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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)**.

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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](#)).