

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULE 4

(introduced by section 34)

### MODIFICATIONS OF PART III OF THE 1980 ACT

- 1 In section 22 (power to break open streets) of the 1980 Act—
- (a) the existing provision becomes subsection (1),
  - (b) after that subsection insert—
    - “(2) Paragraph 1 of Schedule 3 has effect in relation to works carried out by any person—
    - (a) in pursuance of an authorisation under section 23A(1), or
    - (b) in connection with the management, maintenance or renewal of a main or communication pipe laid by that person in pursuance of such an authorisation and vested in that person,
- as it has in relation to works carried out by Scottish Water.”

#### Commencement Information

**II** Sch. 4 para. 1 in force at 10.7.2008 by [S.S.I. 2008/269](#), [art. 2\(d\)](#)

- 2 In section 23 (power to lay mains etc.), after subsection (2) insert—
- “(2A) In relation to a main not vested in Scottish Water, Scottish Water may recover from the person in whom the main is vested any expenses reasonably incurred by Scottish Water under subsection (1) or (2) in connection with the inspection, repair, maintenance, alteration, renewal or removal of the main.
- (2B) In relation to a main laid by any person in pursuance of an authorisation under section 23A(1), subsections (1) and (2) of this section, so far as relating to the inspection, repair, maintenance, alteration, renewal or removal of a main, apply to that person as they apply to Scottish Water.”

#### Commencement Information

**I2** Sch. 4 para. 2 in force at 10.7.2008 for specified purposes by [S.S.I. 2008/269](#), [art. 2\(e\)](#)

PROSPECTIVE

- 3 (1) Section 24 (communication and supply pipes) of the 1980 Act is amended as follows.
- (2) In subsection (1), for “the water authority providing the supply” substitute “ Scottish Water ”.
- (3) After subsection (1) insert—
- “(1A) Subsection (1) does not apply in relation to the laying of any part of a service pipe in respect of which an authorisation under section 23A(1) is in force.”
- (4) In subsection (2), for “all water authorities” substitute “ Scottish Water ”.
- (5) In subsection (3)—
- (a) at the beginning insert “ Subject to section 23A, ”,

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Water Environment and Water Services (Scotland) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(b) for “the water authority and the authority” substitute “ Scottish Water and Scottish Water ”,

(c) for “their” in both places where it occurs substitute “ its ”.

(6) In subsection (4)—

(a) for “the water authority” substitute “ Scottish Water ”,

(b) for “them” in both places where it occurs substitute “ it ”.

#### PROSPECTIVE

4 (1) Part II of Schedule 3 (provisions as to laying communication and supply pipes etc.) is amended as follows.

(2) In paragraph 4, after sub-paragraph (2) insert—

“(3) In relation to a service pipe not vested in Scottish Water, Scottish Water may recover from the person in whom the service pipe is vested any expenses reasonably incurred by Scottish Water under sub-paragraph (1) or (2) of this paragraph in connection with the inspection, repair, alteration, renewal, removal or replacement of the service pipe.

(4) In relation to a communication pipe laid by any person in pursuance of an authorisation under section 23A(1) and vested in that person, sub-paragraphs (1) and (2) of this paragraph (except so far as conferring power to lay service pipes) apply to that person as they apply to Scottish Water.”

(3) In paragraph 6, after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply in relation to the laying of any part of a communication pipe in respect of which an authorisation under section 23A(1) is in force.”

#### PROSPECTIVE

5 In Schedule 4 (provisions to be incorporated in orders relating to water undertakings), in paragraph 34, after sub-paragraph (2) insert—

“(3) Scottish Water may, whether or not proceedings have been taken under this paragraph—

(a) remove any pipe or apparatus attached without its consent to a pipe belonging to it or to a supply pipe,

(b) carry out such works as it considers necessary in relation to any alteration made in, or apparatus attached to, a supply pipe without its consent,

and may recover from the person who attached the pipe or apparatus or, as the case may be, made the alteration any expenses reasonably incurred by it in doing so.”

**Status:**

This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

Water Environment and Water Services (Scotland) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 11 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)