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SCOTTISH STATUTORY INSTRUMENTS

2017 No. 321

WATER SUPPLY

The Public and Private Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2017

<i>Made</i>	- - - -	<i>3rd October 2017</i>
<i>Laid before the Scottish Parliament</i>		<i>3rd October 2017</i>
<i>Coming into force</i>	- -	<i>26th October 2017</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by sections 76B, 76F(5) to (8), 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980(a), section 47(2) to (4) of the Local Government in Scotland Act 2003(b), section 2(2) of the European Communities Act 1972(c), and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Public and Private Water Supplies (Miscellaneous Amendments) (Scotland) Regulations 2017 and come into force on 26th October 2017.

2. In these Regulations—

“the Private Supplies Regulations” means the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(d); and

“the Public Supplies Amendment Regulations” means the Public Water Supplies (Scotland) Amendment Regulations 2017(e).

(a) 1980 c.45. Section 76F(5) and (6) was inserted by section 168 and schedule 22 of the Water Act 1989 (c.15). Section 76F(7) and (8) was inserted by section 114 of the Local Government etc. (Scotland) Act 1994 (c.39) (“the 1994 Act”). Section 76F(5) and (6) was amended by paragraph 119(42) of schedule 13 of the 1994 Act. Section 101(1A) was inserted by section 27(1) and paragraph 9(5) of schedule 10 of the Natural Heritage (Scotland) Act 1991 (c.28). The definition of “prescribed” in section 109(1) was amended by paragraph 38(f) of schedule 11 of the Local Government Finance Act 1992 (c.14). The functions conferred on the Secretary of State under sections 76F(5) to (8), 101(1) and (1A) and 109(1) of the Water (Scotland) Act 1980 are, so far as they are exercisable within devolved competence, exercisable by the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c.46).

(b) 2003 asp 1.

(c) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), schedule, Part 1. The functions conferred on a Minister of the Crown under section 2(2) of the European Communities Act 1972 are, so far as they are exercisable within devolved competence, exercisable by the Scottish Ministers by virtue of section 53 of the 1998 Act. Section 2(2) is cited so far as is necessary (to supplement the other powers cited) for the purposes of implementing, or enabling the implementation of, obligations arising under or by virtue of Directive 98/83/EC and Directive 2013/51/EURATOM.

(d) S.S.I. 2017/282.

(e) S.S.I. 2017/281.

Amendment of the Public Supplies Amendment Regulations

3.—(1) The Public Supplies Amendment Regulations are amended in accordance with paragraphs (2) and (3).

(2) In schedule 1 (new schedule 1A to be inserted into the 2014 regulations), in paragraph 4(3) of Part E of schedule 1A (monitoring: minimum requirements), for “Part B” substitute “Part F”.

(3) In schedule 2 (substitution of schedule 3 of the 2014 regulations), in Part B of schedule 3 (methods of analysis)—

- (a) in the second column (with the heading “uncertainty of measurement (% of prescribed concentration or value, except pH)”) of Table 1, in the row for polycyclic aromatic hydrocarbons, for “30” substitute “50”; and
- (b) in the fourth column (with the heading “limit of detection (% of prescribed concentration or value, except for pH)”) of Table 2, in the row for oxidisability, for “25” substitute “10”.

Amendment of the Private Supplies Regulations

4.—(1) The Private Supplies Regulations are amended in accordance with paragraphs (2) to (8).

(2) In regulation 12(2), omit the words “to take” where they first occur.

(3) In regulation 13(2), omit the words “to take” where they first occur.

(4) In regulation 44(2)(a)(ii), for ““regulation 44(1);” substitute ““regulation 44(1);””.

(5) In schedule 1 (information to be registered)—

- (a) in paragraph 2(e)(ii), for “supply” substitute “system”; and
- (b) in paragraph 2(k), for “Supply” substitute “Supplies”.

(6) In schedule 3 (monitoring), in paragraph 4(3) of Part E, for “Part B” substitute “Part F”.

(7) In schedule 4 (methods of analysis), in Part B—

- (a) in paragraph 3, for “correponding” substitute “corresponding”;
- (b) in the second column (with the heading “uncertainty of measurement (% of parametric value, except pH)”) of Table 1, in the row for polycyclic aromatic hydrocarbons, for “30” substitute “50”; and
- (c) in the fourth column (with the heading “limit of detection (% of parametric value, except for pH)”) of Table 2, in the row for oxidisability, for “25” substitute “10”.

(8) In schedule 8 (powers of entry etc.: further provision), in paragraph 7(1) for “offense” substitute “offence”.

R CUNNINGHAM
A member of the Scottish Government

St Andrew’s House,
Edinburgh
3rd October 2017

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Public Water Supplies (Scotland) Amendment Regulations 2017 (the “Public Supplies Amendment Regulations”) and the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 (the “Private Supplies Regulations”), pursuant to the further implementation of—

- Council Directive 98/83/EC on the quality of water intended for human consumption^(a) including, in particular, the amendments made by Commission Directive (EU) 2015/1787 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption^(b); and
- Council Directive 2013/51/EURATOM laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption^(c).

The Public Supplies Amendment Regulations make various changes to the Public Water Supplies (Scotland) Regulations 2014^(d) (the “Public Supplies Principal Regulations”), including inserting a new schedule 3 (methods of analysis), relating to the methods of analysis to be used in monitoring water quality.

Regulation 3(3) amends the Public Supplies Amendment Regulations, so that the characteristics of methods of analysis which are inserted into the Public Supplies Principal Regulations by the Public Supplies Amendment Regulations are amended as follows—

- the prescribed minimum uncertainty of measurement value for polycyclic aromatic hydrocarbons is amended from 30 to 50; and
- the prescribed minimum limit of detection value for oxidisability is amended from 25 to 10.

Regulation 4(7)(b) and (c) make the equivalent amendments to schedule 4 (methods of analysis) in the Private Supplies Regulations.

Regulations 3 and 4 also make further minor amendments to the Public Supplies Amendment Regulations and the Private Supplies Regulations respectively.

No business and regulatory impact assessment has been prepared for these Regulations as no further impact on business, charities or voluntary bodies is foreseen.

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^(a) OJ L 330, 5.12.98, p.32, as amended by Corrigendum (OJ L 111, 20.4.2001, p.31), Regulation (EC) No 1882/2003 (OJ L 284, 31.10.2003, p.1), Regulation (EC) No 596/2009 (OJ L 188, 18.7.2009, p.14) and Commission Directive (EU) 2015/1787 (OJ L 260, 7.10.2015, p.6).

^(b) OJ L 260, 7.10.2015, p.6.

^(c) OJ L 296, 7.11.2013, p.12.

^(d) S.S.I. 2014/364, as amended by S.S.I. 2015/100, S.S.I. 2015/346 and S.S.I. 2017/281.

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