

SCOTTISH GOVERNMENT

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017

Guidance for Local Authorities

2018- Ver 3.0



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INTRODUCTION

1. Purpose of this document

This document provides guidance and information for local authorities on the implementation of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as amended). It does not purport to offer any authoritative interpretation of the Regulations. It is recognised that it may contain omissions and that some of the advice contained herein will need to be modified or updated in light of experience gained with implementing the Regulations or as and when further guidance on interpretation of the Drinking Water Directive is published by the European Commission.

These regulations apply to private water supplies. Unless otherwise specified, reference within this section to "the Regulations" means The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (as amended). These Regulations replace The Private Water Supplies (Scotland) Regulations 2006 with respect to Type A supplies, though the 2006 Regulations continue to apply to Type B supplies.

2. The Regulatory Framework

The following legal instruments and associated documents provide the regulatory framework for the quality of drinking water supplies in Scotland. Copies of all these documents are available on DWQR's website (www.dwqr.scot).

Council Directive 98/83/EC of 3 November 1998 on the quality of water intended for human consumption (European Drinking water Directive) – sets standards for drinking water quality to apply in all member states, implemented in Scotland through the drinking water quality regulations cited below.

Council Directive 2015/1787 which amended Annexes II and III of the 1998 Directive making changes which introduced risk assessment and allow for derogation from monitoring frequencies. Changes were also made to performance characteristics for laboratory analysis

The Water (Scotland) Act 1980 (the Act) – the primary legislation which enables Regulations to be made and contains the duties of Scottish Water, Scottish Ministers and local authorities.

The Water Industry (Scotland) Act 2002 (the 2002 Act) – the primary legislation which established Scottish Water, the Water Industry Commissioner for Scotland (WICS) and the Drinking Water Quality Regulator for Scotland (DWQR). The 2002 Act sets out DWQR's general functions and powers.

The Water Resources (Scotland) Act 2013 – this act takes forward the Scottish Government's wish that Scotland makes every effort to utilise fully its abundant water

resources. It gives Scottish Water powers to monitor and manage the quality of water in the water environment that is likely to be used for human consumption

The Private Water Supplies (Scotland) 2006 sets out the requirements for Type B supplies i.e. those which are exempt from the provisions of the Drinking Water Directive.

The Public Supplies (Scotland) Regulations 2014 set out Scottish Water's duties in relation to drinking water quality, set standards and frequency for monitoring for a range of parameters derived from the Directive, and also implementing domestic requirements.

The Private and Public Water Supplies (Miscellaneous Amendments) (Scotland) 2015 implement European Union Directive 2013/51/EURATOM which lays down requirements for the protection of the health of the general public with regard to radioactive substances in water used for human consumption purposes, in particular by the inclusion of an indicator parameter for radon with a threshold value set at 100 Bq/l.

The Water Intended for Human Consumption (Private Water Supplies) (Scotland) Regulations 2017 – these regulations implement the 1998 Drinking Water Directive and the amended 2015 Directive for private water supplies with respect to Type A supplies.

PART 1

GENERAL

Regulation 2 – Application

The Regulation sets out all the types of supply and water which the Regulations apply or DO NOT apply to.

The Regulations DO NOT apply to water supplied from the Scottish Water public supply; supplied by a tanker, container or bottles by Scottish Water; or supplied with the help of services provided by Scottish Water including a facility for someone to have access to a supply of water provided directly or indirectly by Scottish Water. This specifically has the effect that any supply provided using any of Scottish Water's assets is regulated by The Public Water Supplies (Scotland) Regulations 2014.

The Regulations also do not apply to:

- water intended for sale in bottles or containers – these fall under food legislation
- water which is a medicinal product
- water used for crop washing where the quality of water has no impact directly or indirectly on the health of someone consuming either the crop itself or food and drink manufactured from it
- water used in the distillation of spirits which is used in the mashing process and for washing plant

The Regulations transpose the Drinking Water Directive (DWD) exemption for supplies which provide water to less than 50 persons or less than 10m³ a day. In determining whether a supply serves 50 persons or less, the maximum occupancy of any premises served by the supply must be considered. The water industry uses various approximations to estimate population from the number of properties present – 2.1 people per dwelling being one, but judgement may need to be used based on the size and nature of the premises. The DWD expressly requires that any person using a supply which is exempt because of its size must be informed about this and also about steps they can take to protect their health from any adverse effects which may arise due to contamination of the supply. Separate domestic legislation covers these supplies which are currently referred to in Scots law as Type B supplies in The Private Water Supplies (Scotland) Regulations 2006. New Regulations will be developed in 2017 for these supplies.

The Regulations apply to any private supply which supplies 50 or more persons or more than 10m³ per day; any supply which forms part of a commercial or public activity, or where the water is used in a commercial or public activity or where water is supplied to the public. Any water supplied by tanker, container or in bottles as an alternative to a supply that these

Regulations apply to must comply with these Regulations. This includes containers or tankers filled from a private supply which are being used at festivals or events.

Commercial or public activity should be regarded as any commercial or public premises where a private supply is used for human consumption. This includes all food production undertakings (unless the quality of the final product is not affected by the quality of the water), caravan sites, campsites, hotel and bed and breakfast establishments, holiday let accommodation, domestic rented premises (including those listed on the landlord register and from registered social landlords), church or village halls, hospitals. It also includes other commercial premises where the supply is used for human consumption, such as wind farms and animal boarding establishments, and is regardless of the number of persons it supplies. The definition of a supply which forms part of a public activity includes those supplies which are provided by public bodies including local authorities. Scottish Public Bodies are listed on the [Scottish Government's website](#).

Regulation 3 - Interpretation

This Regulation sets out the interpretation relevant to terms used throughout the Regulations.

The purposes of the term '**domestic distribution system**' in the DWD is specifically to determine where responsibility for a water quality failure occurring at the tap lies. It is particularly relevant when dealing with public supplies where all water is treated to the required standards by Scottish Water and they must determine whether the failure is their responsibility or that of the occupier of the premises. When the term is used in a private supply context many of which are treated using point of use treatment within the property it only has relevance where there is a water supplier who is providing treated water to a premises. The water supplier's duty in relation to compliance with drinking water quality standards applies at the tap (the point of compliance) and this term is necessary to determine responsibility for the water quality failure. If there is no water supplier and the property owner is responsible for their supply, then domestic distribution system as defined in these Regulations does not 'bite'.

'In writing' can be taken to include letters, faxes or emails.

'Water intended for human consumption' – this definition is derived directly from the DWD. It refers to 'other domestic purposes' and we need to refer to the [Water \(Scotland\) Act 1980](#) which defines domestic purposes such that in addition to drinking and cooking, it also includes washing and other sanitary purposes. For the purposes of these Regulations this means that other domestic purposes includes hand washing, washing, bathing, showering, laundry and toilet flushing. If the supply is solely to be used for toilet flushing then subject to the risk assessment confirming this, the supply may be exempt from the requirements of these Regulations. 'Domestic purposes' does not include a supply of water

for the business of a laundry. If the water is not going to affect the final product in a food production undertaking then the supply may be exempted, this decision will be taken either by Food Standards Scotland or by the enforcing authority if they have delegated authority from FSS.

‘Premises where water is supplied to the public’ – the interpretation given in this Regulation (schools, hospitals and restaurants) is derived directly from the DWD. It should not be interpreted as being only these types of premises. It includes premises where the public have reasonable access to water for human consumption purposes whether or not by payment for access.

‘Private water supply system’ and ‘water supply system’ – this definition has been introduced to make a clear distinction between the water to which the quality standards apply and the system which supplies it. The system includes all the infrastructure that is used to supply water from the source to the tap including any pipes, fittings, tanks or treatment. It is not intended that this new definition will capture a private water supply system differently from that which was considered to be a private water supply under the 2006 Regulations.

‘Relevant person’ – the principal purpose of this definition is to be clear over the person/s who may be served with a remediation notice. The definition is sufficiently wide as to capture any person who individually or collectively has responsibility for or control of any part of the private water supply system, or of the water itself.

‘Water supplier’ – a water supplier is a person or business who supplies water to others in a commercial context i.e. they charge for the provision of water and/or have established their business specifically for the provision of water. A public body supplying water to others (except Scottish Water) is also to be considered as a water supplier for the purposes of these Regulations. The principal purpose of the definition is to ensure that the domestic distribution system definition and determination of responsibilities can work. A water supplier will also be a relevant person and the enforcing authority can serve information, remediation, enforcement or emergency notices on the supplier.

Regulation 4 – Water Supply Zones

Water Supply Zones will be designated by DWQR who will advise each enforcing authority of the zones and the supplies which make up the zone. DWQR will supply each authority with a Shapefile and spreadsheet listing the zones and supplies within the zones. This data will be provided annually by 1st September. The zones and the supplies within the zones will not be varied mid year.

Each supply within a zone must come from one or more sources which are approximately uniform. The supply zones will be based on river basins and aquifer catchments. A large and complex private water supply which may blend surface and groundwater may be designated as one water supply zone, as is a supply which has complex treatment. It is not anticipated that by using water supply zones this increases the resource required for sampling. Each private supply system must still be monitored at least annually for a reduced number of parameters. One or more of these supplies will be also tested for the full range of parameters as part of the same sampling visit.

Once sufficient data is available (minimum of 3 years) then DWQR will be able to review the data and work with enforcing authorities to assess the potential for reducing the monitoring requirements within the supply zones as described in Schedule 3 Part C.

Where a supply zone crosses enforcing authority boundaries, especially where there are a very limited number of supplies in one of the authority's area, the authorities may choose to sample a single supply in the zone that is representative for all the supplies in the zone as a whole. It is at the discretion of the authorities to decide how the charging of these samples should be allocated.

PART 2

REGISTER OF SUPPLY SYSTEMS, ETC.

Regulation 5 – Registration of supply systems etc

Enforcing authorities must keep a register of the private water supply systems in their area, the register of information may be held in electronic form. A template is not provided in this guidance as enforcing authorities may hold the information in different formats, depending on the IT recording system in use. Schedule 1 sets out the information that the register should contain. The Schedule recognises the register kept under the previous Regulations and it is expected that this will form the basis of the register going forward. In practice, the register can encompass the information required by both the 2006 and 2017 Regulations, enforcing authorities are not expected to maintain 2 registers.

The register should be available from 1 January 2019 with such information listed in Schedule 1 as is readily available. There is then a transition period until January 2022 to improve upon the information held in the register. This date has been used to coincide with the phasing in of the new risk assessment because the information that is collected during the risk assessment will supplement the register and avoid duplication of effort.

This part of the regulations also requires that the information registered is reviewed annually and it is expected that any update will occur as a consequence either of completion or review of a risk assessment or if new information becomes available during the sampling visits.

Regulation 6 – Contents of the register

This Regulation signposts the requirements of the information which is listed in Schedule 1 and also sets out requirements for information in relation to water supply zones. Regulation 6 (2)(b) refers to the inclusion of information about the quality of water in the water supply zone, this means the results of any sampling carried out in the water supply zone.

Regulation 8 – Duty to provide information

This Regulation introduces a duty on the part of any person to notify the enforcing authority of information they have for parts of the supply system which had not been recorded. Because a duty has been imposed it is then possible for the enforcing authority to serve a notice (Regulation 28 (1)) in relation to information should such a step be deemed to be necessary.

8. The duty to provide information brings a new offence to fail to provide such information (Regulation 38 (1)).

To prevent unnecessary burden on the enforcing authority, it is presumed that this will be investigated as per the requirement in the previous 2006 regulations to keep the register up to date (mirrored in Regulation 5 to maintain a register), including when updating the risk assessment, taking samples, when there are issues with a supply and on the sale/advertisement of the property.

Information should be provided to the enforcing authority within a reasonable timescale. This timescale will depend on the complexity of the information required and it is at the discretion of the enforcing authority to dictate this timescale, however a period of 28 days is suggested.

The offence should be used when a person fails to comply with the timescale given by the enforcing authority, especially (but not exclusively) where there are issues with the supply and the lack of information is hindering further improvement to upgrade a failing supply and/or placing the users health at risk.

Regulation 9 – Access to Information

9 (1) Any person can request access to information on water quality, but is not entitled to view the entire register. A person can also include companies who require information to assist them if carrying out activities such as bracken spraying that may impact on the private water supply. “Information on water quality” means the information in the register specified in paragraphs 3 (information relating to water supplies) and 4 (information from previous register) of Schedule 1 insofar as it relates to the quality of water supplied into, through or from a supply system. Queries have been raised regarding Data Protection and what can be accessed. Data Protection exists to protect individuals, the provision of information about the quality of a supply or indeed its location should not create a data protection problem.

“reasonable times” should be taken to be the normal office opening hours of the enforcing authority.

9(2) Copies of the register or information included in it shall be provided on request to the bodies listed within the timescales set out by each enforcing authority’s customer charter. In practice it is not expected that enforcing authorities will receive frequent requests from these bodies and that the annual returns will provide sufficient information.

PART 3

RISK ASSESSMENT OF WATER SUPPLIES

Risk assessment remains an integral part of the management of private water supplies, and a thorough risk assessment is a more effective means of managing water quality and health risks than simply undertaking occasional water sampling. The amended Drinking Water Directive appears to recognise this, and consequently the sections around risk assessment have been strengthened with the aim of ensuring that risk assessments are thorough and consistent. This means that “competent authorities” of member states – in Scotland, DWQR – are required to take a more direct role in the management of the risk assessment process. These regulations, in conjunction with the newly developed risk assessment application, provide for a clearer, more consistent approach to PWS risk assessment across Scotland.

Regulation 10 – Risk Assessment of water supplies

10 (1-2) Regulation 10 of The Water Intended for Human Consumption (Private Supplies)(Scotland) Regulations 2017 requires the completion of a risk assessment for all private water supplies covered by the Regulations by 1 January 2022. Existing risk assessments carried out under the old regulations must therefore be reviewed on the new system by this date.

10 (3) The purpose of the risk assessment is to determine whether there are any risks to the health of anyone consuming the water supplied, as well as the effectiveness of any measures in place to control those risks. An assessment as to whether or not the water will meet the drinking water standards is part of this, but the risk assessment should not be limited only to parameters listed in the regulations; any potential risk to health must be considered.

10 (4) The regulations require that enforcing authorities must use a risk assessment that has been approved by the DWQR and which complies with international standards for risk assessment such as EN15975-2. This is a requirement of the European Drinking Water Directive, and for this reason, DWQR is developing a risk assessment tool for all enforcing authorities to use. There is no scope for enforcing authorities to continue to use their own risk assessments as these would need to be approved individually by DWQR and checked against the standard, which is not practicable. Any data collected from private water supply sampling or other environmental sampling of water bodies should be used to inform the risk assessment, although further sampling could be considered where the existing dataset is insufficient to determine a particular risk.

There will be a separate procedure and guidance for the operation of the new Risk Assessment application once it is ready. In the meantime, local authorities should continue to use their own risk assessments – it is important that risk assessments continue to be undertaken on supplies and there is no gap resulting from the switch to the new system.

10 (5) Anyone who owns or occupies premises served by the private water supply must receive notification that a risk assessment has been completed together with a summary of the findings. It is suggested that this summary should include the main risks to the quality of the supply and an assessment as to how effective any mitigating measures are likely to prove under the range of conditions likely to be encountered. The enforcing authority may wish to identify any key actions that could be taken to reduce risks further and initiate a dialogue as to how improvements may be achieved. This could form the basis of a water safety plan for the supply.

Any other person who requests it must also be given notification of the risk assessment, together with the summary.

Regulation 11 – Review of risk assessments

11 (1-2) Risk assessments must be updated at least every 5 years. Where a enforcing authority believes that a risk assessment is no longer valid, for whatever reason, the risk assessment must be updated sooner than this. This would be where a new and unforeseen risk becomes present. Examples specified in the Regulations are a deterioration in the quality of water supplied, an increase in pollution and an extension of the supply system. In practice, DWQR would only expect enforcing authorities to revisit the risk assessment for a supply where these changes are significant and materially affect the water quality risk - for example, where a significant change is made to the treatment present or a premises of significant relevance to public health, such as a hotel or food manufacturer is added to the supply. It is acceptable for less significant changes to be incorporated at the next scheduled review of the risk assessment.

In practice, enforcing authorities may not necessarily become aware of significant changes to the supply necessitating a review of the risk assessment. It is anticipated that regulations 12 and 13 should assist this by requiring anyone seeking to bring a new or disused part of a supply into use to follow certain steps that will bring the change to the attention of the enforcing authority.

Regulation 12 – Duties in relation to use of an unused system

This regulation is actually much simpler than it might appear at first sight. Where someone wishes to add a completely new (“unused”) part to a private supply system they have to tell the enforcing authority concerned before they do so. They cannot use the new part of the supply until it has been risk assessed and approved by the enforcing authority, and to do so is an offence. Once notified (and any fee paid), the enforcing authority must review the risk assessment and be satisfied that the new part of the supply does not present an unacceptable risk, taking account of the intended use. The authority has 8 weeks from payment of the fee to confirm whether they are satisfied with the risk assessment of the new part of the supply.

It is suggested that enforcing authorities will wish to be pragmatic as to what constitutes an “unused” part of a system – a new water source, major part of the treatment process or storage point might sensibly be considered to fall into this category. It may not be practical to inspect every new domestic connection to the supply, although the connection of a larger, high risk premises such as hotel or food preparation premises might be appropriate.

Regulation 13 – Duties in relation to use of a disused system

Similar requirements apply to a part of a supply system that has not been used for in excess of 12 months (“disused”). Requirements are exactly the same as for (12), and use of a disused part of a PWS system without prior approval is also an offence.

PART 4

WATER QUALITY STANDARDS AND DUTIES

Regulation 14 – Water quality standards

This regulation sets out the water quality requirements in that the water should not contain a micro-organism, parasite or substance which (in number or concentration) poses a potential danger to human health, this includes things that aren't specifically listed in the parameter tables in the Regulations, for example silver if silver based products are used to treat the water. Testing for bacteria such as *Campylobacter* should take place when investigating a suspected case of a water-borne infection rather than routinely included in monitoring programmes. The regulation also requires the water to comply with the standards in Table A (microbiological parameters) and Table B (chemical parameters) and the nitrate/nitrite formula. A sample which fails to comply with a parameter in Table C (indicator parameters) is not necessarily an automatic failure of water quality standards, it would only be a failure to comply with this regulation if it was likely to pose a risk to health.

Regulation 15 – Derogations from the water quality standards

A person or water supplier may apply for a derogation from the water quality standards and the details of this process are set out in Schedule 5. Previous guidance given in Information Letter 2013-1 remains valid in that derogations were principally intended to be a mechanism to allow European Member States sufficient time to implement the standards of the Drinking Water Directive (DWD). The European Commission indicated some time ago that they considered the use of derogations to be 'time expired' in May 2013 and that future use would only be for exceptional circumstances. The DWD still contains Article 9 on derogations. The Amending Directive did not amend the Articles, only the Annexes to the DWD, so it has been necessary to include them in these Regulations to fully transpose the DWD. It is not expected that derogations will be used.

Regulation 16 – Duty of care: supplies of water

This Regulation introduces a duty of care in that any person in relation to the supply of water must not take any action which allows deterioration in the quality of the water. A person can be anyone and is not restricted to the relevant person/s. Water in this context means water intended for human consumption. The duty is qualified by the inclusion that deterioration should be considered in the context of the impact on human health.

The enforcing authority can utilise enforcement powers in relation to failure to comply with this Regulation through either an enforcement notice (Regulation 31) or an emergency notice (Regulation 32(1)).

Failure to comply with this Regulation also carries offence provisions.

Regulation 17 – Duty of care: substances and materials

This Regulation introduces a duty such that materials or substances used in the supply system or added to the supply should not contaminate the supply.

Substances and materials used in connection with a private water supply should conform with Regulation 33 of The Public Water Supplies (Scotland) Regulations 2014, a list of approved products is available on the DWI website <http://dwi.defra.gov.uk/drinking-water-products/approved-products/soslistcurrent.pdf>

The Water Regulations Advisory Scheme (WRAS) publishes a list of approved plumbing products: <https://www.wras.co.uk/search/products/>. In addition, 'lead free' fittings should be used where possible.

Existing lead pipes, tanks or fittings would not constitute a failure of this Regulation as these are legacy products, but the installation of an unapproved fitting that introduces lead into the supply would be.

Some brass alloys used in approved water fittings and taps contain a small percentage of lead (approximately 0.5-2%) to assist in the manufacturing of products. Practical studies show that new brass fittings can leach lead at concentrations that could contribute towards total lead in drinking water. However lead concentrations fell over a few weeks following their installation and use. The enforcing authority should take cognisance of this if new plumbing work or new fittings have recently been installed by allowing a period of time for stability of lead levels to take place. A more definite timescale cannot be given as individual circumstances will dictate the amount of time it will take for lead levels to settle, however regular monitoring should be undertaken to ascertain that lead levels are reducing over time.

PART 5

MONITORING AND ANALYSIS

Regulation 18 - Monitoring

This Regulation places a duty on enforcing authorities to ensure that regular monitoring of the quality of water is carried out to ensure that the supply meets water quality standards. It also requires monitoring for any parameters whether listed in the Regulation or not to be carried out where the enforcing authority considers it appropriate based on risk assessment. If silver based products are used in any filtration system, the enforcing authority may wish to include this in the monitoring requirement.

This Regulation also places specific requirements relating to disinfection. The enforcing authority must ensure that the efficacy of disinfection is measured and that any disinfection by products are minimised. For private water supplies the most commonly used disinfection method is UV treatment. This is not suitable for all types of water and if the water is coloured or turbid the capability of the UV to disinfect will be substantially impaired. There is separate guidance available on UV at <http://dwqr.scot/media/9920/technical-guidance-treatment-ultraviolet-irradiation.pdf>

If chlorine is used as the disinfectant then the person responsible for management of the system should be ensuring that the chlorine residual is monitored regularly. Disinfection by-products will be a particular concern when chlorine is used and considered during the risk assessment, it is also advisable to monitor for trihalomethanes.

Regulation 18(4) requires the monitoring to take place to ensure that quality of the water measured is representative of quality throughout the year. Most supplies and supply zones may only require regulatory sampling to take place once a year and the enforcing authority should ensure as far as practical that the timing of this is varied throughout the years. If the risk assessment highlights a particular concern additional monitoring may be necessary.

Regulation 19 - Monitoring programmes

This Regulation requires each enforcing authority to develop a monitoring programme for each supply zone that meets the requirements of Schedule 3 - Monitoring. The DWQR will provide each enforcing authority with a schedule of supply zones and the supplies covered by the zone. This schedule will also include the parameters and respective frequencies that require monitoring for the supply zone. The selection of sampling point/s in the supply zone should be random and will be determined by the enforcing authority.

In addition to supply zone monitoring each supply must be monitored at least annually for a smaller group of parameters that are considered to be of health significance – these are detailed in Schedule 3 Part B paragraph 4. The selection of sampling point(s) from the supply is for the enforcing authority to determine, though it is expected that if the supply provides

water to several premises, then the premises with the potentially higher risk to the health of consumers if the water was unwholesome will normally be selected. If a supply has been sampled for the fuller suite of supply zone analysis, it does not require an additional sample to be taken to meet the requirements of Schedule 3 Part B paragraph 4.

The 2006 Regs required larger volume supplies to be sampled more frequently than annually. This need has been removed, however more frequent sampling can be undertaken if desired/merited through risk assessment.

Regulation 20 - Methods of analysis

This Regulation requires that all analysis carried out on water intended for human consumption must be carried out to certain specifications. The enforcing authority will meet this duty by ensuring that all analysis is carried out by a testing laboratory which has UKAS accreditation under ISO/IEC 17025 to the drinking water testing specification (DWTS).

PART 6

INVESTIGATION AND REMEDIAL ACTION

Regulation 21 – Investigation and remedial action

This Regulation requires the enforcing authority to investigate any failure of a parameter listed in Tables A, B or C to determine the cause and assess whether the failure poses a risk to human health.

If the supply poses a potential danger to human health the enforcing authority must take remedial action to ensure that public health is protected and consumers are informed. Remedial action is also required to restore the quality of the supply. It is expected that remedial action by the enforcing authority means advising consumers of action to protect their health and improve the supply and if necessary use the enforcement powers to ensure action is taken.

Consumers should be informed directly by the enforcing authority, unless the enforcing authority is confident that the relevant person shall communicate the information appropriately. Communication in the first instance may be by telephone, but should be promptly followed up with a written communication. This guidance also applies to consumer notification requirements in Regulations 22 and 23.

When there is a failure of the lead standard in a sample from a tap in domestic premises or other premises which is not a public building, the property owners and consumers occupying the premises must be notified and given advice about how to protect their health.

Where a failure poses a potential danger to public health, or is for lead, the local NHS board health protection team should also be informed. Local authorities should have agreed protocols in place with their local NHS board health protection team regarding the notification of water quality failures.

When the failure occurs in a sample taken from a tap in a public building, a similar investigation to that described above should be carried out. When there is lead pipe within the pipework belonging to the public building, the owner of the building should be informed of the failure and the enforcing authority must ensure remedial action is taken to ensure there is no potential danger to the health of the public consuming the water.

When a failure occurs from a sample taken for supply zone monitoring purposes then in the first instance the enforcing authority should determine whether that failure is localised to the individual supply or may be due to more widespread source issues which could affect the wider area. For example for a nitrate, arsenic, pesticides failure then it would be recommended that resamples are taken from two or more supplies in the water supply zone

area. It is only necessary to notify consumers in the water supply zone area if that failure is assessed as affecting the wider area.

Regulation 22 – Remedial action to restore water quality – particular cases

This Regulation sets out particular cases where the enforcing authority does not need to take remedial action.

The parameters listed in Table C are indicator parameters, which means that exceedance of these may indicate that the water presents a risk to health and remedial action should be taken.

For example, if the value for colour is exceeded and the supply uses UV treatment the effectiveness of which is impaired by the colour of the water then that supply poses a risk to health and remedial action is required. Similarly for manganese which can coat UV lamps. A low pH or aggressive water will impact on plumbing metals such as lead or copper and again pose risks to health.

If the enforcing authority determines that failure of a Table C parameter is not posing a risk to health then remedial action is not required. This will need to be assessed on a case-by-case basis.

Where the failure is attributed to the domestic distribution system then the enforcing authority does not need to take remedial action. In this instance the person/s responsible for the domestic distribution system should be informed by the enforcing authority of the action that needs to be taken to reduce the risk. It is worth noting here that the definition of a domestic distribution system is concerned with ensuring allocation of responsibility between the premises owner/occupier and the water supplier (if there is one), it is not describing domestic plumbing in all premises served by a private water supply. If the premises is a pre-school nursery with its own private supply and has a lead failure this would not be classed for the purposes of these Regulations as a domestic distribution system failure and the enforcing authority would be able to take remedial action.

Regulation 23 - Remedial action to restore water quality: notification of risk, etc.

This Regulation requires the enforcing authority to ensure that consumers are informed of any remedial action which has been taken and any further action they need to take as a precautionary measure. This step is not necessary if the enforcing authority considers the failure to have been trivial i.e. of no health concern and unlikely to recur and has notified the Drinking Water Quality Regulator (DWQR) of the failure and their triviality assessment. In practice it is expected that notification of failures and action to consumers will be

generally occur for all failures regardless of any assessment regarding triviality and formal notification of triviality to DWQR will be infrequent. Notification to DWQR in these circumstances will just be part of the annual data return, no additional reporting is necessary.

PART 7

INFORMATION AND REPORTING

Regulation 24 – Duty to provide information to consumers

To allow for different circumstances, no prescriptive template shall be provided for the provision of information to consumers. The enforcing authority may specify whatever relevant information it perceives fit to display to consumers. As a minimum it is expected that the notice will inform consumers that the water is from a private supply, what a private water supply is, sample results for the supply and a brief description of the supply. The method of display may also vary: where noticeboards in the foyer area may be suitable for many premises, for some premises such as B&Bs and holiday lets it may be more appropriate to display the information in the establishment's information pack.

Regulation 25 - Information for certain public authorities

The Regulation is unchanged from the previous reporting requirements. Enforcing authorities will have satisfied the duty to provide information to Scottish Ministers and to SEPA through the data return provided annually to DWQR. DWQR has a data sharing agreement with SEPA and provides this data to them each year. The PWS data is a registered Information Asset with the Scottish Government.

Regulation 26 – Reports about water quality

This is a duty on the DWQR which until now was achieved by reporting directly to the European Union. The duty to publish this report does not supersede the Private Supplies Annual Report which will continue to be produced.

PART 8

ENFORCEMENT

Regulation 28 – Power to obtain information.

28 (1) As given in guidance for Regulation 8 (duty to provide information) the timescale given by the enforcing authority to produce the required information will depend on the complexity of the information required and it is at the discretion of the enforcing authority to dictate this timescale, however a period of 28 days is suggested.

Regulation 30 – Remediation notices

Remediation Notices can be served to make improvements to a supply where a problem is apparent. They can only be served on relevant persons. It is anticipated that these will be the most commonly used of the Notices provided in these Regulations.

Examples of this include (but are not restricted to): lack of ongoing maintenance; provision of a maintenance plan; provision of additional treatment; provision of a water safety plan; and source protection.

Notification of DWQR etc should be done within 28 days of the notice being served. Notification should be done in writing (email is acceptable).

Regulation 31 – Enforcement notices

Enforcement Notices should be served where a person (not necessarily a relevant person) has contravened the requirements of the Regulations, and can be used where there has been a deterioration in water quality.

Examples of this are risk of contamination of a source by application of pesticides too close; construction activity which could cause deterioration of the source; use of a supply system which has not been registered with the enforcing authority; failure to display a notice providing information to consumers of the supply,

Notification of DWQR etc should be done within 28 days of the notice being served. Notification should be done in writing (email is acceptable).

Regulation 32 – Emergency action and notices

Emergency Notices, unlike Remediation and Enforcement Notices, can come into force immediately without a 14 day delay for appeal. They can be served on any person (not necessarily a relevant person) where urgent action is required to reduce or remove the risk to either public health or the quality of the water supply, or both.

Examples of this include gross contamination from septic tank or animal slurry; hydrocarbon spillage; high levels of pesticide contamination.

As it is anticipated that Emergency Notices will be served with urgency, there is no formal requirement in the Regulation to require the notification of DWQR or consulted bodies such as other enforcing authorities and local NHS Health boards of the service of the notice, however these bodies should be notified as soon as possible, and within 28 days of the notice being served (or sooner if there is a locally agreed protocol with the local NHS board health protection team).

Notification should be done in writing (email is acceptable).

Regulation 33 – Variation and withdrawal of notices

Where a notice is relaxed the 14 day appeal timescale (for remediation and enforcement notices) does not restart. The appeal process continues within the original timescale. However where the requirements of a notice are made more onerous, a new notice, with stipulated appeal timescale, must be served.

SCHEDULE 2

PARAMETERS AND PARAMETRIC VALUES

This schedule contains 3 tables which split parameters into microbiological (Part A), chemical (Part B) and indicator (Part C). This is closely aligned to the DWD with the exception that a numeric value for colour has been included on the basis that many PWS have UV treatment which is significantly impeded when colours exceeds 20 Hazen. There is no change to any parametric value when comparing these Regulations with the previous 2006 ones.

Water is considered to be wholesome when it meets the parametric values in Part A and Part B. The purpose of the indicator parameters in Part C is to determine whether the water presents a risk to health and if it does then remedial action should be taken.

For example if the value for colour is exceeded and the supply uses UV treatment the effectiveness of which is impaired by the colour of the water then that supply poses a risk to health and remedial action is required. Similarly for manganese which can coat UV lamps. A low pH or aggressive water will impact on plumbing metals such as lead or copper and again pose risks to health.

It is not expected that local authorities will monitor for the oxidisability parameter. Total Organic Carbon (TOC) will be measured instead, as allowed by the regulations.

In Part B Acrylamide, Epichlorhydrin and Vinyl Chloride are referred to Note 1 in the footnotes. These parameters are controlled by the specifications of the products used in connection with the water supply and should not usually need to be tested for, unless a risk assessment highlights a specific risk.

Pesticides – DWQR will advise enforcing authorities on which additional pesticides should be included in supply zone monitoring, using data already available from previous PWS sampling and public supplies sampling. Only those pesticides likely to be found need to be monitored for. If a risk assessment for a particular supply highlights a local risk then that pesticide should also be included in the individual supply monitoring.

SCHEDULE 3

MONITORING

Part A - Monitoring programmes

The purpose of the monitoring programme is to demonstrate that the water supplied meets the quality standards and identify the most appropriate means for mitigating risks to health. This section also requires the monitoring programme to consider verification of control measures throughout the supply system. This is a direct transposition of the Drinking Water Directive (DWD). It is expected that the risk assessment will consider mitigation of risks within the supply system and that monitoring at the point of compliance for the majority of private water supplies will be sufficient to verify effectiveness. If the supply system is complex with multiple storage tanks and treatment at source then additional operational monitoring should be carried out to verify the effectiveness of the treatment and integrity of storage.

Part A (2) makes provision for the inclusion of additional information as well as discrete samples. This information includes continuous monitoring (though unlikely for the majority of private supplies) and inspection of operational records and equipment.

It is expected that the majority of monitoring programmes will consist only of discrete samples. If the supply has been classified as a high risk from the point of view of the potential exposure risk to consumers such as a hospital supply or a large hotel complex, then the monitoring programme should also include an element of inspection of maintenance records and equipment.

Part B – Standard parameters and frequencies

The Regulations no longer refer to ‘audit’ and ‘check’ monitoring, instead there are Group A and Group B parameters. The purpose of the 2 different groupings is to define the frequency of monitoring – Group A are monitored more frequently in water supply zone monitoring programmes than Group B.

The **Tables** (A – C) set the **standards** for each parameter and the **Group** (A or B) sets the **frequency** of monitoring.

The parameters that are to be included in **Group A parameter** (Schedule 3, Part B (2)) samples are as follows:

- 1) *Escherichia coli*, coliform bacteria, colony count at 22°C, colour, turbidity, taste, odour, hydrogen ion concentration (pH), and conductivity, and,
- 2) Any other parameter, micro-organism, parasite or substance (except radon, tritium and indicative dose) identified as relevant, and,

- 3) Ammonium and nitrate – if Chloramination is used, and,
- 4) Aluminium and iron – if these are used as water treatment chemicals.

Any additional parameter that is not listed in these Regulations but for which risk assessment shows a need for monitoring (e.g. silver) is at Group A frequency. The inclusion of additional parameters not referred to in these Regulations is likely to be unusual and the enforcing authority should seek advice from DWQR as to whether it needs to be added to the supply zone monitoring schedule or the monitoring for an individual supply.

The parameters to be included in **Group B parameter** samples are:

With the exception of radon, tritium and indicative dose, **all** of those in Schedule 2, Part (table) A, Part (table) B and Part (table) C.

Supply Zone samples are based on the total volume of water used by all the total supplies (that are covered by the regulations) in that zone used for human consumption purposes within the DWQR defined Supply Zone. The numbers of supply zone samples to be taken each year will be notified to the LA by DWQR.

Pesticides

Specific pesticides, including the four explicitly listed in the regulations, only need to be tested for if the local authority believes they may be present somewhere in the zone. Ideally there should be some evidence for this decision, such as agronomist information, SEPA or Scottish Water data.

If a zone is sampled for a pesticide because there is a chance that it may be present, there is a further opportunity to risk assess it out again if, based on 3 years of evidence, the pesticide is found at a concentration no higher than 30% of the relevant parametric value.

Where the risk assessment for an individual supply indicates usage of a particular pesticide is likely, that supply should be sampled at the required frequency. Consideration should be given to whether usage is likely to occur elsewhere in zone, in which case the pesticide should be included in the zonal suite.

DWQR shall provide a list of pesticides sampled by Scottish Water in local authority areas to provide a starting point.

The **Supply Zone Sample** parameters include parameter group A and/or parameter Group B and for some Zones different numbers of Group A parameter or Group B parameter samples will be required.

If a supply is sampled for Group A and/or Group B parameters then duplicate parameters for the annual supply sample are not required.

Routine Compliance Samples for Supply Systems – these are required to be carried out at a minimum of one sample per supply per year (Schedule 3, part B(4)(1). Parameters to be sampled are:

- 1) Enterococci, *E. coli*, coliform bacteria, colony count at 22°C, colour, turbidity, *Clostridium perfringens*, and hydrogen ion concentration (pH), and,
- 2) Copper, iron, zinc, lead, manganese, nickel, and zinc, and,
- 3) Where in a Nitrate Vulnerable Zone (NVZ) nitrate, and,

Any other parameter, micro-organism parasite or substance as may be deemed relevant

Schedule 2 does not set a parametric value for zinc. The World Health Organisation has not set a guideline value, but indicates that concentrations above 3mg/l will not be acceptable to consumers.

The selection of sampling point(s) from the supply is for the enforcing authority to determine, though it is expected that if the supply provides water to several premises, then the premises with the potentially higher risk to the health of consumers if the water was unwholesome will normally be selected.

Routine Compliance Sampling

Micro	Chemical
Enterococci	Colour
<i>E. coli</i>	Turbidity
Coliforms	pH
<i>Clostridium perfringens</i>	Copper
Total colony count @ 22°C	Iron
	Lead
	Manganese
	Nickel
	Zinc
	Nitrate (in NVZ only)
Plus any other relevant parameter identified by risk assessment	

Supply Zone Sampling

Group A

Micro	Chemical
<i>E. coli</i>	Colour
Coliforms	Turbidity
Total colony count @ 22°C	Taste
	Odour

	pH
	Conductivity
	Ammonium (if chloramination used)
	Nitrite (if chloramination used)
	Aluminium (if used in water treatment)
	Iron (if used in water treatment)
Plus any other relevant parameter identified by risk assessment	

Group B

Micro	Chemical	Chemical (ctd)
Enterococci	Acrylamide	Manganese
<i>E. coli</i>	Aluminium	Mercury
<i>Clostridium perfringens</i>	Ammonium	Nickel
Coliforms	Antimony	Nitrate
Total colony count @ 22°C	Arsenic	Odour
	Benzene	Pesticides: Aldrin Dieldrin Heptachlor Heptachlor epoxide
	Benzo(a)pyrene	
	Boron	
	Bromate	
	Cadmium	
	Chloride	Other pesticides
	Chromium	Polycyclic aromatic hydrocarbons
	Copper	Selenium
	Colour	Sodium
	Conductivity	Sulphate
	Cyanide	Taste
	1,2-dichlorethane	Tetrachlorethane
	Epichlorhydrin	Total organic carbon
	Fluoride	Trichlorethane
	Hydrogen ion (pH)	Trihalomethanes
	Iron	Turbidity
	Lead	Vinyl chloride

Sampling Example

A worked example of a fictitious monitoring programme for Local Authority “Anywhere” is illustrated below, along with the parameters for each sample taken.

Anywhere Local Authority

Number of non-exempt Regulation 2 supplies in LA area 120

Number of supply zones in LA Area 4 – Zone North, Zone South, Zone East, and Zone West

Breakdown of Supplies in each zone and volumes used

Zone Name	No. Reg 2(7) Supplies	Volume Supplied m ³	Group A Sample Number	Group B Samples Number
North	7	61	1	1
East	88	555	4	1
West	0	0	0	0
South	25 (one supply uses chloramination)	66	1	1

Supply Zone North sampling parameter requirements.

1 Supply to be sampled for Group A and Group B parameters (and Zinc) – sample to be taken from a single randomly selected supply

6 Supplies to be sampled for Enterococci, *E. coli*, coliform bacteria, colony count at 22°C, colour, turbidity, *Clostridium perfringens*, hydrogen ion concentration (pH), Copper, iron, zinc, lead, manganese, nickel, and zinc, and nitrate (nitrate **only** if in a NVZ)

Supply Zone East sampling parameter requirements

1 supply to be sampled for Group A and Group B parameters (and Zinc) – sample to be taken from a single randomly selected supply

3 further supplies to be sampled for Group A parameters, and also Enterococci, *Clostridium perfringens*, and copper, iron, zinc, lead, manganese, nickel, and nitrate (nitrate **only** if in a NVZ)

84 supplies to be sampled for Enterococci, *E. coli*, coliform bacteria, colony count at 22°C, colour, turbidity, *Clostridium perfringens*, hydrogen ion concentration (pH), Copper, iron, zinc, lead, manganese, nickel, and zinc, and nitrate (nitrate **only** if in a NVZ)

Supply Zone West – no samples required

Supply Zone South Sampling parameter requirements

1 supply to be sampled for Group A and Group B parameters (and Zinc) – sample to be taken from a single randomly selected supply

23 supplies to be sampled for Enterococci, *E. coli*, coliform bacteria, colony count at 22°C, colour, turbidity, *Clostridium perfringens*, hydrogen ion concentration (pH), Copper, iron, zinc, lead, manganese, nickel, and zinc, and nitrate (nitrate **only** if in a NVZ)

1 Supply that uses chloramination to be sampled for Enterococci, *E. coli*, coliform bacteria, colony count at 22°C, colour, turbidity, *Clostridium perfringens*, hydrogen ion concentration (pH), Copper, iron, zinc, lead, manganese, nickel, and zinc, and nitrate (nitrate **only** if in a NVZ) with the **addition** of ammonium and nitrite sampling

In all sampling cases – if the RA or any other information suggests additional parameters, micro-organisms, parasite or substances (except radon, tritium and indicative dose) should be sampled for then these should be included in the sampling suite.

Part C – Deviation from standard parameters and frequencies

The sampling frequencies set out in Part B can be deviated from based on the results of the risk assessment and can be increased or decreased. The risk assessment this part refers to must be the one described in Regulation 10 which uses a methodology approved by DWQR, it is not the risk assessment carried out under the previous Regulations. Reduction in frequency of monitoring must also be backed up by a minimum of 3 years' sampling data.

It is expected that removal of a parameter from the water supply zones sampling programmes will be dealt with by DWQR. This will include parameter specific risk assessment and a review of all data available including that of Scottish Water and SEPA. The notice to enforcing authorities concerning the removal of a parameter will be given for the supply zone.

The removal of a parameter from the supply system monitoring must follow these same principles and will be based on 3 years' sampling data and the supply system risk assessment.

Part D – Sampling methods and sampling points

1 (1) Sampling points must be representative of the water supply at the point of consumption.

1(2) Does not require every premises used for commercial or public activity on a supply to be sampled each year, it simply requires that there must be a sampling point within each premises. So that a supply with multiple premises will not only have one designated sample point.

1(3) Mirrors closely the wording of the revised Annex in the Drinking Water Directive which allows a sample from a treatment works or a fixed point in the network for a parameter such as pesticides which will not be affected by the distribution network or domestic distribution system to be used as the water supply zone sample. It is not expected that this is likely to apply to private water supplies.

2 (b) (i) Samples taken for lead, copper and nickel in a random daytime sample must be taken in 1 litre volumes. Other parameters should be sampled in sufficient quantities as required by the analysing laboratory as per the UKAS accredited method.

Samples should be transported in a manner which does not materially change the characteristics of the sample. The PWS Sampling Manual is still valid:

http://www.privatewatersupplies.gov.uk/private_water/files/PWS_sampling_manual.pdf

Section 7 deals with sample transportation.

Part E – Radioactive substances

There is no change to requirements for monitoring for radioactivity. Previous notices are still valid for supplies which do not require monitoring. It is not considered appropriate to monitor at water supply zone level for radon given that local circumstances and aeration will vary, so any monitoring that the risk assessment has identified must be carried out for the supply system. Current guidance for radon is available at :

<http://dwqr.scot/media/27760/pws-information-letter-2016-1-the-private-and-public-water-supplies-miscellaneous-amendments-scotland-regulations-2015-taste-and-odour-colour-and-radon.pdf>

Part F – Indicative dose

There is no change to requirements for risk assessing and sampling the radiological parameters and the calculation of Total Indicative Dose.

SCHEDULE 8

POWERS OF ENTRY ETC.: FURTHER PROVISION

1 (3) Premises of a water supplier (that are not a dwelling) do not require 24 hours' notice. All other premises (including all dwellings) require 24 hours' notice of the intended entry to the occupier of the premises.

1 (4) Power of entry can be given in writing by the enforcing authority to appropriate persons. This will include specialists and tradespeople instructed by the enforcing authority to carry out duties in relation to the Regulations.

2 The enforcing authority may apply to a sheriff or Justice of the Peace for a warrant to allow entry. This can override the need for 24 hours' notice for entry where appropriate.

Where appropriate the warrant can come into effect immediately.

<<Name of Local Authority>>

REMEDIATION NOTICE

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the Regulations”)

Regulation 30

Reference:

1. To: <<Name of Relevant Person>>

At: <<Address>>

2. Date of service of notice:

3. I am of the opinion that the supply of water at <<address of affected water>>

poses a potential danger to human health*

has failed to meet one or more of the water quality standards and the failure is likely to recur*

is failing to meet one or more of the water quality standards and the failure is likely to continue to recur or both*

and does not meet the requirements of the Regulations in that <<give reason for the failure>>.

4. To

protect human health*

restore the quality of the water supplied, or to be supplied, so that it meets (and continues to meet) the water quality standards*

protect the quality of the water supplied, or to be supplied, (including its source) so that it meets (and continues to meet) the water quality standards*

You must take the following steps in order to comply with the provision specified in paragraph 2: <<specify the work to be undertaken>>

5. The measure or measures must be taken by <<date>>

6. This notice takes effect on <<date (minimum 14 days after date of service)>>.

- 7. It is an offence not to comply with this Remediation Notice by the date stated.**

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

*delete as appropriate

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice you should seek legal advice.

Notes

It is the opinion of the authorised officer that you are not complying with the Regulations as described in paragraph 3 of the notice. To put matters right you must undertake the work described and it must be finished by the date set.

A copy of this notice shall be sent to the Drinking Water Quality Regulator for Scotland <<and local authority and/or NHS board consulted, where appropriate>>.

This notice is public information and shall be published as the local authority sees fit.

Failure to comply with this notice may result in <<local authority>> entering any premises to carry out the work necessary to complete the step; and recovery from you of any expenses reasonably incurred by <<local authority>> whilst carrying out, or securing the carrying out, of that work. This includes administrative expenses.

If you fail to comply with the requirements of this notice you are committing an offence and if convicted on indictment are liable to an unlimited fine.

Your right of appeal against this notice

(1) In accordance with Schedule 6 paragraph 2 of the Regulations, you have a period of 14 days beginning with the date of service to appeal to the sheriff against the notice.

(2) Where an appeal is brought under sub-paragraph (1) above, the remediation notice is of no effect until the appeal is withdrawn or finally determined.

(3) On an appeal under sub-paragraph (1) above the sheriff may make such order as the sheriff thinks fit.

(4) The decision of the sheriff on such an appeal is final.

(5) When you have taken the steps required by this notice, the enforcing authority must publish (or arrange for the publication of) information to this effect, in such a manner as the

enforcing authority thinks appropriate for bringing it to the attention of persons affected, or who may have been affected, by the supply of water.

The sheriff can be contacted at the following address:

<<contact details>>

<<Name of Local Authority>>

ENFORCEMENT NOTICE

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the Regulations”)

Regulation 31

Reference:

1. Name:

Address:

2. Date of service of notice:

3. I am of the opinion that in respect of the supply of water to a point of compliance at <<address of affected water>>

You are contravening*/have contravened* a requirement of the above Regulations and the contravention is likely to recur and you are not taking appropriate steps to rectify the contravention and*/or* prevent its recurrence in that <<give reason for the failure>>.

4. To rectify the contravention*/prevent the recurrence of the contravention* you must take the following steps: <<specify the work to be undertaken>>

5. The measure or measures must be taken by <<date>>

6. This notice takes effect on <<date (minimum 14 days after date of service)>>.

7. It is an offence not to comply with this Enforcement Notice by the date stated.

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

*delete as appropriate

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice you should seek legal advice.

Notes

It is the opinion of the authorised officer that you are not complying with the Regulations as described in paragraph 3 of the notice. To put matters right you must undertake the work described and it must be finished by the date set.

A copy of this notice shall be sent to the Drinking Water Quality Regulator for Scotland <<and local authority and/or NHS board consulted, where appropriate>>.

This notice is public information and shall be published as the local authority sees fit.

Failure to comply with this notice may result in <<local authority>> entering any premises to carry out the work necessary to complete the step; and recovery from you of any expenses reasonably incurred by <<local authority>> whilst carrying out, or securing the carrying out, of that work. This includes administrative expenses.

If you fail to comply with the requirements of this notice you are committing an offence and if convicted on indictment are liable to an unlimited fine.

Your right of appeal against this notice

(1) In accordance with Schedule 7 paragraph 2 of the Regulations, you may, within a period of 14 days beginning with the date of service, appeal to the sheriff against the notice.

(2) Where an appeal is brought under sub-paragraph (1) above, the enforcement notice is of no effect until the appeal is withdrawn or finally determined.

(3) On an appeal under sub-paragraph (1) above the sheriff may make such order as the sheriff thinks fit.

(4) The decision of the sheriff on such an appeal is final.

(5) When you have arranged for the publication of information to this effect, in such a manner as the enforcing authority thinks appropriate for bringing it to the attention of persons affected, or who may have been affected, by the contravention.

The sheriff can be contacted at the following address:

<<contact details>>

<<Name of Local Authority>>

EMERGENCY NOTICE

The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (“the Regulations”)

Regulation 32

Reference:

1. Name:

Address:

2. Date of service of notice:

3. I am of the opinion that in respect of the supply of water to a point of compliance at
<<address of affected water>>

You are contravening*/have contravened*

You have failed*/are failing* to comply with

a requirement of the above Regulations in that <<specify failure/ contravention>>

and that as a result of the contravention or failure to comply there is a significant risk
to public health*

to the quality of a supply of water*

and that urgent action is necessary to reduce or remove that risk

4. To reduce*/remove* the risk referred to in paragraph 3 you must take the following steps: <<specify the work to be undertaken>>
5. The measure or measures must be taken by <<date>>
6. This notice takes effect on <<date>>.
- 7. It is an offence not to comply with this Emergency Notice by the date stated.**

Signed: (Authorised Officer)

Name in capitals:

Date:

Address:

*delete as appropriate

Please read the notes overleaf carefully. If you are not sure of your rights or the implications of this notice you should seek legal advice.

Notes

It is the opinion of the authorised officer that you are not complying with the Regulations as described in paragraph 3 of the notice. To put matters right you must undertake the work described and it must be finished by the date set.

A copy of this notice shall be sent to the Drinking Water Quality Regulator for Scotland and local NHS board <<and local authority where appropriate>>.

This notice is public information and shall be published as the local authority sees fit.

Failure to comply with this notice may result in <<local authority>> entering any premises to carry out the work necessary to complete the step; and recovery from you of any expenses reasonably incurred by <<local authority>> whilst carrying out, or securing the carrying out, of that work. This includes administrative expenses.

If you fail to comply with the requirements of this notice you are committing an offence and if convicted on indictment are liable to an unlimited fine.

APPENDIX A

Document control

Version number	Date	Summary of changes
2.0	22/02/2018	Various changes reflecting questions from local authorities and Health Protection Scotland.
3.0	02/05/2018	Updated pesticide sampling (Schedule 3 Part B; page 26)