Guidance on the Implementation
of the Water Quality (Scotland) Regulations 2010
(primarily water quality failures on a private water supply attributable to a public building’s domestic distribution system or its maintenance)

DWQR February 2015
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1. Introduction

1.1 Purpose of this document

This document provides Guidance on the Water Quality (Scotland) Regulations 2010 (“the 2010 Regulations”) particularly in relation to water quality failures on a private water supply, attributable to the domestic distribution system or its maintenance, in premises where water is supplied to the public (“public buildings”).


1.2 Background

The 2010 Regulations further transpose Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption as amended (“the Drinking Water Directive”) most particularly in respect of water quality failures which are attributable to the domestic distribution system – for example the pipework, fittings and storage tanks – in establishments and premises such as schools, hospitals and restaurants where water is supplied to the public.

The 2010 Regulations also make a number of technical amendments to the Water (Scotland) Act 1980 (“the 1980 Act”), the Water Industry (Scotland) Act 2002 (“the 2002 Act”) and the Private Water Supplies (Scotland) Regulations 2006 (“the 2006 Regulations”).

The measures introduced by the 2010 Regulations are the minimum considered necessary to complete the transposition of the Drinking Water Directive in Scotland. They largely reflect what already happens in practice and will have minimal impact on the role or functions of either Scottish Water or local authorities in relation to water quality.

1.3 The main changes arising from the 2010 Regulations

The 1980 Act remains the primary piece of legislation pertaining to drinking water supplies in Scotland.

In relation to water quality failures in public buildings on a private water supply, the 2010 Regulations amend the 1980 Act to place a general duty on local authorities to:

- immediately investigate a water quality failure arising from the domestic distribution system in a public building to determine its cause and to report their findings to the Scottish Ministers;
- ensure that remedial action is taken as soon as possible to restore water quality and that priority is given to enforcement action having had regard amongst other things to the potential danger to human health;
- in relation to water constituting a risk to human health to prohibit, restrict the use of, or take such other action as is necessary to protect human health; and
- in such cases to inform affected consumers promptly and give them the necessary advice in relation to any risk to their health (in practice ‘health’ advice is likely to be given following advice from the local NHS Board Consultant in Public Health Medicine (“CPHM”)).
The 2010 Regulations also amend the 1980 Act to require local authorities to serve a notice of improvement under section 76FB of the 1980 Act on the person responsible for the domestic distribution system (“the responsible person”) to ensure that remedial action is taken to restore a wholesome supply of water. Failure, without reasonable excuse, to comply with the terms specified in the notice of improvement will be an offence to which the responsible person will be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

1.4 Role of the Drinking Water Quality Regulator for Scotland

The role of Drinking Water Quality Regulator for Scotland (“DWQR”) was established in the 2002 Act to provide independent verification that water quality legislation is being complied with. The 2002 Act provides the Regulator with wide ranging powers in respect of drinking water quality for both public and private supplies.

The 2010 Regulations amend the 1980 Act to place a duty on a local authority to report, as soon as possible, the findings of their investigation into a relevant water quality issue (a water quality failure attributable to the domestic distribution system in a public building on a private water supply) to the Scottish Ministers - in practice the DWQR.

Scottish Ministers, may also direct local authorities as to the exercise of their functions in relation to a relevant water quality issue in a public building. Local authorities are required to comply with directions issued by the DWQR.

You may contact the DWQR either by writing to:

Drinking Water Quality Regulator for Scotland
PO Box 23598
Edinburgh
EH6 6WW

Or by telephone: 0131 244 0190
Or by email: regulator@dwqr.org.uk

1.5 The legislative framework

The Drinking Water Directive sets standards for drinking water quality which apply to all Member States. In relation to public and private water supplies the Drinking Water Directive is implemented in Scotland through:

- Water (Scotland) Act 1980 – the primary legislation covering drinking water quality in Scotland.

- Drinking water quality regulations made under the Water (Scotland) Act 1980:
  - The Public Water Supplies (Scotland) Regulations 2014
  - The Private Water Supplies (Scotland) Regulations 2006
  - The Water Quality (Scotland) Regulations 2010
• **The Water Industry (Scotland) Act 2002** – primary legislation which, *inter alia*, designates the post of the DWQR.

Local authorities are reminded, in relation to **relevant water quality issues** in public buildings that wide ranging powers and guidance to protect human health are also available through for example:

• **Public Health etc. (Scotland) Act 2008** - primary legislation which updates the law on public health, enabling Scottish Ministers, health boards and local authorities to better protect public health in Scotland.

• **Environmental Protection Act 1990** – Part III relates to any premises in such a state as to be prejudicial to health or a nuisance.

• **Scottish Water Byelaws 2004** – the main aim is to prevent contamination of the public water supply, and to help prevent waste, misuse and undue consumption of water. The Water Byelaws apply to all plumbing systems, water fittings and appliances connected to the public water supply. The Byelaws are enforced by Scottish Water using powers within Section 70 of the Water (Scotland) Act 1980.

Further detail on the Water Byelaws is available on the Scottish Water website - [http://www.scottishwater.co.uk](http://www.scottishwater.co.uk)

• **Legionnaires’ disease. The control of legionella bacteria in water systems. Approved Code of Practice and guidance** - gives guidance on compliance with relevant parts of the Management of Health and Safety at Work Regulations 1999 as well as practical advice to control the risk from exposure from legionella which may affect members of the public. The Guidance recommends that managers of buildings with hot/cold water services or cooling systems should complete appropriate risk assessment and risk management systems for their premises.

A copy of the Approved Code of Practice can be downloaded from the HSE website - [http://www.hse.gov.uk/pubns/books/l8.htm](http://www.hse.gov.uk/pubns/books/l8.htm)

• **CPHM (Health Protection) Working Group - Public Health Actions in Response to High Levels of Lead in Drinking-Water Interim Guidance Note for Health Protection Teams in Scotland (currently draft)** - outlines the actions of Health Protection Teams (HPT) in response to a notification of elevated lead in drinking water. A systematic approach to the public health investigation and management of excess lead levels detected in drinking water supplies is described.

• **Scottish Waterborne Hazard Plan** – The plan provides guidance for dealing specifically with a waterborne hazard to enable a consistent approach to be adopted by staff in all the relevant agencies across Scotland. It was developed to reflect the multi-agency approach and differing remits setting out suggested best practice in the management of waterborne hazard incidents.

• **Management of Public Health Incidents - Guidance on the Roles and Responsibilities of NHS led Incident Management Teams** – Provides
guidance on the roles and responsibilities of Incident Control Teams and Problem Assessment Groups.

A copy of the guidance can be found on the Scottish Government website - http://www.scotland.gov.uk/Publications/2011/11/09091844/0

1.6 Interpretation

In this Guidance:

“the 1980 Act” means the Water (Scotland) Act 1980;
“the 2001 Regulations” means the Public Water Supplies (Scotland) Regulations 2001;
“the 2002 Act” means the Water Industry (Scotland) Act 2002;
“the 2006 Regulations” means the Private Water Supplies (Scotland) Regulations 2006;
“the 2010 Regulations” means the Water Quality (Scotland) Regulations 2010;
“the Water Byelaws” means the Scottish Water Byelaws 2004 made by Scottish Water under section 70 of the Water (Scotland) Act 1980;
“consumer tap” means a tap used for human consumption purposes which includes for drinking water and for personal hygiene;
“domestic distribution system” means the internal pipework and other fitments within the boundaries of premises (public buildings) and which are the responsibility of the owner or occupier of the premises (Appendix A - diagram showing typical water service pipe ownership for public buildings). The phrase has been taken directly from the Drinking Water Directive and resulting national regulations but refers to the internal distribution systems of public buildings rather than the internal pipework of private domestic properties;
“human health” is the term used in the Drinking Water Directive to refer to public health. As the 2010 Regulations further transpose the Drinking Water Directive the term “human health” is used in this guidance;
“relevant water quality issue” is the term used to describe a water quality failure, in premises where water is supplied to the public, which is attributable to the domestic distribution system or to the maintenance of that system; and
“responsible person” in relation to a domestic distribution system, means the person who owns or is otherwise responsible for that system.

2. Guidance for the Water Quality (Scotland) Regulations 2010

This Guidance is intended to be read alongside the text of the Water Quality (Scotland) Regulations 2010. It does not purport to offer any authoritative interpretation of the 2010 Regulations.

The Drinking Water Directive does not define the phrase “premises and establishments where water is supplied to the public" other than to suggest that it should include “schools, hospitals and restaurants”. The Scottish Government, as a matter of policy, has chosen similarly not to define the phrase for the purposes of the 2010 Regulations to allow local authorities to cast the application of the Regulations widely in the interests of human health, and to ensure that premises which could be considered to fall within the scope of the Regulations do not fall outside their scope.

A list of premises and establishments which may be considered to be a public building is included in Appendix B. This is not a definitive list and local authorities should continue to
use their professional judgement to determine whether or not a building is a public building for the purposes of the 2010 Regulations.

For the purposes of this guidance, and the 2010 Regulations, workplaces are not automatically considered to be public buildings solely by virtue of having staff. Where a water quality failure occurs in a workplace, that is not open to the public, it is expected that existing Scottish Water or local authority Environmental Health water quality failure investigation procedures would be followed.

2.1 Regulation 1 – Citation, commencement and interpretation

The 2010 Regulations came into force on 20th April 2010.

2.2 Regulations 2 and 3 - Amendment of the Water (Scotland) Act 1980

Regulation 2 introduces 3 new sections into Part VIA of the 1980 Act, namely sections 76FA, 76FB and 76FC. The new sections are intended to address the treatment of water quality failures in premises where water is supplied to the public and where those failures are attributable to the domestic distribution system, or the maintenance of that system.

The new sections refer to this particular type of failure as a “relevant water quality issue” to distinguish it from more general failures attributable to the private water supply.

The new section 76FA of the 1980 Act requires local authorities to immediately investigate relevant water quality issues to determine their cause and to report the findings of their investigation to the Scottish Ministers as soon as possible.

The new section 76FB of the 1980 Act strengthens local authorities’ powers by requiring local authorities, following investigation, to serve a notice on the person responsible for the domestic distribution system (“the responsible person”), to ensure that the necessary remedial action is taken as soon as possible for the purposes of restoring a wholesome water supply and to protect human health. The notice must give particulars of the relevant water quality issue and specify the steps which the local authority require the responsible person to take in relation to it, having regard to the potential danger to human health. Unless the relevant water quality issue is considered trivial, section 76FB also requires the local authority to take steps to ensure that affected consumers are notified of the remedial actions taken under or pursuant to a section 76FB notice.

Finally, section 76FC makes provision to disapply the remedial powers of section 76G of the 1980 Act, which was introduced by the Private Water Supplies (Notices) (Scotland) Regulations 2006, but only in relation to a relevant water quality issue. Section 76FC also introduces an offence of failure to comply with a notice served under section 76FB without reasonable excuse.

2.2.1 Recovery of expenses reasonably incurred

The new section 76FA(7) of the 1980 Act provides local authorities with discretionary powers to recover expenses reasonably incurred in their enforcement of the 2010 Regulations from the responsible person. Reasonable expenses may include staff and other costs associated with the investigation of a relevant water quality issue, including the costs of taking and analysing samples to inform the investigation, and the enforcement of section 76FB notices.
2.3 Regulation 3 – 76G notice restriction

Regulation 3 amends section 76G of the 1980 Act (remedial powers of local authorities in relation to private supplies) to prevent a local authority serving a notice under that section. For relevant water quality issues in public buildings which are attributable to the domestic distribution system, local authorities should use the section 76FB notice provisions and not those of section 76G.

2.4 Regulations 4 to 20 inclusive

These regulations make a number of technical and consequential amendments to the 1980 Act, the 2001 Regulations, the 2002 Act and the 2006 Regulations. In particular to:

- create a duty on the relevant person of a private supply to minimise disinfection by-products without compromising the performance of the disinfection process and to verify the effectiveness of that disinfection process;
- ensure that remedial action is taken in relation to a water quality failure (including indicator parameters) where this is needed to protect human health;
- where there is a potential risk to human health, notify consumers of the nature of the water quality failure, remedial action taken to restore the quality of water and details of steps that could be taken in the interests of human health;
- ensure that there is no authorised departure from the requirements of the 2006 Regulations in respect of failures of microbiological parameters; and
- clarify sampling frequencies.

3. Practical applications of the Water Quality (Scotland) Regulations 2010

3.1 Identification of failures

It is most likely that water quality failures in public buildings will be identified through: the statutory programme of water quality monitoring undertaken by local authorities; investigational samples taken following reports from users of unusual taste or appearance of the drinking water; or through special initiatives a number of local authorities have in place to assess water quality in their buildings e.g. lead pipework surveys. In cases where there is likely to be a failure but it is yet to be confirmed advice may be sought from the DWQR.

Local authorities are required by the 2006 Regulations to sample Type A private supplies to public activities which will include “public buildings”.

It is important to ensure that sampling programmes in public buildings which are taken, for example, as part of a facilities management or other contracts, have procedures in place to ensure that water quality failures, including those attributable to the domestic distribution system, are immediately reported to the Environmental Health Department of the relevant local authority.

The 2010 Regulations do not introduce additional sampling requirements over and above the statutory requirements of the 2006 Regulations.
3.2 Initial actions required following a failure

If a water sample taken from a public building fails to meet the prescribed concentration or value for a microbiological, chemical or national parameter, the monitoring local authority must take the action required by regulation 17 of the 2006 Regulations (as amended by the 2010 Regulations). Similarly for a contravention of an indicator parameter, regulation 18 of the 2006 Regulations (as amended) must be followed.

3.3 Failure attributable to domestic distribution system: additional steps required by 2010 Regulations

Where investigations identify the cause of the failure to be the domestic distribution system then, in line with the requirements of the 2010 Regulations, responsibility for ensuring further investigations are undertaken and remedial action is completed transfers to the local authority in whose area the premises is located. It is important that effective liaison is maintained between the local authority, the local health board and DWQR throughout initial and any follow up investigations.

As responsibility for private water supply sampling already lies with local authorities it is anticipated that failure investigations carried out under regulation 17 or 18 of the 2006 Regulations will proceed as normal and, if appropriate, lead on to additional investigations into the domestic distribution system as required by the 2010 Regulations.

3.4 Actions required by local authorities following a domestic distribution system attributed failure

The 2010 Regulations amend the 1980 Act to place a duty on local authorities to immediately investigate any relevant water quality issue. Following the investigation to determine the cause and extent of the relevant water quality issue the local authority must report the findings of the investigation as soon as possible to the Scottish Ministers. The report must set out:

- what, in their opinion, is the cause of the relevant water quality issue;
- whether, in their opinion, the relevant water quality issue constitutes a potential risk to human health; and
- any steps which they intend to require by notice under section 76FB.

An example investigation report template can be found in appendix D.

Following receipt of the investigation report the Scottish Ministers may direct the local authority as to the exercise of their powers under sections 76FA to 76FC of the 1980 Act. Directions from the Scottish Ministers must be followed and may include but are not limited to the following:

- additional advice which the local authority must ensure is communicated to all affected consumers in relation to the failure.
- additional steps which the local authority determine must be taken to restore a wholesome supply of water and protect human health.
- specification of the timescales which the local authority must include in their section 76FB notice.
In practice it is unlikely that Scottish Ministers would choose to direct local authorities as to the exercise of their powers unless there were exceptional circumstances.

3.5 Undertaking a failure investigation of a domestic distribution system

It is not possible to provide detailed guidance for the many and varied scenarios which may arise when investigating relevant water quality issues. The aim of this Guidance is to provide general pointers and areas to consider when investigating a relevant water quality issue. This guidance is not intended to define health protection roles and responsibilities during investigation of relevant water quality issues. Comprehensive information on the formation of Problem Assessment Groups (PAG) and Incident Management Teams (IMT) is available in Management of Public Health Incidents - Guidance on the Roles and Responsibilities of NHS led Incident Management Teams published by the Scottish Government.

Where deemed appropriate by the local health board, it is recommended that a PAG or IMT should be formed to allow for successful management of the relevant water quality issue including appropriate liaison between all necessary parties e.g. the local authority Environmental Health Department, the local CPHM and Health Protection Scotland. Although, in terms of the 2010 Regulations, overall responsibility for the investigation clearly lies with the local authority it is expected that, in line with normal practice, the CPHM would make the decision to form a PAG/IMT, would be chair for the duration of the group and would take the lead on the human health elements of the investigation.

Based on the initial sampling, resampling and investigation undertaken to determine that the failure is attributable to the domestic distribution system, it should be possible to form a working hypothesis about the cause of the relevant water quality issue and degree of risk to the public.

Investigations will normally require immediate collection of water samples. Wherever possible, samples should be collected before remedial actions are taken. This helps establish the cause/extent of the relevant water quality issue as well as potentially allowing health professionals to determine the level of risk to the public without taking additional intrusive actions such as blood tests. However, additional sampling may delay remedial action and this must be balanced against possible increased risks to human health.

The extent of water quality testing will be influenced by the size and characteristics of the building as well as the parameter(s) failing. Prior to or in parallel with commencing investigational water quality sampling the investigation team should try to determine the full physical extent of the domestic distribution system including locations of storage tanks, dead ends, low turnover pipes and cross-connections with either drinking water or non drinking water systems, any back flow prevention and the pipework material. This may be done using building / management plans if available or alternatively through on site investigation of the water system.

The Health and Safety Executive, in their Approved Code of Practice for legionella bacteria, recommends that public buildings have up-to-date cold water system schematics and sample point locations as part of their risk management and risk aversion plans. These schematics are equally relevant to investigations of relevant water quality issues under the 2010 Regulations.

An investigational sampling programme should be designed to ensure that a sufficient number of samples are taken to prove or eliminate causes of the relevant water quality issue. The sample survey should be designed to provide an indication of both worst case...
and typical exposure to any risk, as well as being suitable to inform any remediation work e.g. the extent of pipe replacement required. It is important to establish the extent of the affected area, so the survey should be widened until its extent includes clear (wholesome) samples, both within the building and the incoming water supply. Consideration should be given to obtaining samples that are as representative as possible of the water quality in the building. Sample failures due to fittings or other localised factors in the domestic distribution system can greatly complicate any investigation and delay its resolution.

**Microbiological failures**

Bacteriological parameters may be influenced by the condition of the domestic distribution system and particularly the design and hygienic status of the consumer’s tap. Investigatory samples may include:

- original consumer tap pre and post disinfection;
- swabs of taps and other fittings;
- alternative consumer taps on the same incoming water supply pipework where appropriate at the start, in the middle and at the extremes of the distribution system;
- consumer taps on alternative incoming water supply pipework (if present);
- genotyping of microbiological organisms that have been cultured, to provide an indication of likely common sources;
- measurement of free and total chlorine residuals;
- physical investigation of storage tanks for the presence of contamination e.g. dead birds/rodents, environmental water ingress;
- physical investigation of point of entry devices e.g. chlorinators, filters and water softeners;
- byelaws investigation if not already completed as part of the initial failure investigation.

**Chemical failures**

Investigatory samples may include:

- alternative consumer taps on the same incoming water supply pipework where appropriate at the start, in the middle and at the extremes of the domestic distribution system;
- filtered and digested analysis to determine whether contaminant is in soluble form;
- consumer taps on alternative incoming water supply pipework (if present);
- unflushed and flushed samples;
- timed stagnation samples;
- physical investigation of domestic distribution system including pipework, storage tanks, point of entry devices and point of use devices;
- byelaws investigation if not already completed as part of the initial failure investigation.

Consideration should be given to the benefits of widening the parameters sampled during the investigation to benchmark the quality of the water in order to help identify the possible cause of the failure.

For example, failures to achieve the prescribed concentration for copper, lead and nickel at the consumer’s tap are commonly associated with the domestic distribution system as the water dissolves copper or lead pipes (or solders) and both metal and plastic fittings may
release nickel\(^1\). Failure for copper or lead in public buildings on the public supply may also be due (in part) to Scottish Water’s communication pipes. As part of the initial public water supply failure investigation Scottish Water should determine whether or not lead communication pipes are present via additional sampling and visual checks. Nickel is usually related to tap fittings therefore comparisons between unflushed and flushed samples can be useful. It should be remembered that lead can occur in water even when lead pipes are absent, especially in copper plumbing systems where lead solder has been used in contravention of the Water Byelaws.

Failure of the prescribed concentration for copper may occur in premises with new copper plumbing or where a significant amount of copper pipe has been replaced. Following a failure to achieve the prescribed concentration for copper, the domestic distribution system should be inspected by Scottish Water to ensure that it is compliant with the requirements of the Water Byelaws.

Actions taken during the investigation and conclusions derived from the investigation are principally a matter of professional judgement. However, in the interests of transparency, understanding and response to similar future relevant water quality issues it is recommended that clear records are kept of the investigation.

3.6 Remedial powers of local authorities where domestic distribution failure affects supply to public

The new section 76FB of the 1980 Act requires local authorities to serve a notice on the person who owns or is otherwise responsible for the domestic distribution system of the premises affected by the relevant water quality issue (the responsible person) to ensure that the necessary remedial action is taken as soon as possible to restore a wholesome supply of water and protect human health. Unless the relevant water quality issue is considered trivial local authorities must take steps to ensure that affected consumers are notified of the remedial action set out in the section 76FB notice.

Neither the Drinking Water Directive nor the resulting Scottish legislation define the term ‘trivial’. Local authorities, in relation to their wider public health role, have long taken a risk-based proportionate approach to enforcement and it is expected that this will continue under the 2010 Regulations. Local authorities should continue to exercise their professional judgement to determine whether a relevant water quality issue is trivial or whether it is non-trivial and / or poses a risk to human health.

A notice served under section 76FB must:

- give particulars of the relevant water quality issue in respect of which the notice is served;
- specify any steps which the local authority require to be taken for the purposes of ensuring a wholesome supply and protecting human health;
- specify a period for the performance of each step;
- specify the advice (if any) which the local authority require the responsible person to communicate to consumers of the supply;
- specify any steps which the local authority require to be taken for the purpose of communicating such advice; and

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\(^1\) Sanitary tap fittings are commonly made from thermoplastic materials. In order to externally plate these fittings, a metallic layer of nickel is applied to the plastic body; as part of this process some of the nickel can "over spray" into the spout of the tap. If subsequent plating over the nickel does not cover the "over spray" this may lead to subsequent leaching of nickel.
• specify a period ending not less than 28 days after the day on which the notice is served within which any representations or objections with respect to the notice must be received by the local authority.

Where the local authority considers that the relevant water quality issue constitutes a potential risk to human health the local authority must ensure that the steps specified in the section 76FB notice are sufficient to protect human health. When identifying the steps necessary to protect human health the local authority must take account of the health risks resulting from an interruption to the supply or a restriction in the use of water intended for human consumption. As is the current practice it is recommended that local authorities liaise closely with the local health board and where appropriate Health Protection Scotland when determining the steps required by the section 76FB notice. Where appropriate, consideration should also be given to any Byelaws issues raised by Scottish Water and/or intermediate advice given to consumers by Scottish Water. It should be made clear in the notice that any remedial work undertaken must be completed in accordance with current relevant legislation for example only approved products must be used where required.

A section 76FB notice must require the responsible person to take the steps specified in the notice to ensure that water quality is restored as soon as possible having regard to the potential risk to human health. Failure, without reasonable excuse, to comply with the terms specified in the notice of improvement will be an offence to which the responsible person will be liable, on summary conviction, to a fine not exceeding level 5 of the standard scale.

Under section 76H of the 1980 Act, where any steps specified in a notice served under section 76FB are not complied with within the period specified in that notice, the local authority may decide to carry out that step themselves, and may recover its expenses in so doing from the responsible person.

In the event of a notice being served on a responsible person, the local authority must inform consumers of the remedial action that it has taken and include a copy of any notice served on the building owner/occupier(s). Local authorities are expected to take a pragmatic view as how best to ensure the effective communication of this information to consumers who may use the public building. For example the head-teacher (in the case of a school) or the facilities manager (of a hospital or other public building) may be best placed to ensure that appropriate advice is communicated to potentially affected consumers. Local authorities should work with the building owner/occupier(s) or facilities management representatives to ensure that appropriate steps are taken to make consumers aware of the remedial action taken – for example publication of the notice on a public information board, or in the proximity of the main drinking water facilities.

Depending on the failing parameter(s), and the risk to human health, it may be appropriate to attempt to contact consumers who potentially no longer use the public building or only use it occasionally e.g. parent / toddler groups who have recently stopped using a public building.

Once the necessary remedial actions have been completed the local authority must verify, through water quality sampling, that a wholesome supply of water has been restored. The local authority must then recommend to the Scottish Ministers (in practice the DWQR) that the investigation be closed.

Local authorities are reminded, in relation to relevant water quality issues in public buildings as well as the new powers in section 76FB of the 1980 Act to serve notice that wide ranging powers and guidance to protect human health are also available through for example the Public Health etc. (Scotland) Act 2008. For further examples of alternative powers and guidance refer to section 1.5 The Legislative Framework.
3.7 Additional recommendations

It is recommended that a full report be prepared by the local authority once the relevant water quality issue is fully resolved, describing events, conclusions as to causes, interventions, lessons learnt and recommendations to prevent further occurrences. To facilitate sharing of lessons learnt and best practice these reports should be made available to appropriate agencies, authorities and building owners/managers responsible for domestic distribution systems within public buildings.

The continuous delivery of safe water requires effective management and operation throughout the water-supply chain, from catchment to consumer taps and points of use. In order to ensure drinking water safety in public buildings it is recommended that all public buildings have an up to date drinking water safety plan (DWSP) developed by the responsible person. The comprehensive DWSP risk management approach is based on identifying all significant risks to human health, ensuring that effective controls and barriers are applied to minimise these risks to acceptable levels, and monitoring the operation of the controls and barriers to ensure that safety is maintained. As a first step it is strongly recommended that maintenance schedules for, and schematic diagrams of, domestic distribution systems within public buildings are developed, implemented and maintained by the responsible person in order to help pinpoint the failure, inform remedial action and minimise the risk to human health. In order to comply with Health and Safety legislation, public buildings should have risk assessment and risk management systems in place to minimise the risk to the public from legionella. Schematics for the building’s cold water systems are an integral part of any risk management plan and are likely to be extremely useful in the development of DWSPs.

4. Appendices

Appendix A – Diagram showing typical water service pipe ownership for public buildings

**Key** | **Responsibility**
---|---
Water main | Scottish Water / Private supply owner
Communication pipe | Scottish Water / Private supply owner
Stopcock/meter | Scottish Water / Private supply owner
Stop valve | Building owner (responsible person)
Water supply pipe | Building owner (responsible person)
Domestic distribution | Building owner (responsible person)
Property boundary |

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**Appendix B – List of types of public buildings**

Buildings which would be considered to be premises where water is supplied to the public include but are not limited to the following:

<table>
<thead>
<tr>
<th>Category</th>
<th>Types of Buildings</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Education</strong></td>
<td>Schools / Colleges&lt;br&gt;Universities&lt;br&gt;Further Education establishments&lt;br&gt;Nursery Schools</td>
</tr>
<tr>
<td><strong>Medical</strong></td>
<td>Hospitals&lt;br&gt;GP Surgeries&lt;br&gt;Dental Surgeries&lt;br&gt;Residential Care / Residential Home&lt;br&gt;Nursing home&lt;br&gt;Health Centres</td>
</tr>
<tr>
<td><strong>Hostelries</strong></td>
<td>Restaurants&lt;br&gt;Hôtels / Inns&lt;br&gt;Pubs&lt;br&gt;Banquet / Function Facilities&lt;br&gt;Cafés&lt;br&gt;Hostels&lt;br&gt;Wine Bars&lt;br&gt;Campsites</td>
</tr>
<tr>
<td><strong>Exhibition</strong></td>
<td>Museums&lt;br&gt;Public Art Galleries&lt;br&gt;Exhibition Centres&lt;br&gt;Conference Centres&lt;br&gt;Sports Grounds / Stadiums</td>
</tr>
<tr>
<td><strong>Sports / Entertainment</strong></td>
<td>Leisure Centres&lt;br&gt;Swimming Pools&lt;br&gt;Health Clubs / Fitness Centres&lt;br&gt;Tourist Attractions&lt;br&gt;Nightclubs&lt;br&gt;Theatre / Concert Halls&lt;br&gt;Ice Rinks&lt;br&gt;Cinemas&lt;br&gt;Historic Buildings / Stately Homes&lt;br&gt;Hairdressers</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
<td>Beauty Salons&lt;br&gt;Prisons / Detention Centres&lt;br&gt;Community Centres&lt;br&gt;Children’s Homes&lt;br&gt;Public Toilets&lt;br&gt;Places of Worship</td>
</tr>
</tbody>
</table>
Appendix C – Process to be followed when a water quality failure is attributed to a domestic distribution system
Guidance on the implementation of the Water Quality (Scotland) Regulations 2010

In cases where there is likely to be a failure but it is yet to be confirmed advice may be sought from the DWQR.
Appendix D – Investigational report template

Relevant Water Quality Issue
Notification to Scottish Government

**NOTIFICATION DETAILS**

<table>
<thead>
<tr>
<th>Local authority</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Notified by</td>
<td></td>
</tr>
<tr>
<td>Job title</td>
<td></td>
</tr>
<tr>
<td>Office telephone</td>
<td></td>
</tr>
<tr>
<td>Mobile telephone</td>
<td></td>
</tr>
<tr>
<td>Email address</td>
<td></td>
</tr>
<tr>
<td>Notification date</td>
<td></td>
</tr>
</tbody>
</table>

**LOCATION OF RELEVANT WATER QUALITY ISSUE**

<table>
<thead>
<tr>
<th>Address of public building (inc post code)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of public building (e.g. school, hospital, restaurant)</td>
<td></td>
</tr>
<tr>
<td>Name of responsible person</td>
<td></td>
</tr>
<tr>
<td>Contact details for responsible person</td>
<td></td>
</tr>
<tr>
<td>Population affected</td>
<td></td>
</tr>
<tr>
<td>Name of Health Board</td>
<td></td>
</tr>
</tbody>
</table>

**DETAILS OF RELEVANT WATER QUALITY ISSUE**

| Date of failing water quality sample(s) |  |
| Laboratory analysing sample(s) |  |
| Contact details for analysing laboratory |  |

Reason for taking water quality sample

Process followed during sampling
*(e.g. first draw sample or sampled after flushing, tap disinfected prior to sampling)*

Condition of sample tap(s)
*(e.g. clean mixer tap or unclean non mixer tap)*

Chemical, physical or microbiological standard breached including results and units
*(multiple sample results can be detailed on an appended sheet(s))*
<table>
<thead>
<tr>
<th>Does the breach constitute a potential risk to human health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likely cause of the relevant water quality issue</td>
</tr>
<tr>
<td>Medical, scientific or technical advice received</td>
</tr>
</tbody>
</table>

**REMEDIATION STEPS TAKEN**

<table>
<thead>
<tr>
<th>Steps taken to mitigate the risk to human health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steps taken to inform and protect consumers</td>
</tr>
<tr>
<td>Steps the local authority intend to include in a section 76FB notice (i.e. future remedial action required)</td>
</tr>
</tbody>
</table>

**ORGANISATIONS INFORMED**

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Type (e.g. Health Board)</th>
<th>Contact Method (e.g. Phone / Email)</th>
<th>Date of Contact</th>
</tr>
</thead>
</table>

**ADDITIONAL INFORMATION**