

Unplanned Changes to Services and Incidents

General Introduction

Processes 20, ~~and 21~~ and 21A set out the procedures for unplanned changes to Water Services, Sewerage Services, ~~and~~ emergency activities, and Water Quality Incidents.

Unplanned Changes to Water and/or Sewerage Services

Process 20 - Unplanned changes to Water and/or Sewerage Services

Purpose and scope of Process 20: -

This Process sets out the operational arrangements that will apply in the event of changes in the nature of the Water and/or Sewerage Services provided to the Licensed Provider by Scottish Water. Such changes may include:

- temporary interruptions to supply;
- temporary lowering of water pressure; and/or
- water quality changes such as colour, taste or chemical composition.

Process 20 does not deal with Emergency situations which are addressed in Process 21.

Process:-

Step 1

Unplanned changes to Water and/or Sewerage Services may become known by several different means:

- a Non-Household Customer informs a Licensed Provider directly. The Licensed Provider will inform Scottish Water forthwith if the Non-Household Customer's communication may concern a public health matter. Otherwise the Licensed Provider will notify Scottish Water without delay or at the latest within 3 hours of its being informed. That notification to Scottish Water to be made between 0900 hours and 1800 hours on the Business Day that it comes to the attention of the Licensed Provider or otherwise where the 3 hours has not expired at 1800 hours, between 0900 hours and 1800 hours on the next Business Day;
- a Licensed Provider otherwise becomes aware of the unplanned change. The Licensed Provider will inform Scottish Water forthwith if the unplanned change may concern a public health matter. Otherwise the Licensed Provider will inform Scottish Water without delay or at the latest within 3 hours of it becoming aware of the unplanned change. That notification to Scottish Water to be made between 0900 hours and 1800 hours on the Business Day that it comes to the attention of the Licensed Provider or otherwise where the 3 hours has not expired at 1800 hours, between 0900 hours and 1800 hours on the next Business Day;
- Scottish Water from its own monitoring becomes aware of the unplanned change.

Step 2

Scottish Water may promptly request a Licensed Provider to obtain more information (including the Non-Household Customer's Supply Point ID and the relevant Supply Point) about the unplanned change from its Non-Household Customer – whether or not the Licensed Provider had previously reported an unplanned change to Scottish Water. In the case of Sensitive Customers, the Licensed Provider will use reasonable endeavours to respond without delay. If the unplanned change does not involve Sensitive Customers, the Licensed Provider will use reasonable endeavours to respond within 24 hours of the request.

Step 3

Scottish Water will use reasonable endeavours to assess the nature and extent of the unplanned change within 12 hours of its occurrence, wherever practicable. The Licensed Provider will be informed by Scottish Water within 24 hours of any visit having been undertaken to Non-Household Customer's Premises as part of Scottish Water's assessment or resolution. Scottish Water will promptly provide information to Licensed Providers as to:

- the extent and nature of the unplanned change;
- any specific impact on particular types of Non-Household Customers;
- its proposals to remedy the unplanned change; and
- the estimated time of restoration.

Step 4

Licensed Providers will inform their Non-Household Customers of the general information provided by Scottish Water and of any information specific to a particular Non-Household Customer. At any step Licensed Providers, on behalf of their Non-Household Customers, may reasonably ask Scottish Water for further information regarding an unplanned change. Scottish Water will use reasonable endeavours to respond within 12 hours of the request.

Step 5

If the unplanned change is extended, then Scottish Water will update the information provided to Licensed Providers on a daily basis. For a total loss of supply to more than one Non-Household Customer, Scottish Water will make alternative arrangements for a supply of domestic water if the supply is to be unavailable for more than 6 hours. The Licensed Provider will use all reasonable endeavours to keep affected Non-Household Customers informed.

Step 6

In managing an unplanned change Scottish Water may request Licensed Providers:

- to ask Non-Household Customers to generally reduce their demand for Water and/ or Sewerage Services; or
- to carry out such other steps as are agreed.

Licensed Providers will use reasonable endeavours to carry out such actions promptly.

Step 7

Scottish Water will inform the Licensed Providers as soon as the event causing the unplanned change to Water Services is concluded. Scottish Water is responsible for the restoring of Water and/or Sewerage Services as soon as possible.

Unplanned Changes to Services

Process 21 - Emergency activities

Purpose and scope of Process 21: -

For the purpose of this Operational Code an "Emergency" is either:

(i) an event governed by The Security and Emergency Measures (Scottish Water) (Scotland) Direction 2002 notified to Scottish Ministers and which arises in a civil emergency or where there are threats to national security; or

(ii) results from flooding from sewers or where water gets into the gas system;

and is unable to be addressed using the other Code Processes. This Process sets out the operational arrangements that apply whereby Scottish Water undertakes Emergency planning, declares an Emergency and implements any Emergency Plan.

Process:-

Emergency Planning

Step 1

Scottish Water is required to make, review and implement Emergency Plans to ensure the provision of essential Water and/or Sewerage Services in the event of an Emergency. Where such Emergency Plans impact on Non-Household Customers:

- Scottish Water will consult with the Licensed Provider in preparing or revising the Emergency Plan;
- Scottish Water will arrange any required meetings with the Non-Household Customer through the Licensed Provider, who has a right to attend any such meetings;
- the Emergency Plans will specify the agreed role of the Licensed Provider in the implementation of the Emergency Plan;
- Scottish Water will supply the Licensed Provider with a copy of the Emergency Plan in relation to each of the Licensed Provider's Non-Household Customers; and
- Scottish Water will supply any other Licensed Provider with a copy of the Emergency Plan in relation to any one of the Licensed Provider's Non-Household Customer's, where that other Licensed Provider obtains and provides to Scottish Water the relevant Non-Household Customer's written consent.

Step 2

Scottish Water will co-ordinate the testing of Emergency Plans including the role of Licensed Providers.

Declaration of an Emergency

Step 1

Scottish Water may receive information prior to declaring an Emergency from one or more different sources including:

- a Non-Household Customer who contacts their Licensed Provider either directly or via the 24 hour number, described in Step 1 of Process 18 above in respect of an event (which

could be either site or non-site specific). The Licensed Provider passes on information about the event to Scottish Water;

- a Non-Household Customer who contacts Scottish Water via the 24 hour number; and
- Scottish Water from its own monitoring, or from information received from other bodies such as SEPA or Local Authorities recognises that there is an Emergency.

Step 2

When Scottish Water declares an Emergency and states that it intends to implement its Emergency Plans Scottish Water will forthwith inform all Licensed Providers of the Emergency. The Licensed Provider will, using reasonable endeavours, then promptly contact each of its Non-Household Customers affected by the Emergency. Scottish Water will also inform Non-Household Customers through such methods as:

- press and broadcast media;
- loudhailers; and
- leaflet drops.

For these methods Non-Household Customers will in general be treated similarly to the general public. In addition to any information which Scottish Water provides to Licensed Providers about the general conduct of the Emergency, or information relating to Non-Household Customers or Sensitive Customers, Scottish Water will also provide directly to each Licensed Provider copies of all the information that Scottish Water has made publicly available.

Implementation of Emergency Plans

Step 1

Scottish Water will implement the agreed Emergency Plans. Where there is a need to deviate from the agreed Emergency Plans, Scottish Water will promptly inform the Licensed Provider. Throughout the Emergency, Scottish Water will continue to update both the publicly available information as well as the information specific to Licensed Providers. Licensed Providers will promptly pass on such information to their Non-Household Customers.

Step 2

Scottish Water will provide Licensed Providers with the name and contact details of a designated contact officer who will provide Licensed Providers with updated information, and who will be available to provide supplementary information to Licensed Providers on request.

Step 3

Scottish Water is responsible for managing the distribution of alternative water supplies in accordance with its duty to prioritise the maintenance of water supplies to Sensitive Customers.

Step 4

In managing an Emergency Scottish Water may require:

- Licensed Providers to ask Non-Household Customers to generally reduce their demand for Water and/ or Sewerage Services; or
- Licensed Providers to carry out such other steps as are documented in the agreed Emergency Plans.

Licensed Providers will use reasonable endeavours to carry out any such actions promptly.

Step 5

Scottish Water will notify Licensed Providers when the Emergency has come to an end.

Step 6

Scottish Water will publish a report on the Emergency incident as soon as is reasonably practicable thereafter.

Unplanned Changes to Services

Process 21A - Water Quality Incidents

Background

Water Quality incidents, where the water supply in an area is actually or potentially considered not fit for consumption, are managed under a defined set of emergency plans and procedures. These include:

1. Scottish Waterborne Hazard Plan (SWHP). This is a multi-agency plan agreed between Scottish Water, the NHS Boards and the Local Authority Environmental Health Departments across Scotland.

The SWHP sets out the process for determining:

- If there is a potential risk to public health;
- The risk control measures to be applied; and

- The risk communications required to ensure the measures are effective.
2. Scottish Water Incident Control Plan. The incident control plan manages Scottish Water's response to any incident, including Water Quality Incidents. The plan, among other things, sets out the communications procedures to be carried out by Scottish Water and how Scottish Water co-ordinates those communications with other agencies.

The SWHP places a duty on Scottish Water to inform all its customers of the general advice on risk management and control measures. This will normally be carried out via leaflets, loudhailers press releases, and web information depending on the nature and scale of the incident.

It also recognises that Scottish Water is not in a position to proactively provide specialist advice to Sensitive Customers such as food and drink producers. There is therefore a requirement for Local Authority Environmental Health Officer(s) to assess the need for additional advice to relevant businesses in the affected area and the need for additional specialist advice. The most appropriate method for providing this specialist advice is to be agreed between the Environmental Health representatives and Scottish Water.

Under Process 20, a Licensed Provider must inform its Non-Household Customers of any general or specific information provided to the Licensed Provider by Scottish Water. Such information may relate to any change in the nature of the Water and/or Sewerage Services provided to the Licensed Provider by Scottish Water including water quality changes such as colour, taste or chemical composition.

Additional information on Water Quality Incidents from the Drinking Water Quality Regulator is included in Part 5 of the Appendix.

Purpose

The purpose of this Process is to have in place arrangement that, in the event of an actual or potential Water Quality Incident, will:

- Enable the timely notification of Licensed Providers in order that they can prepare to notify Non-Household Customers; and
- Ensure that restrictions on the release of information are adhered to.

Also when it is confirmed that a restriction is to be placed on the water supply in a particular area:

- Enable information to be shared with Licensed Providers on the actual area affected and the nature of the restriction;
- Enable information on the nature and size of Non-Household Customers affected to be shared with the members of the SWHP Incident Management Team (SWHP-IMT), and in particular the Local Authority Environmental Health Department;
- Ensure that information provided by Licensed Providers to Non-Household Customers is aligned and consistent with the information being provided by the SWHP-IMT agencies;
- Ensure that pertinent information from Non-Household Customers that may have a bearing on the management of the risk to public health is fed back to the SWHP-IMT;
- Co-ordinate the provision of information to Non-Household Customers that may be communicated by the Local Authority Environmental Health Department; and
- Ensure information provided to NHS premises is co-ordinated, aligned and consistent with information being provided by the NHS as part of the SWHP-IMT.

Scope

This Process will only apply in instances where there is an actual or potential Water Quality Incident that requires the formation of a full Scottish Water Incident Management Team. This will normally be red scale incidents as defined in Scottish Water's Incident Control Plan. For water quality, red scale incidents are: potential boil water notices for more than 6,000 properties; potential do not drink notices for more than 800 properties; severely discoloured water events for more than 3,000 properties. This Process may be invoked in smaller scale incidents where there is likely to be a larger proportion of non-domestic properties, particularly food and drink manufacturers or large users.

Scottish Water will determine when the Process is to be invoked.

This Process does not apply to interruptions to supplies.

Licensed Providers will be advised of interruptions to supplies, and Water Quality incidents of a scale that does not warrant the invocation of this Process, through existing notification procedures.

The Process

Scottish Water will become aware of an actual or potential water quality event that may result in restrictions on water use being applied through its internal monitoring, reporting and escalation procedures.

Step 1 **Initial Notification**

Where Scottish Water determines that there is a need to commence arrangements to notify all Non-Household Customers due to the circumstances prevailing it will invoke the arrangements in this Process.

In the first instance, and where the decision has not yet been made by the SWHP-IMT as to whether a restriction is to be imposed.

- Scottish Water will contact the Licensed Providers via the standing on call arrangements. (Not via the LP Portal)
- Scottish Water may request contact with a manager at the appropriate level.
- Scottish Water will advise that there is a potential for a restriction on water use due to a Water Quality Incident and this Process is being invoked.
- Scottish Water will advise on the general area of Scotland where the possible restrictions may be placed, (e.g. Grampian, Lothians, etc), the approximate scale of the incident in terms of the overall number of properties likely to be affected (domestic and non-domestic) and the likely nature of the restrictions.
- Scottish Water will advise a best estimate for when information on the restriction will be issued to Non-Household Customers.
- Scottish Water will advise of the arrangements that it is putting in place at this stage to inform customers.

The Licensed Provider will not at this initial notification stage, and up until permission is given, communicate any information to individuals, companies or organisations outwith the Licensed Provider organisation.

The Licensed Provider shall put such arrangements in place to ensure that information on the potential restriction is not communicated via any member of the Licensed Provider's staff or via systems to individuals, companies or organisations outwith the Licensed Provider organisation.

Step 2 **Confirmation of the Restriction on water use**

When the decision is taken by the SWHP-IMT or by Scottish Water itself, to issue information to customers and stakeholders, the Licensed Provider shall be advised of:

- The actual area that is affected.
- The nature of the restriction (boil / don't drink or cook / don't drink, cook or wash).
- The time when the information is to be released to Non-Household Customers.

This is to allow detailed preparations to be made by the Licensed Provider for notifying its Non-Household Customers.

The Licensed Provider will advise Scottish Water of its intended strategy for notifying its Non-Household Customers. This should at least set out the Licensed Provider's intended communications strategy in respect of:

- General communications to all Non-Household Customers.
- NHS Establishments.
- Local authority establishments.
- Sensitive Customers (food and drink manufacturers / pharmaceutical companies).
- Intended timescales of notification of the restriction

While it should not affect their intended communication strategy, Licensed Providers should note that as part of emergency planning protocols local authority premises and the NHS are likely to be notified by their own representatives on the SWHP-IMT and by Scottish Water's Emergency Planning team.

Scottish Water will advise the SWHP-IMT of the Licensed Provider's intended strategy.

In certain circumstances the decision to impose a restriction may be immediate and with little warning. In such circumstances, SW will endeavour to advise the Licensed Provider of any such restriction in advance of the general notification to Non-Household Customers.

Step 3 **Communications with Non-Household Customers**

Once the press release has been agreed by the SWHP-IMT, or finalised by Scottish Water where an interim statement is being issued by Scottish Water, the Licensed Provider shall be advised of all communications being made by Scottish Water to Scottish Water customers and shall be provided with copies of all scripts and materials used by Scottish Water.

Where the Licensed Provider wishes to use its own scripts and/or materials to inform Non-Household Customers, the Licensed Provider shall not materially alter the core messages particularly concerning the risk management advice and the measures to be taken to minimise the risk to public health.

Where the Licensed Provider wishes to use its own scripts and/or materials to inform Non-Household Customers, copies of all such scripts and/or materials shall be sent to Scottish Water who shall ensure the SWHP-IMT are aware of the content of the communications to Non-Household Customers.

Co-ordination with the Local Authority Environmental Health Department

When requested by the Local Authority Environmental Health representative (EH) on the SWHP-IMT, Scottish Water shall request of the Licensed Provider any known Sensitive Customers in the area affected. The Licensed Provider will use reasonable endeavours to respond without delay to such a request. Scottish Water will then liaise with the EH once it has received this information from the Licensed Provider.

Scottish Water will confirm the communications that EH is carrying out to Non-Household Customers in the affected area and advise the Licensed Provider accordingly.

Where it is appropriate to do so, the EH and Licensed Provider shall communicate directly to clarify which Non-Household Customers each party is communicating with and the messages being communicated. This shall be arranged via Scottish Water in the first instance. The Licensed Provider shall advise Scottish Water of the nature and content of such communications.

Where it is identified that specialist communications is required with individual Non-Household Customers, e.g. the use of water for specific manufacturing processes, the EH and the Licensed Provider shall agree:

- The content of the messages.
- Which organisation will communicate with the Non-Household Customer
- The contact details
- By when the communications is to be carried out.

Scottish Water shall be advised of any specialist communications being carried out by EH or the Licensed Provider.

Scottish Water will assist in the communications of technical, scientific or media advice if requested to do so by either the Licensed Provider or EH.

Step 4

Continuation of arrangements

These requirements shall apply at the outset of an incident and for the duration of the incident including during the arrangements to lift the restriction.

The Licensed Provider shall adhere with the requirements of Step 3 of this Process following advice from Scottish Water that the restriction can be lifted.

The Licensed Provider shall advise Scottish Water if it intends to, or has, deviated from its intended communications strategy as soon as practical.

Process Review

Process 21A will be reviewed by Scottish Water on an annual basis or after a significant Water Quality Incident.

APPENDIX

Part 1

Definitions and Acronyms

Any words or expressions used in the 2002 Act or the 2005 Act shall, unless the contrary intention appears, have the same meaning when used in this Operational Code.

TERM	DEFINITION
2002 Act	Means the Water Industry(Scotland) Act 2002;
2005 Act	Means the Water Services etc. (Scotland) Act 2005;
Accession Agreement	Means an agreement in the form set out in the Appendix (Part 4) whereby a potential Code Party accedes to the Framework Agreement;
Business Day	Means the period of 08:00 to 18:00 hours on any day other than a Saturday or Sunday or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971;
Central Market Agency or CMA	Means any body established by or under any directions made by the Commission relating inter alia to the central market agency to exercise certain central market functions in relation to the participation of Licensed Providers in the provision of Water Services and Sewerage Services, the first such body being Central Market Agency Limited, a company limited by guarantee with registered number SC328635 and having its registered office at Enterprise House, Springkerse Business Park, Stirling, FK7 7UF;
Code Parties	Means Scottish Water and the Licensed Providers;
Commission	Means the body established under section 1 of the 2002 Act;
Contribution Offer	Means the amount offered by Scottish Water to the Licensed Provider for the costs associated with works at a premises in order to install a meter at the relevant Supply Point;
Deregistration	The removal from the Supply Point Register of a property which is not an Eligible Premises or which is not a unique registration of an Eligible Premises;
Developer	Means a property developer who requests a new connection to the Public Water Supply System or the Public Sewerage System in respect of a Supply Point (often in the planning stage);
DIA	Has the meaning given in Process 3 of this Code;
Dispute	Has the meaning given in Part 3 of the Appendix to this Code;
Disputing Party	Has the meaning given in Part 3 of the Appendix to this Code;
Drinking Water Quality Regulator for Scotland	Means the position established under Part 2 of the 2002 Act, any person authorised by the holder of that position, and any successor to or assignee of such position;
Effective Date	Means the Operational Code Effective Date defined in the Water Services (Codes and Services) Directions 2007 (or any other direction which amends, replaces or supplements, or is made in respect of substantially the same subject matter as that direction);
Eligible Premises	Has the meaning given to it by section 27 (1) of the 2005 Act;
Emergency	Has the meaning given in Process 21;
Emergency Plans	Means plans made, reviewed and implemented by Scottish Water under the Directions, to ensure the provision of essential Water and/ or Sewerage Services in the event of an Emergency;
Expert	Has the meaning given in Part 3 of the Appendix to this Code;
Expert Notification	Has the meaning given in Part 3 of the Appendix to this Code;
Foul Sewerage Services	Means making arrangements for:- (i) the provision of sewerage to, and the disposal of sewage from, any Eligible Premises, through the Public Sewerage System where the sewage and/or the related water supply is Metered; or (ii) the provision of sewerage to, and the disposal of sewage from, any Eligible Premises, through the Public Sewerage System, where both the sewage and the related water supply are Unmeasurable; or

TERM	DEFINITION
	(iii) the provision of sewerage to, and the disposal of sewage from, any Eligible Premises through the Public Sewerage System where the sewage and/or the related water supply is Measurable but is not Metered;
Framework Agreement	Means the agreement entered into among the Original Licensed Providers and Scottish Water on the Effective Date, in the form set out in the Appendix (Part 4);
Gap Site	Has the meaning set out in the Market Code;
Law	Means any Act of Parliament or of the Scottish Parliament, any statutory instrument or other subordinate legislation of either parliament, any exercise of the Royal Prerogative, any enforceable community right within the meaning of section 2 of the European Communities Act 1972, any applicable guidance direction or determination with which a Code Party is bound to comply and any applicable judgement of a relevant court of law which creates binding precedent in Scotland and any Water Byelaw;
Licence	Means a Water Services Licence or a Sewerage Services Licence;
Licensed Provider	Means a Water Services provider or a Sewerage Services provider as those terms are defined in sections 6(2) and 6(4) of the 2005 Act respectively;
Licensed Provider ID	Means the unique identification number allocated or to be allocated to each Licensed Provider;
Local Authority Environmental Health Department	Means the body responsible for carrying out measures for protecting public health, including administering and enforcing legislation related to environmental health and providing support to minimize health and safety hazards, within that Local Authority's designated area of operation;
Market Code	Means the code designated as such by or under the Water Services (Codes and Services) Directions 2007 (or any other direction which amends, replaces or supplements, or is made in respect of substantially the same subject matter as that direction);
Measurable	Has the meaning set out in the Market Code;
Meter Reference Number	Means the unique identification number allocated or to be allocated to each meter;
Metered	Means any Water Services or Sewerage Services for which Usage is calculated from a metered source or a series of related metered sources;
Network	Means the physical assets of the Public Water Supply System and the Public Sewerage System, taken together;
Non-Household Customer	Means the occupier of any Eligible Premises;
Non-Household Customer's Premises.	Means Eligible Premises;
Non-Household Customer's Supply Point ID	Means the unique identification number allocated or to be allocated to each Supply Point;
Operational Code Objectives	Has the meaning set out in the Market Code;
Operational Code Principles	Has the meaning set out in the Market Code;
Original Licensed Provider	Means a party to the Framework Agreement as listed in the Schedule to the Framework Agreement;
Public Sewerage System	Means, any and all of the sewers (and junctions therewith), drains, SUD systems, sewage treatment works and other similar infrastructure which are (either or both): (a) vested in Scottish Water; or (b) used by Scottish Water (or a person acting on its behalf or under its authority) in connection with the exercise of Scottish Water's core functions as respects the provision of sewerage or the disposal of sewage;
Reassessed Charges	Has the meaning set out in the Market Code;
Reassessment Request	Means the application made by a Licensed Provider to Scottish Water for the reassessment of a Supply Point;
Related Dispute	Has the meaning given in Part 3 of the Appendix to this Code;
Related Procedure	Has the meaning given in Part 3 of the Appendix to this Code;
Service Elements	Has the meaning set out in the Market Code;
Scottish Water	Means the body established under Part 3 of the 2002 Act and any statutory successor to or assignee of such body;

TERM	DEFINITION
Scottish Waterborne Hazard Plan	Means the multi-agency plan agreed between Scottish Water, the NHS Boards and the Local Authority Environmental Health Department for determining if there is a potential risk to public health and the risk control measures to be applied;
Scottish Waterborne Hazard Plan Incident Management Team	Means the body formed under the Scottish Waterborne Hazard Plan when there is an actual or potential Water Quality Incident;
Sensitive Customers	Has the meaning given under the section headed "Non-Household Customer Classification" in this Code;
Sewerage Services	Means all Foul Sewerage Services, Surface Water Drainage Services and Trade Effluent Services which are provided to any Eligible Premises;
Sewerage Services Licence	Means the licence granted under section 6(3) of the 2005 Act;
Standards	Means those standards contained in: (i) "Water for Scotland" and "Sewers for Scotland", the Water Research Council's policy, design and construction guide for developers in Scotland, as amended or replaced from time to time; (ii) the Terms and Conditions; (iii) Scottish Water's Trade Effluent control policy as amended from time to time and (iv) the Water Byelaws;
Supply Point	means subject always to section 5.15 of the Market Code, in relation to any Eligible Premises, the point at which Water Services or Sewerage Services are provided and (to avoid doubt):- (a) any Eligible Premises that receives both Water Services and Sewerage Services shall have two Supply Points; and (b) any Eligible Premises that receives either Water Services or Sewerage Services only shall have one Supply Point;
Supply Point Register	Has the meaning set out in the Market Code;
Surface Water Drainage Services	means making arrangements for or in relation to drainage from or in relation to any Eligible Premises to the Public Sewerage System (comprising property and roads drainage as appropriate);
Terms and Conditions	Means the schedule of terms and conditions for the supply of water by meter or otherwise, produced by Scottish Water under section 55 of the Water (Scotland) Act 1980;
Trade Effluent	Has the meaning given in section 59(1) of the Sewerage (Scotland) Act 1968;
Trade Effluent Consent	Means a consent given by Scottish Water under section 26 of the Sewerage (Scotland) Act 1968;
Trade Effluent Services	Means making arrangements for or in relation to the provision of sewerage, or disposal of sewage, in respect of trade effluent discharged from any Eligible Premises; where the sewage and/or the related water supply is either Metered, Unmeasurable or Measurable but is not Metered;
Unmeasurable	Means any Water Services or Sewerage Services for which Scottish Water notifies the CMA that the supply is unmeasurable including any supply for which Scottish Water determines that meter installation is infeasible in accordance with Process 8 of this Operational Code;
Usage	Has the meaning set out in the Market Code;
Water Byelaws	Means the Byelaws created by Scottish Water under section .70 and confirmed by the Scottish Ministers under section 72 of the Water (Scotland) Act 1980, as amended from time to time;
Water Services	Means making arrangements for or in relation to (i) the supply of water through the Public Water Supply System where the supply is Metered; or (ii) the supply of water through the Public Water Supply System to a Supply Point where the supply is Unmeasurable; or (iii) the supply of water through the Public Water Supply System where the supply is Measurable but is not Metered.
Water Services Licence	Means a licence granted under section 6(1) of the 2005 Act;
Water Quality Incident	Means an event declared by Scottish Water where the water supply in an area is actually or potentially considered not fit for consumption.
Wholesale Charges Scheme	Means Scottish Water's charges scheme setting out its charges for

TERM	DEFINITION
	Water Services and Sewerage Services approved by the Commission under Section 29A of the 2002 Act from time to time; and
Wholesale Services Agreement	Means any agreement entered into pursuant to section 16 of the 2005 Act.

Part 5

Drinking Water Quality - DWQR

The role of the DWQR

The Drinking Water Quality Regulator for Scotland (DWQR) exists to ensure that drinking water in Scotland is safe to drink. This is primarily done by making sure that everything Scottish Water does safeguards the quality of the public water supply, through a process of inspections and monitoring. DWQR enforces the requirements of the Water Supply (Water Quality)(Scotland) Regulations 2001 and takes action where these requirements are not met.

Additionally, DWQR has a role to ensure that drinking water is pleasant to drink and has the trust of consumers. Working with the Scottish Public Services Ombudsman, DWQR assists consumers who have concerns about the quality of their water supply where they feel Scottish Water has not adequately addressed them.

About 3% of the population receive their drinking water from private water supplies. While these are regulated by local authorities, the DWQR has a duty to oversee this process while collecting and interpreting data on these supplies.

Legal Framework and Powers

Section 7 of the Water Industry (Scotland) Act 2002 created the role of Drinking Water Quality Regulator for Scotland (DWQR) at the same time as creating Scottish Water. The DWQR acts independently of Ministers.

The DWQR has three main powers under the Water Industry (Scotland) Act 2002

- The power to obtain information
- The power of entry or inspection
- The power of enforcement

In most cases it is envisaged that these powers would be used against Scottish Water, however it is possible that, if circumstances dictate, DWQR may choose to exercise the power to obtain information and the power of entry and inspection against a licensed provider, or the customer of a licensed provider. Failure to comply with the requirements of either power is an offence under Scottish law.

Actions During Water Quality Incident

Incidents affecting water quality can take a number of forms. Serious incidents are rare, but there remains the potential for them to have a significant impact on public health, especially if prompt and correct action is not taken.

Information from Scottish Water Regarding an Incident Affecting Water Quality

When an incident occurs, Scottish Water has clearly defined and agreed procedures for notifying consumers of any risk or restriction on use. It is acknowledged that licensed providers hold up to date information on non-domestic consumers and are best placed to contact them during an incident to ensure information is passed on promptly. To ensure that this process takes place in a correct and consistent manner to all non-domestic consumers, Scottish Water has produced a process for the Early Notification and Communication of Water Quality Incidents, see Process 21A. DWQR supports this approach and strongly encourages licensed providers to adopt it.

Information from Licensed Providers Regarding a Potential Water Quality Issue

On occasions consumers can be the first to become aware of a quality issue that later turns out to be of significance and it is not always easy, or possible, to identify the extent of any public health implications at an early stage. There have been cases where a single contact concerning an unusual taste or appearance of the water has been the first indication of a serious water quality incident. Process 18 of the Operational Code states that all contacts concerning a public health matter should

be dealt with by Scottish Water and Process 20 requires licensed providers to inform Scottish Water forthwith about a matter that may concern public health. Scottish Water is best placed to decide what might constitute an issue of public health concern, consequently it is vital that such contacts are directed to Scottish Water without delay and licensed providers are encouraged to err on the side of caution when considering whether or not an issue may concern public health. It is also important that Scottish Water is able to gather data on water quality experienced by consumers to enable it, and DWQR, to monitor how effectively it is managing the aesthetic properties of the water it supplies.

Licensed providers should report any calls from non-domestic consumers concerning quality to Scottish Water without delay, or alternatively to request that consumers contact Scottish Water directly. Contacts which may indicate a wider public health issue and should be reported to Scottish Water include, but may not be limited to, the following:

- Instances where the water has an unusual appearance
- Instances where the water has an unusual taste or odour
- Instances where the water has an unusual feel