
STATUTORY INSTRUMENTS

1998 No. 1856 (S. 99)

WATER SUPPLY, SCOTLAND

**The Private Water Supplies (Scotland)
Amendment Regulations 1998**

<i>Made</i>	- - - -	<i>27th July 1998</i>
<i>Laid before Parliament</i>		<i>30th July 1998</i>
<i>Coming into force</i>	- -	<i>20th August 1998</i>

The Secretary of State, in exercise of the powers conferred on him by sections 76F(5) and (6), 76J, 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Private Water Supplies (Scotland) Amendment Regulations 1998 and shall come into force on 20th August 1998.

(2) In these Regulations, “the principal Regulations” means the Private Water Supplies (Scotland) Regulations 1992(2).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with the following provisions of these Regulations.

Part I of the principal Regulations (general)

3. In regulation 2 (interpretation and application of Regulations)—

(a) in paragraph (1), after the definition of “category two supply” there shall be added—

(1) 1980 c. 45; sections 76F and 76J were added by the Water Act 1989 (c. 15) Schedule 22, paragraph 1 and section 76F was amended by the Food Safety Act 1990 (c. 16) section 56(3) and the Local Government etc. (Scotland) Act 1994 (c. 39) (“the 1994 Act”), section 114 and Schedule 13, paragraph 119(42) and section 76J was amended by the 1994 Act, Schedule 13, paragraph 119(45); section 101(1A) was added by the Natural Heritage (Scotland) Act 1991 (c. 28), Schedule 10, paragraph 9(5); section 109(1), which was relevantly amended by the Local Government Finance Act 1992 (c. 14), Schedule 11, paragraph 38(f), contains a definition of “prescribed” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) S.I. 1992/575.

““council” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994(3);” and

(b) after paragraph (4) there shall be added—

“(4A) These Regulations do not apply to a private supply—

- (a) which is used solely in the mashing process during the distillation of spirits; or
- (b) which is used solely for washing plant during the distillation of spirits; or
- (c) which is used for both the purposes described in sub-paragraphs (a) and (b) above, but for no other purpose,

and which does not affect the fitness for consumption of any of those spirits in their finished form.”.

Part V of the principal Regulations (miscellaneous)

4. For regulation 21 (charges for sampling and analysis) there shall be substituted—

“21.—(1) Subject to the provisions of this regulation, a council may in respect of a private supply serving premises in its area charge any relevant person 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 of samples in accordance with these Regulations 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) Where in relation to any private supply there is more than one relevant person, the council shall, in determining who is to be charged under paragraph (1) and any apportionment of the charge, have regard to the terms (if any) on which the water is supplied and the purposes for which it is used.”.

5. In regulation 22 (sampling and analysis by persons other than councils)—

- (a) in paragraph (1)(b), after the words “for the” there shall be added the words “taking and”; and
- (b) in paragraph (2) for the words “have reasonable grounds for believing” there shall be substituted the words “are satisfied”.

Schedule 2 to the principal Regulations (sampling frequencies for classes A, B, 1 and 2)

6. In Schedule 2—

- (a) for the words “PART IV” where they occur for the second time in column (1), there shall be substituted the words “PART V”; and
- (b) in the Notes, after Note (ii) there shall be added—

“(iii) Where the premises served by the supply are used for less than six months in any year, the sampling frequency specified in column (3), or as the case may

be column (6), of Parts I, II, III and V of this Schedule may be reduced by the proportion of the number of months in that year during which the premises served by the supply are used divided by 12; and where the result is not a whole number, it shall be rounded up to the nearest whole number.”.

Schedule 3 to the principal Regulations (sampling for classes C, D, E, 3, 4 and 5)

7. In Part I of Schedule 3 (frequency)–

- (a) in the fifth line of column (3) of the table, the figure “(6)” shall be deleted; and
- (b) for Note (6) there shall be substituted–

“(6) Where the sampling frequency is more than once a year and the premises served by the supply are used for less than six months in any year, the sampling frequency may be reduced by the proportion of the number of months in that year during which the premises served by the supply are used divided by 12; and where the result is not a whole number, it shall be rounded up to the nearest whole number.”.

General

8.—(1) In the following provisions, for the words “an islands or district council” in each place where they occur there shall be substituted the words “a council”:-

- regulation 2(2);
- regulation 8;
- regulation 12;
- regulation 13;
- regulation 14;
- regulation 15(1);
- regulation 16(1)(a);regulation 17(1);
- regulation 18;
- regulation 19;
- regulation 20; and
- regulation 22.

(2) In regulation 9 (duty to monitor) the words “islands and district” shall be deleted.

(3) In regulations 6(d)(ii) (authorisations -conditions), 7(2)(c) (revocation and modification of authorisations) and 16(4)(b) (reduced sampling frequency) and in Note (3) in Part I of Schedule 3 (frequency) the words “islands or district” shall be deleted.

St Andrew’s House,
Edinburgh
27th July 1998

Sewel
Parliamentary Under Secretary of State, Scottish
Office

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Private Water Supplies (Scotland) Regulations 1992 (“the principal Regulations”). Regulation 3(b) amends the principal Regulations so that they do not apply to a private supply used for the mashing process or for washing plant during the distillation of spirits. Regulation 4 introduces new charging provisions for councils. Regulation 5 allows councils to arrange for persons other than “relevant persons” in terms of the principal Regulations to take samples, as well as analyse them, and requires councils to be satisfied that those taking and analysing samples are competent to do so. Regulations 6 and 7 provide for reduced sampling frequencies for certain supplies when the premises served by those supplies are used for less than six months in any year. Regulation 8 amends the principal Regulations to take account of local government reorganisation.