

## **POLICY NOTE**

### **THE PUBLIC AND PRIVATE WATER SUPPLIES (MISCELLANEOUS AMENDMENTS) (SCOTLAND) REGULATIONS 2017**

**S.S.I. 2017/321**

These Regulations (“the Miscellaneous Amendments Regulations”) are made in exercise of the powers conferred by sections 76B, 76F(5) and (6), 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980, section 47(2) to (4) of the Local Government in Scotland Act 2003 and section 2(2) of the European Communities Act 1972. The Miscellaneous Amendments Regulations are subject to the negative procedure.

#### **Policy objectives**

1. The main purpose of the Miscellaneous Amendments Regulations is to correct errors in the Public Water Supplies (Scotland) Amendment Regulations 2017 (“the Public Supplies Regulations”) and the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the Private Supplies Regulations”).

The Public Supplies Regulations and the Private Supplies Regulations further implement:

Directive 98/83/EC (the “Drinking Water Directive”), including in particular amendments made by Directive 2015/1787/EU (the “Drinking Water Amending Directive”); and

Directive 2013/51/Euratom (the “Euratom Directive”).

Both Regulations were laid before the Scottish Parliament on 7 September 2017, with a coming into force date of 27 October 2017. This is the transposition deadline for the Drinking Water Amending Directive.

#### **Main amendments made to the Public Supplies Regulations and the Private Supplies Regulations**

2. Firstly, in Part E of new Schedule 1A of the Public Supplies Regulations and Schedule 3 of the Private Supplies Regulations (which implement the Euratom Directive), there is a statement that the frequency of monitoring of radionuclide levels is dependent on the screening strategy laid down in Part B of these Schedules. The screening strategy is however laid down in Part F of the Schedules, not Part B as stated.

3. Secondly, in Part B of new Schedule 3 of the Public Supplies Regulations and Schedule 4 of the Private Supplies Regulations, in the second column (headed “uncertainty of measurement”) of Table 1, the value for polycyclic aromatic hydrocarbons should be 50, not 30 as stated, and in the fourth column (headed “limit of detection”) of Table 2, the value for oxidisability should be 10, not 25 as stated. These values relate to the characteristics of methods of analysis used in sampling water quality, and are set out in the Drinking Water Amending Directive.

4. These errors were drawn to the Government's attention by the Delegated Powers and Law Reform Committee, and the Government committed to correct them in the response to the Committee. The opportunity has also been taken to correct some further minor typographical errors in the Private Supplies Regulations.

#### **Consultation and impact assessment**

9. The Miscellaneous Amendments Regulations amend the Public Supplies Regulations and the Private Supplies Regulations to correct errors in the delivery of the policy intention of those instruments. Separate consultation and impact assessments have therefore not been undertaken.

#### **Financial effects**

11. The Miscellaneous Amendments Regulations have no financial effects.

Drinking Water Quality Division  
The Scottish Government  
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