

**Changes to legislation:** Water (Scotland) Act 1980, Cross Heading: Provisions as to laying communication and supply pipes, etc. is up to date with all changes known to be in force on or before 08 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

## SCHEDULES

### SCHEDULE 3

#### PROVISIONS AS TO BREAKING OPEN STREETS AND LAYING COMMUNICATION AND SUPPLY PIPES

##### Modifications etc. (not altering text)

- C1** Sch. 3: power to apply conferred (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1, 130\)](#), s. 20(10), [Sch. 7 para. 5\(1\)\(b\)](#)

### PART II

##### Modifications etc. (not altering text)

- C1** Sch. 3 Pt. II (paras. 4–9) applied with modifications by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 170A(5) (as inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 102, [Sch. 13](#))

*Provisions as to laying communication and supply pipes, etc.*

*Power to lay service pipes, etc.*

- 4 (1) [<sup>F1</sup>Scottish Water] may in any [<sup>F2</sup>road] lay such service pipes with such stopcocks and other fittings as [<sup>F3</sup>it deems] necessary for supplying water to premises <sup>F4</sup>, and may from time to time inspect, repair, alter or renew and may at any time remove any service pipe laid in a [<sup>F2</sup>road] whether by virtue of this section or otherwise:

Provided that before exercising any of the powers conferred by this paragraph, [<sup>F5</sup>Scottish Water] shall, except in cases of emergency arising from defects in any existing pipes, plant or works, give [<sup>F6</sup>such] notice, to [<sup>F7</sup>—

- (i) where the road is a public road, the roads authority; and
  - (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road][<sup>F8</sup>as would require to be given by an undertaker under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of works) in accordance with that section and with section 156 of that Act (service of notice)].
- (2) Where a service pipe has been lawfully laid in, on or over any land not forming part of a [<sup>F9</sup>road], [<sup>F10</sup>Scottish Water] may from time to time enter upon that land and inspect, repair, alter, renew or remove the then existing pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them.

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Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be determined by arbitration.

#### Textual Amendments

- F1** Words in Sch. 3 para. 4(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(4\)\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 81\(14\)\(d\)\(i\)](#)
- F3** Words in Sch. 3 para. 4(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(4\)\(a\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F4** Words in Sch. 3 para. 4(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(56)(c), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\), Sch. 2](#)
- F5** Words in Sch. 3 para. 4(1) in proviso substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(4\)\(a\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F6** Word "such" in Sch. 3 para. 4 substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8, Pt. IV, para. 108\(7\)\(b\)](#); S.I. 1992/2990, [art. 2\(2\), Sch. 2](#)
- F7** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 81\(14\)\(d\)\(i\)](#)
- F8** Words in Sch. 3 para. 4 added (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\), s. 168\(1\), Sch. 8, Pt. IV, para. 108\(7\)\(b\)](#); S.I. 1992/2990, [art. 2\(2\), Sch. 2](#)
- F9** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 81\(14\)\(d\)\(ii\)](#)
- F10** Words in Sch. 3 para. 4(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(4\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

#### *Laying of supply pipes, etc.*

- 5 An owner or occupier of any premises <sup>F11</sup> who desires to have a supply of water for his domestic purposes from the waterworks of [<sup>F12</sup>Scottish Water] shall, subject as hereinafter provided, comply with the following requirements:
- (a) he shall give to [<sup>F13</sup>Scottish Water] 14 days' notice of his intention to lay the necessary supply pipe; and
  - (b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a [<sup>F14</sup>road], the consent of the owners and occupiers thereof:

Provided that, where any part of the supply pipe is to be laid in a [<sup>F14</sup>road], he shall not himself break open the [<sup>F14</sup>road] or lay that part of the pipe.

#### Textual Amendments

- F11** Words in Sch. 3 para. 5 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(56)(d)(i), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\), Sch. 2](#)
- F12** Words in Sch. 3 para. 5 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(5\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F13** Words in Sch. 3 para. 5 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 66\(5\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F14** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\), s. 156\(1\), Sch. 9 para. 81\(14\)\(e\)](#)

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### Laying of communication pipes, etc.

- 6 (1) Upon receipt of such a notice as is referred to in the last foregoing paragraph, [F15Scottish Water] shall, within 14 days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last foregoing paragraph, lay the necessary communication pipe and any part of the supply pipe which is to be laid in a [F16road] and shall connect the communication pipe with the supply pipe:

Provided that, where any part of the supply pipe is to be laid in a [F16road], [F17it] may elect to lay a main in the [F16road] for such distance as [F18it thinks] fit in lieu of a supply pipe, and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

- (2) The whole, or such part as [F19Scottish Water] may think fit, of the expenses reasonably incurred by [F20Scottish Water] in executing the work which [F21it is] required or authorised by this paragraph to execute shall be repaid to [F22it] by the person by whom the notice was given and may be recovered by [F22it] from him:

Provided that, if under the provisions of this paragraph [F23Scottish Water lays] a main in lieu of part of a supply pipe, the additional cost incurred in laying a main instead of a supply pipe shall be borne by [F22it] .

- (3) Notwithstanding anything in the foregoing provisions of this paragraph, [F24where such a notice as aforesaid is given to Scottish Water, it] may, within seven days after the receipt thereof, require the person giving the notice either to pay to [F25it] in advance the cost of the work, as estimated by [F26its] engineer, or to give security for payment thereof to [F26its] satisfaction, and, where [F27it makes] such a requirement, the period of 14 days referred to in sub-paragraph (1) of this paragraph shall not commence to run until the requirement has been complied with.

If any payment so made to [F28Scottish Water] exceeds the expenses which under the foregoing provisions of this paragraph [F29it] would be entitled to recover from the person giving the notice, the excess shall be repaid by [F25it] , and, if and so far as those expenses are not covered by the payment, [F29it] may recover the balance from him.

#### Textual Amendments

- F15** Words in Sch. 3 para. 6(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F16** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(e\)](#)
- F17** Word in Sch. 3 para. 6(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(a\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F18** Words in Sch. 3 para. 6(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(a\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F19** Words in Sch. 3 para. 6(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(b\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F20** Words in Sch. 3 para. 6(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(b\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F21** Words in Sch. 3 para. 6(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(6\)\(b\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

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- F22** Word in Sch. 3 para. 6(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(b)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F23** Words in Sch. 3 para. 6(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(b)(v)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F24** Words in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F25** Word in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F26** Word in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F27** Words in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(iv)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F28** Words in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(v)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F29** Word in Sch. 3 para. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(6)(c)(vi)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

*Power of authority to require separate service pipes.*

- 7 (1) Subject to the provisions of this paragraph [<sup>F30</sup>Scottish Water] may require the provision of a separate service pipe for each house supplied, or to be supplied by [<sup>F31</sup>it] , with water.
- (2) If, in the case of a house already supplied with water but not having a separate service pipe, [<sup>F32</sup>Scottish Water gives] notice to the owner of the house, requiring the provision of such a pipe, the owner shall within [<sup>F33</sup>such period of not less than three months as the notice shall specify] lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a [<sup>F34</sup>road], and [<sup>F35</sup>Scottish Water] shall, within 14 days after he has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a [<sup>F34</sup>road] and make all necessary connections.
- (3) If an owner upon whom a notice has been served under the last foregoing sub-paragraph fails to comply therewith, [<sup>F36</sup>Scottish Water] may [<sup>F37</sup>itself] execute the work which he was required to execute.
- (4) The expenses reasonably incurred by [<sup>F38</sup>Scottish Water] in executing the work which [<sup>F39</sup>it is] required by sub-paragraph (2) to execute, or which [<sup>F39</sup>it is] empowered by the last foregoing sub-paragraph to execute, shall be repaid to [<sup>F40</sup>it] by the owner of the house and may be recovered by [<sup>F40</sup>it] from him, but without prejudice to the rights and obligations as between themselves, of the owner and occupier of the house.
- (5) Where two or more houses are being supplied with water by a single service pipe, [<sup>F41</sup>Scottish Water] shall not require the provision of separate service pipes for those houses until <sup>F42</sup>—
- (a) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or
  - (b) the houses are, by structural alterations to one or more of them, converted into a larger number of houses. [<sup>F43</sup>; or
  - (c) the owner or occupier of any of the houses has interfered with, or allowed another person to interfere with, the existing service pipe or the stop-cock

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fixed to that pipe and has thereby caused the supply of water to any of the houses to be interfered with; or

- (d) [<sup>F44</sup>Scottish Water has] reasonable grounds to believe that such interference as is mentioned in (c) above is likely to take place.]

#### Textual Amendments

- F30** Words in Sch. 3 para. 7(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F31** Word in Sch. 3 para. 7(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F32** Words in Sch. 3 para. 7(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F33** Words in Sch. 3 para. 7(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F34** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(14)(e)**
- F35** Words in Sch. 3 para. 7(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F36** Words in Sch. 3 para. 7(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(c)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F37** Word in Sch. 3 para. 7(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(c)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F38** Words in Sch. 3 para. 7(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(d)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F39** Words in Sch. 3 para. 7(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(d)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F40** Word in Sch. 3 para. 7(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(d)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F41** Words in Sch. 3 para. 7(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(e)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F42** Word repealed by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 58(a), **Sch. 4 Pt. 1**
- F43** Word and subparas.(c)(d) added by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **s. 58(b)**
- F44** Words in Sch. 3 para. 7(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 66(7)(e)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

<sup>F45</sup>g

#### Textual Amendments

- F45** Sch. 3 para. 8 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(56)(e), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

*Provisions as to the position of stopcocks.*

- 9 (1) On every service pipe laid after 16th May 1946 [<sup>F46</sup>Scottish Water] shall, and on every service pipe laid before that date [<sup>F46</sup>Scottish Water] may, fit a stopcock enclosed in a covered box, or pit, of such size as may be reasonably necessary.

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(2) Every stopcock fitted on a service pipe after 16th May 1946 shall be placed in such position as [<sup>F47</sup>Scottish Water deems] most convenient:

Provided that—

- (a) a stopcock in private premises shall be placed as near as is reasonably practicable to the [<sup>F48</sup>road] from which the service pipe enters those premises; and
- (b) a stopcock in a [<sup>F48</sup>road] shall, after consultation with the [<sup>F49</sup>roads] authority concerned, be placed as near to the boundary thereof as is reasonably practicable.

#### Textual Amendments

- F46** Words in Sch. 3 para. 9(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(8\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F47** Words in Sch. 3 para. 9(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(8\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F48** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(f\)\(i\)](#)
- F49** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(f\)\(ii\)](#)

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**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. 24(1A) inserted by [2003 asp 3 sch. 4 para. 3\(3\)](#)
- s. 110A certain functions transferred by [S.I. 1999/1750 art. 3Sch. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A inserted by [1995 c. 25 Sch. 21 para. 5](#)
- s. 110A(7) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A(8) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- Sch. 3 para. 4(3)(4) inserted by [2003 asp 3 sch. 4 para. 4\(2\)](#)
- Sch. 3 para. 6(1A) inserted by [2003 asp 3 sch. 4 para. 4\(3\)](#)
- Sch. 4 s. 34(3) inserted by [2003 asp 3 sch. 4 para. 5](#)