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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 364**

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

**PART 1**

**GENERAL**

**Interpretation**

2.—(1) In these Regulations—

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

“the 2001 Regulations” means the Water Supply (Water Quality) (Scotland) Regulations 2001<sup>M1</sup>,

[<sup>F1</sup>“the 2007 Regulations” means the Natural Mineral Water, Spring Water and Bottled Drinking Water (Scotland) (No. 2) Regulations 2007;]

“area”, in relation to a local authority, means the local government area (within the meaning of the Local Government etc. (Scotland) Act 1994<sup>M2</sup>) for which the authority is constituted;

[<sup>F2</sup>“blending point” means a point at which waters originating from two or more sources and treated for the purposes of their supply for human consumption purposes are combined under conditions that are designed to secure that, after such combination, the requirements of regulation 4(2) are satisfied;]

“by notice” means by notice in writing (or in electronic form);

“consumer” means a person to whom water is supplied for human consumption purposes by Scottish Water (and, if such water is supplied pursuant to an arrangement under section 6(1) (b) of the Water Services etc. (Scotland) Act 2005<sup>M3</sup>, it includes the occupier of the premises so supplied or, if the premises are unoccupied, the owner of those premises);

[<sup>F3</sup>“consumer’s tap” means, in the case of water supplied from a distribution network, the point within premises at which the water emerges from a tap which is normally used for human consumption purposes;]

[<sup>F4</sup>“the Directive” means Council [Directive 98/83/EC](#) on the quality of water intended for human consumption;]

“disinfection” means a process of water treatment to remove or render harmless to human health every pathogenic micro-organism and pathogenic parasite that would otherwise be present in the water; and “disinfect” and “disinfected” are to be construed accordingly;

[<sup>F5</sup>“Drinking Water Quality Regulator for Scotland” means a person appointed under section 7(1) of the Water Industry (Scotland) Act 2002;]

“groundwater” has the same meaning as it has in section 3(4) of the Water Environment and Water Services (Scotland) Act 2003<sup>M4</sup>;

“health board” means a Health Board constituted by order under section 2(1)(a) of the National Health Service (Scotland) Act 1978<sup>M5</sup>;

“human consumption purposes” means—

- (a) the purposes of drinking, cooking, food preparation or other domestic purposes (including the maintenance of personal hygiene); or
- (b) [<sup>F6</sup> the purposes of the manufacture, processing, preservation or marketing of a product or substance intended for human consumption (unless, in accordance with Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs, the competent authority is satisfied that the quality of the water supplied by Scottish Water for these purposes cannot affect the wholesomeness of a particular product or substance in its finished form);]

[<sup>F7</sup>“indicative dose” means the committed effective dose for one year of ingestion resulting from all radionuclides whose presence has been detected in a supply of water intended for human consumption purposes, of natural and artificial origin, but excluding tritium, potassium-40, radon and short-lived radon decay products;]

“local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“occupier” has the same meaning as it has in section 109(1) of the 1980 Act;

[<sup>F8</sup>“parameter” means a parameter referred to in column (2) of Table A, Table B or Table C, except in regulation 14A and schedule 3 where it means a parameter referred to in paragraph 2 of Part A of schedule 3 or in the first column of Table 1 <sup>F9</sup>... or Table 3 in that schedule;]

[<sup>F10</sup>“point of compliance” means—

- (a) in the case of water supplied from a distribution network—
  - (i) in relation to a parameter in Table A or Table B, the point or points specified for the parameter in column (5) of the table in question; and
  - (ii) in relation to any other micro-organism, substance or parasite, each point within premises at which it emerges from taps normally used for human consumption purposes;
- (b) in the case of water supplied from a tanker, the point at which it emerges from the tanker;
- (c) in the case of water put into a bottle or container, the point at which the water is put into the bottle or container; and
- (d) in the case of water intended to be used in a food-production undertaking, the point at which the water is to be used in the undertaking;]

[<sup>F10</sup>“point of monitoring” means, in relation to a parameter in Table C, the point or points specified for the parameter in column (5) of that table;]

“premises” includes land (as construed in accordance with section 109(1) of the 1980 Act) and also tents, vans, sheds and similar structures;

“prescribed concentration or value”, in relation to a parameter, means the corresponding maximum or minimum concentration, value or state specified (or otherwise applying by virtue of a departure authorised by the Scottish Ministers under regulation 24(1) or 25(5) <sup>F11</sup>...) in relation to that parameter in Table A, Table B or, as the case may be, Table C as measured by reference to the unit of measurement so specified, and as read (where relevant) with the notes to those Tables;

“private domestic distribution system” means a domestic distribution system in premises where water is not supplied to the public;

[<sup>F12</sup>“public water supply system” has the same meaning as it has in section 28(1) of the Water Services etc. (Scotland) Act 2005; ]

[<sup>F12</sup>“risk assessment” means, in relation to a treatment works and its connected supply system, the assessment carried pursuant to regulation 30(2) (as updated, where applicable, by Scottish Water pursuant to paragraph (6) or (6A) of that regulation);]

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002 <sup>M6</sup>;

[<sup>F13</sup>“supply point”, in the case of water supplied from a distribution network, means a blending point, service reservoir, treatment works or other point within a water supply zone in relation to which the Drinking Water Quality Regulator for Scotland is satisfied that there would be no adverse change to the measured value of a parameter in a sample of the water taken at the point (as compared to the measured value of the parameter in samples of water taken at each point within premises at which it emerges from taps normally used for human consumption purposes within the water supply zone);]

“treatment works” means water treatment works vested in Scottish Water or used by it (or a person acting on its behalf or under its authority) in connection with the exercise of Scottish Water's core functions (construed by reference to section 70(2) of the Water Industry (Scotland) Act 2002 <sup>M7</sup>) as respects the supply of water for human consumption purposes;

[<sup>F14</sup>“water” means water in relation to which these Regulations apply;]

[<sup>F14</sup>“water quality standards” means requirements of regulation 4(2), as modified by virtue of any departure authorised under regulation 24(1) or 25(5) <sup>F15</sup> ...];]

“water supply zone”, in relation to a year, means an area designated for that year by Scottish Water in accordance with regulation 3, <sup>F16</sup> ...

[<sup>F17</sup>“wholesome” and cognate expressions have the meaning they have in the 1980 Act, as construed in accordance with section 109(1) of that Act; and]

“year” means calendar year.

(2) Subject to paragraph (3), references in these Regulations to a “service reservoir” are references to any structure, other than a structure at a treatment works, in which water that has been treated with a view to satisfying the requirements of regulation 4(2) is contained and stored for the purpose of meeting a variable demand for the supply of water.

(3) Where references in these Regulations to a “service reservoir” would, but for this paragraph, include references to a structure comprising more than one compartment—

- (a) each compartment which has its own water inlet and water outlet (and is not connected hydraulically to any other compartment) is to be treated as a single service reservoir;
- (b) the compartments which are connected hydraulically are to be treated as a single service reservoir; and
- (c) unless all of the compartments are connected hydraulically, the structure as a whole is not to be treated as a service reservoir.

(4) A reference in these Regulations to—

- (a) Table A, Table B or Table C refers to the corresponding table in Schedule 1; [<sup>F18</sup>and]
- (b) <sup>F19</sup>... Table 4 refers to the corresponding table in Schedule 2 [<sup>F20</sup>.]

<sup>F21</sup>(c) .....

(5) Any other expression (such as “domestic purposes”) used both in these Regulations and in the Directive has the same meaning in these Regulations as it has in the Directive.

### Textual Amendments

- F1** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(a)**
- F2** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(b)**
- F3** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(c)**
- F4** Words in reg. 2(1) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(d)**
- F5** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(e)**
- F6** Words in reg. 2(1) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(f)**
- F7** Words in reg. 2(1) inserted (28.11.2015) by [The Private and Public Water Supplies \(Miscellaneous Amendments\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/346\)](#), regs. 1(1), **13**.
- F8** Words in reg. 2(1) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(g)**
- F9** Words in reg. 2(1) omitted (1.1.2023) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/387\)](#), regs. 1(1), **3(a)**
- F10** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(h)**
- F11** Words in reg. 2(1) omitted (1.1.2023) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/387\)](#), regs. 1(1), **3(b)**
- F12** Words in reg. 2(1) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(i)**
- F13** Words in reg. 2(1) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(j)**
- F14** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(k)**
- F15** Words in reg. 2(1) omitted (1.1.2023) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/387\)](#), regs. 1(1), **3(c)**
- F16** Word in reg. 2(1) omitted (27.10.2017) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(l)**
- F17** Words in reg. 2(1) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(4)(m)**
- F18** Word in reg. 2(4)(a) inserted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(5)(a)**
- F19** Words in reg. 2(4)(b) omitted (27.10.2017) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(5)(b)**
- F20** Full stop in reg. 2(4)(b) substituted (27.10.2017) by [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(5)(c)**
- F21** Reg. 2(4)(c) omitted (27.10.2017) by virtue of [The Public Water Supplies \(Scotland\) Amendment Regulations 2017 \(S.S.I. 2017/281\)](#), regs. 1(1), **2(5)(d)**

### Marginal Citations

- M1** [S.S.I. 2001/207](#), 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](#).
- M2** [1994 c.39](#).
- M3** [2005 asp 3](#).
- M4** [2003 asp 3](#), to which there are amendments not relevant to these Regulations.
- M5** [1978 c.29](#), to which there are amendments not relevant to these Regulations.

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**Changes to legislation:** There are currently no known outstanding effects for the The Public Water Supplies (Scotland) Regulations 2014, Section 2. (See end of Document for details)

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**M6** 2002 asp 3.

**M7** Section 70(2) was substituted by the Water Resources (Scotland) Act 2013 (asp 5), **section 26**.

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Water Supplies (Scotland) Regulations 2014, Section 2.