
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 207

The Water Supply (Water Quality) (Scotland) Regulations 2001

PART VII

WATER TREATMENT

Treatment of raw water

25.—(1) In carrying out such of its functions under Part VI A of the Act as comprise the supply of water for regulation 4(1) purposes, a water authority shall not, subject to paragraph (2), supply water from any source which consists of or includes raw water unless the water has been disinfected and, in the case of surface water, subjected to at least such further treatment as is specified in paragraph (3).

(2) This paragraph shall not require a water authority to disinfect such ground waters as are specified in an authorisation given by the Scottish Ministers for the purposes of this paragraph.

(3) The further treatment mentioned in paragraph (1) is such treatment as is required to secure compliance with Council Directive [75/440/EC](#) (quality required of surface water intended for the abstraction of drinking water)(1); and for the purposes of this regulation, surface water shall be treated as falling within category A1 or A2 or A3 set out in Annex I to that Directive if it is abstracted from waters for which the classification to be currently satisfied in accordance with section 30B of the Control of Pollution Act 1974(2) is, as appropriate, DW1 or DW2 or DW3, as set out in the Surface Waters (Abstraction for Drinking Water) (Classification) (Scotland) Regulations 1996(3).

(4) Except with the consent of the Scottish Ministers, water shall not be abstracted for supply for domestic purposes which include drinking except for waters to be treated as falling within category A1 or A2 or A3 in the Annex to Directive [75/440/EC](#).

Contamination from pipes

26.—(1) Where there is a risk (“the prescribed risk”) that water supplied by a water authority would, for the reason mentioned in paragraph (2), after leaving the authority’s pipes—

- (a) contain a concentration of copper in excess of 2mg/litre; or
- (b) contain a concentration of lead in excess of 10µg/litre,

the water authority shall, subject to paragraph (3), treat the water in such a way as will, in its opinion, eliminate the prescribed risk or reduce it to a minimum.

(2) The reason referred to in paragraph (1) is the presence in the water of a concentration of copper or lead which is attributable to the fact that copper or lead is the major component of such a pipe as is mentioned in section 76A(3)(a) of the Act, or its associated fittings.

(3) Paragraph (1) shall not require an authority to treat water—

(1) O.J. No. L 194, 25.7.77, p.26.

(2) 1974 c. 40; section 30B was inserted by the Water Act 1989, Schedule 23, paragraph 4.

(3) S.I.1996/3047.

- (a) if the treatment is unlikely to achieve a significant reduction in the concentration of copper or lead; or
 - (b) in any water supply zone where the prescribed risk relates only to water supplied to an insignificant part of the zone; or
 - (c) if treatment is not reasonably practicable.
- (4) Where at any time in the period beginning with 25th December 2003 and ending immediately before 25th December 2013, a water authority—
- (a) has reason to believe that water supplied by it for regulation 4(1) purposes from a pipe to which paragraph (5) applies contains, at the consumer’s tap, a concentration of lead which exceeds 10•g/l but does not exceed 25•g/l; and
 - (b) has received from the owner of premises to which water is so supplied notice in writing (or in electronic form)—
 - (i) of the owner’s intention to replace so much of the pipe as belongs to him; and
 - (ii) of his desire that the water authority replaces the remainder of the pipe,
 the water authority shall modify or replace its part of the pipe.
- (5) This paragraph applies to a pipe—
- (a) of which the major component is lead;
 - (b) which is subject to water pressure from a water main or would be so subject but for the closing of some valve; and
 - (c) which belongs, as to part, to a water authority and, as to the remainder, to the owner of any premises to which the authority supplies water for regulation 4(1) purposes.

Application and introduction of substances and products

27.—(1) In this regulation—

“the Directive” means Council Directive [89/106/EEC](#) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽⁴⁾;

“EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on 2nd May 1992⁽⁵⁾ as adjusted by the Protocol signed at Brussels on 17th March 1993⁽⁶⁾;

“European technical approval” means a favourable technical assessment of the fitness for use of a construction product for an intended use, issued for the purposes of the Directive by a body authorised by an EEA State to issue European technical approvals for those purposes and notified by that body to the European Commission; and

“harmonized standard” means a standard established as mentioned in the Directive by the European standards organisation on the basis of a mandate given by the European Commission and published by the Commission in the Official Journal of the European Communities.

(2) Subject to paragraph (3), a water authority shall not apply any substance or product to, or introduce any substance or product into, water which is to be supplied for regulation 4(1) purposes unless one of the requirements of paragraph (4) is satisfied.

(3) A substance or product which, at the time of its application or introduction, bears an appropriate CE marking in accordance with the Directive, or conforms to—

⁽⁴⁾ O.J. No. L 40, 11.2.89, p.12.

⁽⁵⁾ Cmnd 2073.

⁽⁶⁾ Cmnd 2183.

- (a) an appropriate harmonised standard or European technical approval; or
- (b) an appropriate British Standard or some other national standard of an EEA State which provides an equivalent level of protection and performance,

may be applied or introduced, notwithstanding that none of the requirements of paragraph (4) is satisfied; but any such application or introduction shall be subject to—

- (i) such national conditions of use restricting the dosing concentration as are for the time being in force in relation to such substances and products pursuant to a determination of the Scottish Ministers by an instrument in writing; and
- (ii) such other requirements, within the meaning of Council Directive 98/34/EC, as amended(7) (which lays down a procedure for the provision of information in the field of technical standards and regulations and of rules on information society services), in relation to such substances and products, as have been communicated to the Commission in the form of a draft technical regulation in accordance with Article 8 of that Directive, and whose adoption by a Member State has also been communicated to the Commission.

(4) The requirements of this paragraph are—

- (a) that the Scottish Ministers have for the time being approved the application or introduction of that substance or product and it is applied or introduced in accordance with any conditions attaching to that approval;
- (b) that the Scottish Ministers are satisfied that the substance or product either alone or in combination with any other substance or product in the water is unlikely to affect adversely the quality of the water supplied;
- (c) that the substance or product is to be applied or introduced solely for the purposes of testing or research, and the water authority has given to the Scottish Ministers not less than 3 months' notice of their intention so to apply or introduce the substance or product.

(5) An application for such an approval as is mentioned in paragraph (4)(a) may be made by any person.

(6) If the Scottish Ministers decide to issue an approval under paragraph (4)(a), they may include in the approval such conditions as they consider appropriate and, subject to paragraph (10), may at any time revoke or vary any approval they have previously given.

(7) Where substances or products are applied or introduced in any case in which the requirement mentioned in paragraph (4)(c) is satisfied, their application or introduction shall be discontinued within 12 months of the date on which they were first applied or introduced or, if the Scottish Ministers by notice given in writing (or in electronic form) to the water authority so directs, within such other period (whether longer or shorter) as may be specified in the notice.

(8) The Scottish Ministers may, by notice given in writing (or in electronic form) to any water authority, prohibit it from applying to, or introducing into, water intended to be supplied for regulation 4(1) purposes any substance or product which the authority would otherwise be authorised to apply or introduce by virtue of—

- (a) paragraph (2) and any of sub-paragraphs (b) or (c) of paragraph (4); or
- (b) paragraph (3).

(9) A prohibition under paragraph (8) may be without limitation as to time or for such period as is specified in the notice.

(10) The Scottish Ministers may—

- (a) revoke by an instrument in writing (or in electronic form) any approval given by them under paragraph (4)(a);

(7) O.J. No. L 204, 21.7.98, p.37 amended by Council Directive 98/48/EC (O.J. No. L 217, 5.8.98, p.18).

- (b) modify any such approval by an instrument in writing (or in electronic form) by including conditions or varying existing conditions;
- (c) issue any such notice as is mentioned in paragraph (8):

but, unless they are satisfied that it is necessary to do so in the interests of public health without notice, shall not do any of those things without giving all such persons as are, in their opinion, likely to be affected by the revocation or modification of the approval or by the issue of the notice at least six months' notice in writing (or in electronic form) of their intention.

(11) Notice shall be given forthwith by the Scottish Ministers to all persons likely to be affected by the making of such an instrument as is mentioned in paragraph (10)(a) or (b).

(12) At least once in each year beginning with the year 2004, the Scottish Ministers shall issue a list of all the substances and products in relation to which—

- (a) an approval under paragraph (4)(a) has been granted or refused;
- (b) such an approval has been revoked or modified;
- (c) a notice has been issued under paragraph (8),

with particulars of the action taken.

Use of processes

28.—(1) The Scottish Ministers may at any time by notice in writing (or in electronic form) given to a water authority require it to make an application to them for approval of the use of any process; and may prohibit it for such period as may be specified in the notice from using any such process in connection with the supply by it of water for regulation 4(1) purposes.

(2) The Scottish Ministers may refuse the application or impose on any approval given for the purposes of this regulation such conditions as they think fit and, subject to paragraph (3), may at any time by notice in writing (or in electronic form) to the water authority revoke an approval so given or modify or revoke any condition imposed by virtue of this paragraph.

(3) Subject to paragraph (4), the Scottish Ministers shall not—

- (a) revoke any approval given for the purposes of this regulation;
- (b) modify any condition imposed by virtue of paragraph (2); or
- (c) prohibit a water authority from using any process,

unless they have given to the water authority at least six months' notice in writing (or in electronic form) of their intention to revoke, modify or prohibit, as the case may be.

(4) Paragraph (3) shall not apply in any case in which the Scottish Ministers are of the opinion that the immediate revocation, modification or prohibition is necessary in the interests of public health.

(5) Paragraph (12) of regulation 27 shall apply for the purposes of this regulation as if—

- (a) for the reference to a substance or product there were substituted a reference to a process; and
- (b) for the reference to paragraph (4)(a) and paragraph (8) there were substituted a reference to this regulation and paragraph (1) of this regulation respectively.

Offences

29.—(1) A water authority which applies or introduces any substance or product in contravention of regulation 27(2) or a notice given under regulation 27(8), or uses any process in contravention of a prohibition imposed under regulation 28(1) or without complying with a condition imposed by virtue of regulation 28(2) shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(2) If any person furnishing any information or making any application under regulation 27 or 28, makes any statement which that person knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, that person shall be guilty of an offence and liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.