
STATUTORY INSTRUMENTS

1992 No. 575

The Private Water Supplies (Scotland) Regulations 1992

PART V

MISCELLANEOUS

Collection and analysis of samples

20.—(1) An islands or district council shall secure, so far as is reasonably practicable, that in taking, handling, transporting, storing and analysing any sample taken for the purposes of these Regulations, the appropriate requirements are satisfied.

(2) In paragraph (1), “the appropriate requirements” means such of the following requirements as are applicable:—

- (a) that the sample is representative of the quality of the water at the time of sampling;
- (b) that the sample is not contaminated when being taken or subsequently;
- (c) that the sample is kept at such temperature and in such conditions as will secure that there is no material alteration of the concentration or value for the measurement or observation of which the sample is intended;
- (d) that the sample is analysed as soon as may be after the time it has been taken—
 - (i) by, or under the supervision of, a person who is competent to perform that task;
 - (ii) with the use of such equipment as is suitable for the purpose;
 - (iii) by applying such analytical systems and methods as are capable of establishing, within acceptable limits of deviation and detection, whether the sample contains concentrations or values which contravene the prescribed concentrations or values or, as the case may be, the relaxed concentrations or values specified in an authorisation granted under Part II; and
- (e) that any laboratory at which samples are analysed has a system of analytical quality control that is subject from time to time to checking by a person who is—
 - (i) not under the control of either the laboratory or the council; and
 - (ii) approved by the Secretary of State for that purpose.

(3) Within 28 days of the results of analysis of any sample of a private supply taken from any premises being available to the council which took the sample, the council shall notify the owner of those premises of the results of that analysis and any other person who is to be charged under regulation 21(1) for the taking and analysis of the sample from those premises.

Charges for sampling and analysis

21.—(1) Subject to the provisions of this regulation, an islands or district council may in respect of a private supply serving premises in their area charge the person prescribed in paragraphs (3) and (4) for expenses reasonably incurred by the council for—

- (a) sampling a supply in accordance with these Regulations subject to a maximum charge of £50 per visit to any premises for that purpose; and
 - (b) the analysis, in accordance with these Regulations, of samples taken for the purposes thereof subject to the maximum charges set out in Schedule 4.
- (2) The power to charge mentioned in paragraph (1) does not include a power to charge—
- (a) in the case of a class C, D, E, 3, 4 or 5 supply for the taking and analysis of any sample taken pursuant to regulation 14(6); or
 - (b) for the taking and analysis of any sample taken solely in exercise of the power conferred by regulation 14(9)(a).
- (3) Subject to paragraph (4), the person who is to be charged under paragraph (1) is—
- (a) in a case where there is an agreement, contract, licence or other legally binding document relating to the terms on which water is supplied and which identifies a person as being liable for maintenance of, or for any costs associated with, the supply, that person;
 - (b) in a case where the premises served by the supply is a croft within the meaning of the Crofters (Scotland) Act 1955⁽¹⁾ and is occupied by a tenant, the tenant of the croft; and
 - (c) in any other case, the owner of the premises served by the supply.
- (4) Where in any case to which paragraph (3)(b) or (c) applies, there are a number of premises served by the supply, the charges payable shall be apportioned equally among the owners, or in the case of crofts occupied by a tenant, the tenants of all the premises served:

Provided that where one or more of the premises served is a food production premises and the others are not, the charges payable for the sampling and analysis required in respect of those premises, which is additional to the sampling and analysis required in respect of the other premises, shall be borne solely by the owner, or where the food production premises are a croft occupied by a tenant, the tenant, of those food production premises, or if there are more than one food production premises, equally by the owners or, as the case may be, tenants of all such premises.

Sampling and analysis by persons other than islands or district council

22.—(1) Subject to paragraph (2), an islands or district council may enter into arrangements with—

- (a) a relevant person for the taking and analysis of samples in accordance with these Regulations on behalf of, but at no expense to, the council; or
- (b) any other person for the analysis of samples in accordance with these Regulations on behalf of the council (whether or not involving the council in expense).

(2) An islands or district council shall only enter into arrangements under paragraph (1) if they have reasonable grounds for believing that the tasks will be carried out by, or under the supervision of, a person competent to perform them and otherwise in accordance with these Regulations.

(3) Arrangements under paragraph (1)(a) shall include a requirement for the results of any analysis to be sent to the council as soon as they are available.

Consequential amendment of the Water Supply (Water Quality) (Scotland) Regulations 1990

23. The Water Supply (Water Quality) (Scotland) Regulations 1990⁽²⁾ shall be amended as follows:—

(1) 1955 c. 21.

(2) S.I. 1990/119, amended by S.I. 1991/1333.

- (a) in regulation 3(2) after the words “to any premises” there shall be inserted the words “by a water authority”; and
- (b) regulation 8 shall be revoked.