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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 364**

**The Public Water Supplies (Scotland) Regulations 2014**

**PART 15**

**CONSEQUENTIAL AMENDMENTS AND REVOCATIONS**

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

**48.** In the 1980 Act<sup>(1)</sup>—

(a) in section 76E—

(i) after subsection (2) insert—

“(2A) The reference in subsection (2) of section 11 to “such a failure on the part of Scottish Water” is to be construed as a reference to a failure by Scottish Water in any of the duties referred to in subsection (1) above.”;

(ii) after subsection (3) insert—

“(3A) Before making an order under subsection (2) of section 11, the Scottish Ministers must consult the Drinking Water Quality Regulator for Scotland.”; and

(iii) repeal subsection (4);

(b) in section 76FA(1)(c), repeal sub-paragraphs (i) and (ii);

(c) the title of that section becomes “Domestic distribution failures where water is supplied to the public by private supply”;

(d) for section 76FB(1)—

(i) the words from “have” to the end become paragraph (a); and

(ii) after that paragraph, insert—

“; or

(b) receive a report on the findings of an investigation in accordance with regulation 19(1)(c) of the Public Water Supplies (Scotland) Regulations 2014 (SSI 2014/364).”;

(e) in section 76FB(2), after “issue” insert “or, as the case may be, the failure or apprehended failure which is the subject of the investigation,”;

(f) in section 76FB(3)(a), after “issue” insert “or, as the case may be, the failure or apprehended failure”;

(g) in section 76FB(4) and (8), after “issue”, in each place it occurs, insert “or a relevant failure”;

(h) in section 76FB(9), for paragraphs (a) and (b) substitute—

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(1) 1980 c.45; sections 76E and 76L were inserted by section 168 of, and Schedule 22 to, the Water Act 1989 (c.15); sections 76FA and 76FB were inserted by S.S.I. 2010/95.

- “(a) Part 2 of Table B in Schedule 1 to the Public Water Supplies (Scotland) Regulations 2014 ([SSI 2014/364](#));
- (b) Table C in Schedule 1 to those Regulations;”;
- (i) after section 76FB(9) insert—
  - “(10) In subsections (4) and (8) “a relevant failure” means a failure or apprehended failure which is the subject of an investigation to which subsection (1)(b) applies.”; and
- (j) in section 76L(1A) repeal “otherwise than on the premises”(2).

### **Amendment of the Building (Scotland) Act 2003**

**49.** In the Building (Scotland) Act 2003(3), in paragraph 5(2)(n) of schedule 1, for the words from “Table B” to the end, substitute “Part 1 of Table B in Schedule 1 to the Public Water Supplies (Scotland) Regulations 2014 ([SSI 2014/364](#))”.

### **Revocations**

- 50.**—(1) The following instruments are revoked—
- (a) the Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996(4);
  - (b) the Water Supply (Water Quality) (Scotland) Regulations 2001(5); and
  - (c) the Water Supply (Water Quality) (Scotland) Amendment Regulations 2001(6).
- (2) The following provisions are revoked—
- (a) paragraphs 10 and 13 in Schedule 1 to the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003(7);
  - (b) regulation 37(1)(c) of the Private Water Supplies (Scotland) Regulations 2006(8);
  - (c) regulations 7 to 14 of the Water Quality (Scotland) Regulations 2010(9);
  - (d) paragraph 9 in Schedule 1 to the European Union (Amendments in respect of the Accession of Croatia) (Scotland) Regulations 2013(10); and
  - (e) paragraph 4 in Schedule 5 to the Construction Products Regulations 2013(11).

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(2) Section 76L was inserted by section 168 of, and Schedule 22 to, the Water Act 1989 (c.15) and paragraph (1A) of that section was inserted by section 56(6) of the Food Safety Act 1990 (c.16).

(3) 2003 asp 8.

(4) S.I. 1996/3047, as amended by S.S.I. 2001/207 and S.S.I. 2003/331.

(5) S.S.I. 2001/207, as amended by S.S.I. 2001/238, S.S.I. 2003/331, S.S.I. 2010/95, S.S.I. 2013/177 and S.I. 2013/1387.

(6) S.S.I. 2001/238.

(7) S.S.I. 2003/331.

(8) S.S.I. 2006/209, to which there are amendments not relevant to these Regulations.

(9) S.S.I. 2010/95.

(10) S.S.I. 2013/177.

(11) S.I. 2013/1387.