
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 281

**The Public Water Supplies (Scotland)
Amendment Regulations 2017**

Amendment of Part 4 of the 2014 Regulations

4.—(1) Part 4 (monitoring of public water supplies) of the 2014 Regulations is amended in accordance with paragraphs (2) to (7).

(2) For regulation 5 substitute—

“Monitoring

5.—(1) Scottish Water must, in relation to water supplied by it, ensure that it carries out regular monitoring of the quality of any such water intended for human consumption purposes to check that the water available to consumers meets the water quality standards.

(2) Where Scottish Water has reason to suspect that the water contains a micro-organism, parasite or substance (in number or concentration) which—

- (a) poses a potential danger to human health; and
- (b) is not one of the parameters in Table A, Table B or Table C,

Scottish Water must ensure that monitoring is carried out to establish whether, at the point of compliance, the micro-organism, parasite or substance poses such a potential danger.

(3) Where disinfection forms part of the preparation or distribution of the water, Scottish Water must take all measures necessary to ensure that—

- (a) the efficiency of the disinfection treatment applied is verified; and
- (b) any contamination from disinfection by-products is kept as low as possible without compromising the disinfection.

(4) Scottish Water must ensure that the monitoring is carried out so as to ensure that the measured values are representative of the quality of the water consumed throughout the year.”.

(3) For regulation 6 substitute—

“Monitoring programmes

6.—(1) Scottish Water must prepare and implement a separate monitoring programme for each water supply zone (or part of a water supply zone) in so far as the water supply zone (or the part of it) relates to—

- (a) water introduced into, or supplied through or from, any part of the public water supply system, including water supplied by Scottish Water pursuant to an arrangement under section 6(1)(b) of the Water Services etc. (Scotland) Act 2005(1);
or

- (b) water supplied by Scottish Water by any other means, including from a tanker or in bottles or containers.
- (2) Each monitoring programme prepared by Scottish Water must—
 - (a) meet its obligations under regulation 5;
 - (b) meet the minimum requirements in Parts A to D of schedule 1A;
 - (c) accord with the monitoring requirements in Parts E and F of schedule 1A;
 - (d) ensure that the requirements of regulation 11, as read with schedule 2, and regulations 12 to 14 and 16 are met; and
 - (e) comply with any other requirements specified in directions under regulation 15A.
- (3) Scottish Water must—
 - (a) determine the sampling points (for the purposes of each monitoring programme); and
 - (b) ensure that these sampling points meet the relevant requirements in—
 - (i) regulations 11 to 14 and 16; and
 - (ii) schedule 1A.
- (4) The first monitoring programme for each water supply zone (or part of a water supply zone) prepared under paragraph (1) must be approved by the Drinking Water Quality Regulator for Scotland.
- (5) Until a monitoring programme for a water supply zone (or part of a water supply zone) under paragraph (1) has been approved under paragraph (4), Scottish Water must ensure that a programme of monitoring is implemented within the water supply zone which—
 - (a) complies with the minimum requirements of paragraphs (2) and (3); and
 - (b) includes any additional monitoring that Scottish Water would be required to carry out (or cause to be carried out) under these Regulations, if these Regulations continued to have effect as they had effect immediately before 27th October 2017.
- (6) Scottish Water may modify a monitoring programme which has been approved under paragraph (4) to include additional monitoring for any parameter, micro-organism, parasite or substance, provided that the programme, as modified, complies with paragraphs (2) and (3).
- (7) Scottish Water may modify a monitoring programme which has been approved under paragraph (4) to reduce the level of monitoring required by the programme only—
 - (a) in accordance with conditions as are specified for those purposes in directions given under regulation 15A; or
 - (b) where no such conditions are specified in directions given under regulation 15A, with the consent of the Drinking Water Quality Regulator for Scotland.”.
- (4) Omit regulations 7 to 10.
- (5) After regulation 14 insert—

“Methods of analysis

- 14A.**—(1) Scottish Water must ensure that the method used for the analysis of a parameter in a sample of water pursuant to regulation 5—
- (a) complies with the specifications for the analysis of the parameter in schedule 3; or
 - (b) produces results which are at least as reliable as those produced by a method which complies with the specifications for the analysis of the parameter in schedule 3.
- (2) A method of analysis in relation to which paragraph (1)(b) applies may be used only if—

- (a) Scottish Water has provided all relevant information concerning the method and its equivalence to—
 - (i) the Drinking Water Quality Regulator for Scotland; and
 - (ii) the Scottish Ministers; and
 - (b) the Drinking Water Quality Regulator for Scotland—
 - (i) is satisfied that it can be demonstrated that the alternative method produces results which are at least as reliable as those produced by a method which complies with the specifications for the analysis of the parameter in schedule 3; and
 - (ii) has confirmed this by notice to Scottish Water.”.
- (6) In regulation 15, omit paragraphs (5) to (11).
- (7) After regulation 15 insert—

“Directions and guidance

15A.—(1) The Drinking Water Quality Regulator for Scotland may give directions (whether general or specific) and guidance to Scottish Water (whether one or more) as to, or in relation to, the exercise of Scottish Water’s functions under this Part.

- (2) Directions under paragraph (1) may include provision—
 - (a) as to the cases and circumstances in which Scottish Water is, or is not, to exercise any of the powers conferred on Scottish Water by these Regulations;
 - (b) the manner in which those powers are to be exercised; and
 - (c) for any matter to which the directions relate to be determined, in such manner (if any) as the directions may specify, by a person other than Scottish Water.
- (3) Scottish Water must—
 - (a) comply with any such directions; and
 - (b) have regard to any such guidance.”.