



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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- (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.

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).
- (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

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- (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.