
SCOTTISH STATUTORY INSTRUMENTS

2001 No. 207

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

PART VI

**INVESTIGATIONS, AUTHORISATION OF
DEPARTURES AND REMEDIAL ACTION**

Authorisations: terms and conditions

21.—(1) Subject to paragraph (2), a departure may be authorised under regulation 20 for such period as is in the Scottish Ministers' opinion reasonably required for securing a supply of water for regulation 4(1) purposes that fully satisfies the requirements of Part III (“the departure period”).

(2) No departure period shall exceed three years.

(3) Subject to paragraph (4), an authorisation under regulation 20—

(a) shall specify—

(i) the grounds on which it is granted;

(ii) every water supply zone in respect of which it is granted;

(iii) the extent to which a departure from the prescribed concentration or value of any parameter is authorised;

(iv) in respect of each parameter to which paragraph (iii) applies, the results of the analysis of the samples taken in the water supply zone in question during the 12 months immediately preceding the first day on which the prescribed concentration or value could not be met;

(v) in respect of each parameter to which paragraph (iii) applies, the results of the analysis of the samples (if any) taken in each water supply zone in question between the first day on which the prescribed concentration or value could not be met and the date of the application;

(vi) the average daily quantity of water supplied from each of those zones or, if that quantity cannot readily be ascertained, the average daily quantity of water supplied from the treatment works that supplies water to that zone;

(vii) the estimated population of each of those zones;

(viii) whether or not any relevant food-production undertaking would be affected; and

(ix) the departure period; and

(b) shall require the implementation of a scheme for monitoring the quality of water supplied in each of those zones during the departure period (which may be, but need not be, the scheme submitted in accordance with regulation 20(3)(b)); and

(c) shall require the carrying out of the steps which, in their opinion, are reasonably required in order to secure that the supply fully satisfies the requirements of Part III (whether or not the steps are those proposed in the summary submitted in accordance with regulation 20(3)(c)); and

- (d) shall specify, in relation to those steps—
 - (i) the timetable for the work;
 - (ii) an estimate of the cost of the work; and
 - (iii) provisions for reviewing the progress of the work and for reporting to them the result of the review; and
 - (e) require the taking of such steps as may be specified to give to the population within the water supply zones to which the authorisation applies and, in particular, to those groups of that population for which the supply of water in accordance with the authorisation could present a special risk, advice as to the measures (if any) that it would be advisable in the interests of their health for persons within that population or those groups to take for the whole or any part of the departure period.
- (4) Where the Scottish Ministers are of the opinion—
- (a) that the extent of the contravention of the requirements of Part III as respects any parameter is trivial; and
 - (b) that the prescribed concentration or value as respects that parameter is likely to be achieved within the period of 30 days beginning with the day on which the prescribed concentration or value in respect of that parameter was contravened,

the particulars to be specified in the authorisation shall be those required by paragraph (3)(a) (iii) and (ix), and sub-paragraphs (b) to (e) of that paragraph shall not apply.

(5) Where it appears to the Scottish Ministers that a supply of water that fully satisfies the requirements of Part III cannot be restored by the end of the departure period, they may authorise a further departure.

(6) Paragraphs (1) to (4) shall apply to a further departure as they apply to a departure authorised under regulation 20.

(7) Where it appears to the Scottish Ministers that a supply of water that fully satisfies the requirements of Part III cannot be restored by the end of the departure period relevant to an authorisation under paragraph (5), they may, in accordance with Article 9(2) of Council Directive [98/83/EC](#)(1), authorise a third departure.

(8) Paragraph (3) shall apply to any departure authorised under paragraph (7) as it applies to a departure authorised under regulation 20, but with the substitution for the words “Subject to paragraph (4)” of the words “Subject to any decision of the Commission”.

(1) O.J. No. L 330, 5.12.98.