



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 2

#### DRINKING WATER QUALITY REGULATOR

##### *Public water suppliers: general powers of Regulator*

#### **8 Power to obtain information**

- (1) The Regulator may serve on a person a notice requiring the person—
  - (a) to provide the Regulator, or a person authorised by the Regulator, at a time and place and in the form and manner specified in the notice, with such information relating to the quality of water supplied by a public water supplier as may be specified or described in the notice, or
  - (b) to produce to the Regulator, or to a person authorised by the Regulator, at a time and a place specified in the notice, any documents relating to that matter which are specified or described in the notice and are in that person's custody or under that person's control.
- (2) A notice under subsection (1) may be served on—
  - (a) the public water supplier,
  - (b) an officer or employee of the public water supplier,
  - (c) any other person whom the Regulator has reason to believe is or may be in possession of relevant information or documents.
- (3) Nothing in this section authorises the Regulator to require the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.
- (4) References in this section to a document are to anything in which information of any description is recorded; and in relation to a document in which information is recorded otherwise than in legible form, references to producing it are to producing it in legible form.
- (5) Where by virtue of this section documents are produced to any person, that person may take copies of or make extracts from them.

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**Status:** *This is the original version (as it was originally enacted).*

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(6) A person who—

- (a) refuses or fails, without reasonable excuse, to do anything required of that person by a notice under subsection (1), or
- (b) intentionally alters, suppresses or destroys a document which that person has been required by such a notice to produce,

is guilty of an offence.

(7) A person guilty of an offence under subsection (6) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum,
- (b) on conviction on indictment, to a fine.