



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 8 December 2022  
SP Paper 277  
13th report, 2022 (Session 6)

## **Net Zero, Energy and Transport Committee**

# **Net Zero, Energy and Transport Committee report on the Public Water Supplies (Scotland) Amendment Regulations 2022 [draft]**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

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# Net Zero, Energy and Transport Committee

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Net Zero, Energy and Transport.



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# Committee Membership



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# Introduction

1. [The Public Water Supplies \(Scotland\) Amendment Regulations 2022 \[draft\]](#) were laid before the Parliament on 31 October 2022 and are subject to the affirmative procedure. The draft instrument was referred to the Net Zero, Energy and Transport Committee for consideration.
2. It is for the Net Zero, Energy and Transport Committee to recommend to the Scottish Parliament whether the Regulations should be approved. The Cabinet Secretary for Net Zero, Energy and Transport, Michael Matheson MSP, lodged motion [S6M-06537](#), which recommended the Committee approve the Regulations.
3. The [Policy Note](#) accompanying the draft instrument says its purpose is to amend current legislation relating to drinking water quality in Scotland to align with the new standards adopted in EU countries as a result of the [Directive \(EU\) 2020/2184 of the European Parliament and of the Council](#).
4. The European legislation was introduced in light of a report commissioned by the World Health Organisation (WHO)'s Regional Office for Europe into chemical parameters of drinking water in Europe.
5. The [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021](#) ('the Continuity Act') provides Scottish Ministers with a power to help meet the Scottish Government's commitment to align with future developments in EU law, where appropriate.

# Consideration by the Delegated Powers and Law Reform (DPLR) Committee

6. At its meeting on 8 November 2022, the DPLR Committee considered the draft Regulations. [The Committee's report on 9 November 2022](#) determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

[Read the Official Report from 8 November 2022](#)

# Consideration by the Constitution, Europe, External Affairs and Culture (CEEAC) Committee

7. On 17 November 2022, the CEEAC Committee held an evidence session with the Cabinet Secretary for Constitution, Europe, External Affairs and Culture to discuss the [UK Withdrawal from the European Union \(Continuity\) \(Scotland\) Act 2021 \(Draft Annual Report\)](#).

[Read the Official Report for 17 November 2022](#)

8. The report highlights the draft instrument considered by the NZET Committee is the first occasion in which the Scottish Government has decided to use its 'keeping pace' powers within the Act.<sup>i</sup>
9. Following this meeting, the CEEAC Committee [wrote to the Cabinet Secretary](#) to request further details on how the Scottish Government approached stakeholder engagement around the draft instrument.

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<sup>i</sup> Draft Report by the Scottish Ministers in exercise of the power in section 1 (1) of The UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, Paragraphs 10 and 11.

# Consideration by the Net Zero, Energy and Transport Committee

10. At its meeting on 6 December 2022, the Committee took evidence on the draft Regulations from—
  - Màiri McAllan, Minister for Environment and Land Reform, Scottish Government;
  - Rosemary Greenhill, Regulatory Team Leader, Scottish Government;
  - Luigi Pedreschi, Solicitor, Scottish Government; and
  - Claire Phelan, Policy Officer, Scottish Government.
11. In her opening remarks, the Minister outlined the purpose of the regulations was to amend the Public Water Supplies (Scotland) Regulations 2014 to align Scottish drinking water standards with the new standards adopted in the EU through the Directive (EU) 2020/2184 of the European Parliament and of the Council<sup>ii</sup>. The European legislation was introduced in light of the findings and recommendations of a review conducted by World Health Organisation (WHO)'s Regional Office for Europe into the current chemical parameters of drinking water in Europe.
12. The Minister highlighted the complexities of the Directive and the varying timescales for implementation of its provisions, and noted the Scottish Government was taking a phased approach to implementation too. She indicated the Scottish Government had also taken the opportunity to update the frequency of sampling in relation to water supplied by tanker due to an increased use of this method by Scottish Water.
13. The Committee explored the financial implications of the changes and how Scottish Water will manage these additional costs within its existing budget. The Minister suggested the proposed cost of £10million was an "upper limit" and the cost of implementation was thought to be lower. She also said the changes would help to maintain a high quality of drinking water and was "money well spent" in light of the stretched position of public finances.
14. Action taken in other countries in the UK and Europe as a result of the Directive was of interest to the Committee and while the Minister said Scotland would be the first country in the UK to adopt the standards, she noted the long term nature of the requirements of the Directive and the time taken by countries in planning for its implementation.
15. The Minister confirmed the Regulations, and the 2014 Regulations they seek to amend, would constitute EU retained law. She also explained the consultation undertaken with key stakeholders in development of the Regulations.
16. The Committee inquired as to Scottish Government assessment of the potential impact of additional costs on future capital spending for other projects being

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ii [Directive \(EU\) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption \(recast\)](#)

undertaken by Scottish Water and whether there would be budget increase to accommodate this. The Minister indicated that the proposed changes would be affordable within Scottish Water's current budget.

17. The Committee was interested in the timescale for Scottish Water to undertake any remedial works arising from the new regulations. The Minister said the suggested commencement date of the Regulations came from Scottish Water who had not highlighted any concerns with delivery to those timescales. It was also noted the provisions of the Directive had been in draft in 2018 and there had been a long time to prepare.
18. The evidence taken and debate held at that meeting on this instrument can be found in the Official Report—

[Read the Official Report for 6 December 2022](#)

19. Following the evidence session, the Minister moved motion S6M-06537 in the name of Michael Matheson, Cabinet Secretary for Net Zero, Energy and Transport—

That the Net Zero, Energy and Transport Committee recommends that the Public Water Supplies (Scotland) Amendment Regulations 2022 [draft] be approved.

20. The motion was agreed to.

## Conclusions

21. The Net Zero, Energy and Transport Committee recommends that the Public Water Supplies (Scotland) Amendment Regulations 2022 [draft] be approved.

