

## **POLICY NOTE**

### **THE PRIVATE AND PUBLIC WATER SUPPLIES (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2015**

**S.S.I. 2015/346**

These Regulations (“the Regulations”) are made in exercise of the powers conferred by sections 76B, 76F(5) to (8), 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980 and section 2(2) of the European Communities Act 1972. The Regulations are subject to the negative procedure.

#### **Policy objectives**

1. The main purpose of the Regulations is to implement Council Directive 2013/51/Euratom (“the Directive”) laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption. Part 2 of the Regulations amends the Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”) so as to implement the Directive in relation to drinking water supplied otherwise than by Scottish Water, and Part 3 amends the Public Water Supplies (Scotland) Regulations 2014 (“the 2014 Regulations”) to make equivalent provision in relation to drinking water supplied by Scottish Water. In particular, an indicator parameter for radon is inserted into the 2006 Regulations by regulation 8(b)(iii) and into the 2014 Regulations by regulation 16(a)(ii). The indicator threshold for radon is set at 100 Bq/l. If this is exceeded, the relevant enforcement bodies must determine if this poses a risk to human health and, if so, ensure that appropriate remedial steps are taken.

2. Regulation 4 of the Regulations also inserts a new provision into the 2006 Regulations to make provision in relation to the application and introduction of substances and products into private water supplies (pursuant to Article 10 of Council Directive 98/83/EC on the quality of water intended for human consumption).

3. In addition, Part 2 of the Regulations makes some other adjustments to the parameters in Schedule 1 of the 2006 Regulations, for consistency with both the Directive and also the 2014 Regulations. In particular, hydrogen ion, odour and taste are moved from Table B (chemical parameters) to Table C (indicator parameters).

#### **Consultation**

4. A public consultation on a draft of the Regulations took place 3 July to 28 August 2015. It was during this consultation that the adjustments referred to in paragraph 3 above were inserted. Local authorities were further consulted on these adjustments. The comments received were largely favourable. However, a suggestion received from Scottish Water that the radon threshold should be phased was considered but not accepted. The Scottish Government has published a Consultation Report which explains the reasons for this decision. In addition, the provision inserted by regulation 4 was adjusted slightly to make the context clearer.

## **Impact assessment**

5. A partial Business and Regulatory Impact Assessment (BRIA) was included with the consultation. A full BRIA has since been completed, having regard to the consultation responses. An Equality Impact Assessment (EQIA) and a Child Rights and Wellbeing Impact Assessment (CRWIA) were not carried out as the Regulations are not considered to have any significant impact in relation to these matters.

## **Financial effects**

6. The Regulations will have some financial impact on Scottish Water, local authorities and businesses which use a private water supply. The additional costs are likely to be in relation to accreditation for laboratories, equipment, staff training and analysis. Scottish Water has confirmed that any additional costs imposed on it will be absorbed or are manageable within existing operational provision. The overall cost to local authorities and businesses associated with additional monitoring are expected to be of the order of £58,000 to £94,000 across Scotland.

Drinking Water Quality Division  
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