



Water Industry (Scotland) Act 2002

2002 asp 3

PART 2 **S**

DRINKING WATER QUALITY REGULATOR

Enforcement of duties of public water suppliers

10 Enforcement notices **S**

- (1) Where the Regulator reasonably believes (whether or not following the exercise of the Regulator's powers under section 9)—
 - (a) that a public water supplier has contravened any drinking water quality duty and the contravention is likely to recur, or
 - (b) that a public water supplier is contravening any drinking water quality duty and the contravention is likely to continue or to recur or both,and (in either case) that the water supplier is not taking appropriate steps for the purpose of rectifying the contravention or (as the case may be) preventing its recurrence, the Regulator may serve on the water supplier an enforcement notice.
- (2) In considering whether to serve an enforcement notice the Regulator may consult—
 - (a) the local authority for any area affected by the contravention, and
 - (b) the Health Board for any such area.
- (3) An enforcement notice must specify—
 - (a) the contravention to which it relates,
 - (b) the Regulator's reasons for believing (as the case may be) that the contravention—
 - (i) has occurred and is likely to recur, or
 - (ii) is occurring and is likely to continue or to recur or both,
 - (c) the date by which the water supplier is required to rectify the contravention or (as the case may be) take steps to prevent its recurrence,
 - (d) any particular steps which the Regulator requires the water supplier to take for that purpose, and
 - (e) the date on which the notice is to take effect.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 10. (See end of Document for details)

- (4) An enforcement notice may specify different dates by which different steps specified under subsection (3)(d) must be completed.
- (5) The date referred to in subsection (3)(e) must be no earlier than the day following the last day on which an appeal may be brought under section 11(2).
- (6) Before serving an enforcement notice on a public water supplier under subsection (1), the Regulator must serve a copy of the proposed notice on the water supplier and specify a period, which must expire no less than 7 days and no more than 28 days from the date of service of the notice, within which the water supplier may make representations to the Regulator about the proposed notice.
- (7) The Regulator must take into account any representations in relation to the proposed enforcement notice duly made by the water supplier and may adjust the notice in light of those representations.

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 10.