



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 2

#### DRINKING WATER QUALITY REGULATOR

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

#### **9 Powers of entry, inspection etc.**

- (1) For the purpose of establishing whether any drinking water quality duty to which a public water supplier is subject has been, is being or is likely to be complied with, the Regulator may exercise the powers specified in subsection (2).
- (2) Those powers are—
  - (a) power to enter—
    - (i) any premises of the water supplier,
    - (ii) any premises to which a supply of water is provided by the water supplier,
    - (iii) any premises of any other person,for the purpose of exercising any of the powers specified in paragraphs (b) to (d),
  - (b) power to carry out such inspections, measurements and tests on those premises or of substances, articles or documents found there as the Regulator thinks necessary,
  - (c) for the purpose of carrying out such inspections, measurements and tests as the Regulator thinks necessary, power to take away from those premises substances, articles or documents found there,
  - (d) power to take away from those premises such samples of water, land, substances or articles as the Regulator thinks necessary.
- (3) The powers specified in subsection (2) must not be exercised in relation to premises referred to in paragraph (a)(iii) of that subsection unless the Regulator is satisfied that the exercise of those powers in relation to the premises referred to in paragraph (a) (i) and (ii) of that subsection would be insufficient for the purpose specified in subsection (1).

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*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 9. (See end of Document for details)*

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- (4) The owner and occupier of any premises in relation to which the Regulator exercises the powers specified in subsection (2) and any person on such premises when those powers are being exercised must—
- (a) give the Regulator such assistance, and
  - (b) provide the Regulator with such information,
- as the Regulator may reasonably require.
- (5) A person who—
- (a) refuses or fails, without reasonable excuse, to comply with a requirement made under subsection (4), or
  - (b) intentionally obstructs a person acting in the exercise of any power conferred by subsection (1),
- is guilty of an offence.
- (6) A person guilty of an offence under subsection (5) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, to a fine.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 9.