 of schedule 6 to the Water Industry (Scotland) Act 2002 [\(asp 3\)](#). Section 76B was amended by section 56(2) of the Food Safety Act 1990 [\(c.16\)](#) and paragraph 50 of schedule 6 to the Water Industry (Scotland) Act 2002. Section 76F(5) and (6) was amended by paragraph 119(42) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 [\(c.39\)](#). Section 76J was amended by paragraph 119(45) of Schedule 13 to the Local Government etc. (Scotland) Act 1994 [\(c.39\)](#). Section 101(1A) was inserted by section 27(1) of, and paragraph 9(5) of Schedule 10 to, the Natural Heritage (Scotland) Act 1991 [\(c.28\)](#). The definition of “prescribed” in section 109(1) was amended by paragraph 38(f) of Schedule 11 to the Local Government Finance Act 1992 [\(c.14\)](#).
- (2) [1973 c.51](#). Section 56(1) of the Finance Act 1973 was amended by [S.I. 2011/1043](#). The powers in section 56(1) and (2) of that Act are exercised in relation to regulation 33(12) to enable the Scottish Ministers to determine the amount of any charge to be paid. The reference to a Government department in section 56(1) of that Act is to be read as a reference to the Scottish Administration by virtue of article 2(2) of [S.I. 1999/1820](#) and the functions of the Minister were, so far as within devolved competence, transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 [\(c.46\)](#). The requirement to obtain the consent of the Treasury was removed by section 55 of the Scotland Act 1998.
- (3) [1972 c.68](#). Section 2(2) was amended by the Scotland Act 1998 [\(c.46\)](#) (“the 1998 Act”), Schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 [\(c.51\)](#) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 [\(c.7\)](#) (“the 2008 Act”), Schedule, Part 1. Paragraph 1A of Schedule 2 was inserted by the 2006 Act, section 28 and amended by the 2008 Act, Schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is cited to enable provision in relation to the matters listed in the penultimate paragraph of the explanatory note to these Regulations.
- (4) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 [\(asp 10\)](#). These Regulations are subject to the affirmative procedure by virtue of section 33(3) of that Act.
- (5) OJ L 204, 21.7.1998, p.37, amended by [Directive 98/48/EC](#) (OJ L 217, 5.8.1998, p.18), Council [Directive 2006/96/EC](#) (OJ L 363, 20.12.2006, p.81) and Regulation (EU) No 1025/2012 (OJ L 316, 14.11.2012, p.12).

food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁶⁾.

In accordance with paragraphs 2, 2A(1), (2)(a) and (3)(a) in Schedule 2 to, the European Communities Act 1972⁽⁷⁾, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

⁽⁶⁾ OJ L 31, 1.2.2002, p.1, to which there are no relevant amendments to Article 9.

⁽⁷⁾ Paragraphs 2(2) and 2A(1), (2)(a) and (3)(a) have been modified by paragraph 5 of schedule 3 to the Interpretation and Legislative Reform (Scotland) Act 2010 ([asp 10](#)).