
STATUTORY INSTRUMENTS

1990 No. 119

The Water Supply (Water Quality) (Scotland) Regulations 1990

PART VI

WATER TREATMENT

Interpretation

22. In this Part—

“pipe” does not include any tap, cock, valve, ferrule, meter, cistern or similar apparatus used in connection with the supply and use of water; and

“surface water” does not include water from a spring.

Treatment of raw water

23.—(1) In carrying out such of its functions under Part II of the Act as comprise the supply of water for drinking, washing or cooking, a water authority shall not supply water from any source which consists of or includes raw water unless the water has been disinfected and, in the case of surface water, subjected to at least such further treatment as is specified in paragraph (2):

Provided that this paragraph shall not require an authority to disinfect water from such ground water source as is specified in an authorisation given by the Secretary of State for the purposes of this paragraph.

(2) The further treatment mentioned in paragraph (1) is such treatment as is required to secure compliance with Council Directive [75/440/EEC](#) (quality required of surface water intended for the abstraction of drinking water) ((1)); and for the purposes of this regulation, surface water shall be treated as falling within category A1 or A2 or A3 set out in Annex I to that Directive if it is abstracted from waters for which the classification to be currently satisfied in accordance with section 30C(1) of the Control of Pollution Act 1974((2)) is, as appropriate, DW1 or DW2 or DW3, as set out in the Surface Waters (Classification) (Scotland) Regulations 1990((3)).

(3) Until such time as a notice under section 30C(1) of the said Act is served in relation to any waters, those waters shall for the purposes of this regulation be treated as falling within the category A1 or A2 or A3 if the waters were classified as being of that category by a water authority before the making of these Regulations and that classification is notified to the Secretary of State before these Regulations come into force.

(4) Except with the consent of the Secretary of State, water shall not be abstracted for supply for domestic purposes which include drinking except from waters to be treated as falling within category A1 or A2 or A3 in the Annex.

(1) OJNo. L194, 25.7.1975, p.26.

(2) 1974 c. 40; section 30C was added by the Water Act 1989 (c. 15), Schedule 23, paragraph 4.

(3) S.I. 1990/121.

Contamination from pipes

24.—(1) Where there is a risk (“the prescribed risk”) that water supplied by a water authority would, for the reason mentioned in paragraph (2) below, cease to comply with the requirements of Part II of these Regulations after leaving the authority’s pipes, a water authority shall, subject to paragraphs (4) and (5)—

- (a) treat the water in such a way as will, in its opinion, eliminate the prescribed risk or reduce it to a minimum; and
- (b) where the risk relates to lead, remove its part of any pipe to which this sub-paragraph applies when such part of the remainder of that pipe as connects directly to a tap used for the supply of drinking water is removed.

(2) The reason referred to in paragraph (1) is the presence in the water of a concentration of copper, lead or zinc which exceeds the prescribed concentration and which is attributable to the fact that—

- (a) copper or lead is the major component; or
- (b) zinc is a component,

of such a pipe as is mentioned in section 76A(3)(a) of the Act.

(3) Paragraph (1)(b) applies to a lead pipe which is subject to water pressure from a main or would be so subject but for the closing of some valve and which belongs, as to part, to a water authority and, as to the remainder, to the owner of any premises to which the water authority supplies water for domestic purposes.

(4) Paragraph (1) shall not require a water authority to treat water —

- (a) if the treatment is unlikely, in its opinion, to achieve a significant reduction in the concentration of copper, lead or zinc, as the case may be; or
- (b) in any water supply zone where the prescribed risk relates only to water supplied in an insignificant part of the zone; or
- (c) if treatment is not reasonably practicable.

(5) Paragraph (1) shall not require a water authority to remove a pipe unless it has received a request in writing to do so from the owner of the premises in question.

Application and introduction of substances and products

25.—(1) A water authority shall not, otherwise than for the purposes of testing or research, apply any substance or product to, or introduce any substance or product into, water which is to be supplied for drinking, washing or cooking unless—

- (a) the Secretary of State has for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval; or
- (b) the authority is satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied; or
- (c) the authority can demonstrate that the substance or product has during the period of twelve months preceding the making of these Regulations been applied or introduced (otherwise than for the purposes of testing or research) by another water authority in Scotland or, in England and Wales, by a water authority or a statutory water company into water supplied by it for domestic purposes; or
- (d) the substance or product—

- (i) was at any time before the commencement of these Regulations listed in the 15th Statement of the Committee on Chemicals and Materials of Construction for Use in Public Water Supply and Swimming Pools((4)) or in any supplement to that Statement issued before the making of these Regulations; and
- (ii) is applied or introduced in accordance with any conditions referred to in that Statement or any supplement so issued or any such conditions as varied under paragraph (5) of this regulation and any conditions imposed under that paragraph.

Sub-paragraphs (b) to (d) have effect subject to paragraph (4) below.

(2) An application for such an approval as is mentioned in paragraph (1)(a) may be made by any person.

(3) The Secretary of State may, if he decides to issue an approval for the purpose of paragraph (1) (a), include in the approval such conditions as he considers appropriate and, subject to paragraph (6), may at any time revoke or vary any approval he has previously given.

(4) The Secretary of State may by notice given in writing to any water authority prohibit it for such a period as is specified in the notice from applying to, or introducing into, water intended to be supplied for drinking, washing or cooking any substance or product which the authority would otherwise be authorised to apply or introduce by paragraph (1)(b), (c) or (d).

(5) The Secretary of State may by notice in writing to water authorities vary any condition contained in the 15th Statement or any supplement referred to in paragraph (1)(d)(i) or impose conditions as to the application or introduction of any substance or product listed in that Statement or any supplement.

(6) The Secretary of State may—

- (a) revoke by an instrument in writing any approval given by him for the purposes of paragraph (1)(a);
- (b) modify any such approval by an instrument in writing by including conditions, or varying existing conditions;
- (c) issue any such notice as is mentioned in paragraph (4);

but, unless he is satisfied that it is necessary to do so in the interests of public health without notice, shall not do any of those things without giving all such persons as are, in his opinion, likely to be affected by the revocation or modification of the approval or by the issue of the notice at least six months' notice in writing of his intention.

(7) Notice shall be given forthwith by the Secretary of State to all persons likely to be affected by the making of such an instrument as is mentioned in paragraph (6)(a) or (b).

(8) At least once in each year beginning with the year 1990, the Secretary of State shall issue a list of all the substances and products in relation to which—

- (a) an approval for the purposes of paragraph (1)(a) has been granted or refused;
- (b) such an approval has been revoked or modified;
- (c) a notice has been issued under paragraph (4),

with particulars of the action taken.

Use of processes

26.—(1) The Secretary of State may at any time by notice in writing given to a water authority require it to make an application to him for approval of the use of any process; and may prohibit it

(4) The 15th Statement was issued in March 1989. Copies of it and of any supplement may be obtained from the Scottish Development Department, 27 Perth Street, Edinburgh, EH5 3RB.

for such period as may be specified in the notice from using any such process in connection with the supply by it of water for drinking, washing or cooking.

(2) The Secretary of State may refuse the application or impose on any approval given for the purposes of this regulation such conditions as he thinks fit and, subject to paragraph (3), may at any time by notice in writing to the water authority revoke an approval so given or modify or revoke any condition imposed by virtue of this paragraph.

(3) The Secretary of State shall not—

- (a) revoke any approval given for the purposes of this regulation;
- (b) modify any condition imposed by virtue of paragraph (2); or
- (c) prohibit a water authority from using any process,

unless he has given to the water authority at least six months' notice in writing of his intention:

Provided that this paragraph shall not apply in any case in which the Secretary of State is of the opinion that the immediate revocation, modification or prohibition is necessary in the interests of public health.

(4) Paragraph (8) of regulation 25 shall apply for the purposes of this regulation as if—

- (a) for the reference to a substance or product there were substituted a reference to a process; and
- (b) for the reference to paragraph (1)(a) and paragraph (4) there were substituted a reference to this regulation and paragraph (1) of this regulation respectively.

Offences

27.—(1) A water authority, which applies or introduces any substance or product in contravention of regulation 25(1) or a notice given under regulation 25(4), or uses any process in contravention of a prohibition imposed under regulation 26(1) or without complying with a condition imposed by virtue of regulation 26(2), shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(2) In any proceedings against a water authority for an offence under paragraph (1) it shall be a defence for that authority to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.