
SCOTTISH STATUTORY INSTRUMENTS

2017 No. 282

**The Water Intended for Human Consumption
(Private Supplies) (Scotland) Regulations 2017**

PART 3

RISK ASSESSMENT OF WATER SUPPLIES

Risk assessment of water supplies

10.—(1) An enforcing authority must carry out a risk assessment in relation to water introduced into, and supplied through and from, each private water supply system to premises in its area so as to establish if there is any risk that the water could pose a potential danger to human health.

(2) Each initial risk assessment must be completed before 1st January 2022.

(3) Without prejudice to the generality of paragraph (1), the assessment must—

(a) seek to establish whether—

(i) the measures in place to control risks to human health throughout the water supply chain from the catchment area through abstraction, treatment and storage to distribution are working effectively; and

(ii) water at each point of compliance meets the water quality standards; and

(b) assess available information on the quality of water supplied to establish whether—

(i) the water quality standards are being met; and

(ii) the parametric values in Table C are not being exceeded; and

(c) identify the most appropriate means of mitigating any risk to human health.

(4) The assessment—

(a) must be carried out in accordance with a method which is approved by the Drinking Water Quality Regulator for Scotland;

(b) must be based on the general principles of risk assessment set out in relation to international standards including European standard EN 15975-2:2013 entitled “*Security of drinking water supply - Guidelines for risk and crisis management - Part 2: Risk management*”(1); and

(c) must take into account the results of monitoring carried out—

(i) under these Regulations; and

(ii) under section 8 (monitoring) of the Water Environment and Water Services (Scotland) Act 2003 in respect of bodies of water identified under section 6 of that Act (bodies of water used for the abstraction of drinking water).

(5) For each assessment, the enforcing authority must ensure that—

(1) This standard was approved by the European Committee for Standardization (CEN) on 5th July 2013. Under reference BS EN 15975-2:2013, it is published as a UK standard by the British Standards Institution (ISBN 978 0 580 84737 0).

- (a) the following is made available to any person who requests it (“the information”):—
 - (i) information showing that a risk assessment has been carried out; and
 - (ii) a summary of the results of the risk assessment; and
- (b) the information is notified to the owner and occupier of each premises supplied with water from the private water supply system to which the risk assessment relates.

Review of risk assessments

11.—(1) Subject to paragraph (2), where an enforcing authority has carried out a risk assessment, it must review and, where necessary, update the risk assessment at least every 5 years (or earlier if it considers that the existing risk assessment is inadequate for any reason).

(2) The enforcing authority must review and, where necessary, update the risk assessment as soon as possible in the event that it becomes aware of any—

- (a) deterioration of the quality of the water;
- (b) increase in the pollution of a body of water or other source used for the abstraction of the water; or
- (c) modification to, or extension of, the supply system from which the water is supplied, which is relevant for the protection of human health and was not previously taken into account.

Duties in relation to use of unused system

12.—(1) If part of a private water supply system has not been used to provide a supply of water in pipes (“the unused part”), no person may use the unused part to provide a supply of water to premises (“the intended use”) unless—

- (a) the unused part is recorded in the appropriate register;
- (b) a risk assessment has been carried out in relation to the supply system by the enforcing authority for the area in which the premises is situated;
- (c) the risk assessment—
 - (i) takes account of the intended use of the unused part and was carried out within the period of 8 weeks preceding the intended use of the unused part; or
 - (ii) has been reviewed and updated to take account of the intended use of the unused part within the period of 8 weeks preceding the intended use of the unused part; and
- (d) the enforcing authority has confirmed, by notice to the person, that it is satisfied that—
 - (i) the risk assessment does not identify any risk that the intended use of the unused part could constitute a potential danger to human health; and
 - (ii) the unused part may be used for the intended use.

(2) If the risk assessment does not take account of the intended use of the unused part, a person who wishes to use the unused part may request, in writing, that the enforcing authority review and update the risk assessment to take account of the intended use of the unused part.

(3) On receipt of a request under paragraph (2) and the payment of any fee charged under these Regulations, the enforcing authority must within a further period of 8 weeks beginning with the day the request was received or the day the payment was made (whichever is the later)—

- (a) review and, where necessary, update the risk assessment to take account of the intended use of the unused part; and
- (b) confirm, by notice to the person, whether it is satisfied as to the matters in paragraph (1) (d)(i) and (ii).

Duties in relation to use of disused system

13.—(1) If part of a private water supply system has been used to provide a supply of water in pipes but has not been used for that purpose in the preceding 12 months (“the disused part”), no person may use the disused part to provide of a supply of water to premises (“the intended use”) unless—

- (a) the disused part is recorded in the appropriate register;
- (b) a risk assessment has been carried out in relation to the supply system by the enforcing authority for the area in which the premises is situated;
- (c) the risk assessment—
 - (i) takes account of the intended use of the disused part and was carried out within the period of 8 weeks preceding the intended use of the disused part; or
 - (ii) has been reviewed and updated to take account of the intended use of disused part within the period of 8 weeks preceding the intended use of the disused part; and
- (d) the enforcing authority has confirmed, by notice to the person, that it is satisfied that—
 - (i) the risk assessment does not identify any risk that the intended use of the disused part could constitute a potential danger to human health; and
 - (ii) the disused part may be used for the intended use.

(2) If the risk assessment does not take account of the intended use of the disused part, a person who wishes to use the disused part (“the person”) may request that the enforcing authority review and update the risk assessment to take to take account of the intended use of the disused part.

(3) On receipt of a request under paragraph (2) and the payment of any fee charged under these Regulations, the enforcing authority must within a further period of 8 weeks beginning with the day the request was received or the day the payment was made (whichever is the later)—

- (a) review and, where necessary, update the risk assessment to take account of the intended use of the disused part; and
- (b) confirm, by notice to the person, whether it is satisfied as to the matters in paragraph (1) (d)(i) and (ii).