

WATER RESOURCES (SCOTLAND) ACT 2013

EXPLANATORY NOTES

THE ACT – SECTION BY SECTION

Part 4 – Raw Water Quality

Section 30 – Steps for sake of quality

46. This section inserts a new Part VIB into the 1980 Act. The new Part gives Scottish Water powers of entry to premises (other than a house) for the purposes of assessing or monitoring the quality of raw water, and investigating or isolating anything that appears to be affecting, or may affect, the quality of such water.
47. “Raw water” is defined by new section 76M(5) of the 1980 Act. It means water contained in (and flowing or draining into) any body of water:
- (a) identified by an order made under section 6(1) (identification of bodies of water used for the abstraction of drinking water) of the 2003 Act; or
 - (b) specified by an order made under new section 76R(1) of the 1980 Act.

Essentially, raw water is water in the water environment that is intended to be abstracted and used for human consumption, excluding certain private water supplies (see new section 76M(6) of the 1980 Act).

48. Scottish Water must give at least 24 hours’ notice of the intended entry to the occupier (if any) of the premises and, if entry is refused, the taking of steps at the premises is obstructed (or refusal or obstruction is reasonably anticipated), or the premises are unoccupied, Scottish Water can apply to the sheriff for a warrant authorising entry.
49. It is an offence under new section 76Q of the 1980 Act to intentionally obstruct a person approved by Scottish Water under new section 76O of that Act in exercise of the authority to enter premises conferred by a warrant.

Section 31 – Agreements about activities

50. This section inserts a new section 68A into the 1980 Act which enables Scottish Water to enter into voluntary agreements with the owners and occupiers of land, or with local authorities, for the carrying out of activities which Scottish Water considers will help protect or improve the quality of raw water. Scottish Water may also enter into agreements whereby one party agrees to refrain from carrying out activities which Scottish Water considers detrimental to the quality of raw water.
51. Since new section 68A of the 1980 Act makes provision for Scottish Water to enter into agreements with owners or occupiers of land and local authorities regarding works to protect or improve raw water quality, there is no longer any need for agreements made under section 68 of that Act to concern works for the purpose of preserving the purity of water (purity being one aspect of water quality). Section 31 also therefore consequentially amends section 68 of the 1980 Act so that agreements which may be

*These notes relate to the Water Resources (Scotland) Act
2013 (asp 5) which received Royal Assent on 9th April 2013*

provided for under that section are limited to those which concern drainage or the more effectual collection or conveyance of water which Scottish Water is authorised to take.