



Water (Scotland) Act 1980

1980 CHAPTER 45

PART II

DUTIES OF WATER AUTHORITIES

10 Compensation for damage resulting from exercise of powers.

- (1) Subject to the provisions of this section, a [^{F1}local authority] or water authority ^{F2}shall make full compensation to any person who has sustained damage by reason of the exercise by them of any of their powers under this Act in relation to a matter as to which he has not himself been in default.
- [^{F3}(1A) The escape of water, however caused, ^{F4} from one of a water authority's ^{F4} communication [^{F5}or supply] pipes or mains shall for the purposes of subsection (1) above be taken to have been brought about by the exercise by them of powers under this Act.]
- (2) Any question arising under this section as to the fact of damage or as to the amount of compensation shall, in case of dispute, be determined by arbitration.
- (3) A claim for compensation under this section shall not be maintainable unless it is made within [^{F6}24] months after the date on which it is alleged to have arisen.
- (4) The provisions of this section shall be without prejudice to any other provisions in this Act relating to compensation.
- [^{F7}(5) Without prejudice to any right to compensation other than under subsection (1) above, in that subsection "person" does not, as regards compensation payable under that subsection by virtue of subsection (1A) above, include—
 - (a) statutory undertakers as defined in section 275(1) of the ^{M1} Town and Country Planning (Scotland) Act 1972;
 - [roads authorities as defined in section 151(1) of the ^{M2} Roads (Scotland) Act ^{F8}(b) 1984;]
 - (c) bridge authorities [^{F9}as defined in section 147 of the New Roads and Street Works Act 1991;]

Status: Point in time view as at 01/04/1996. This version of this provision has been superseded.

Changes to legislation: Water (Scotland) Act 1980, Section 10 is up to date with all changes known to be in force on or before 04 July 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)

- [road works authority as defined in section 108 of the New Roads and Street
^{F10}(d) Works Act 1991;]
 (e) persons on whom a right to compensation under section [^{F11}141 of the said
 Act of 1991] is conferred.

^{F12}(6)]

Textual Amendments

- F1** Words in s. 10(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 10(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(a)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F3** S. 10(1A) inserted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 57(a)
- F4** Words in s. 10(1A) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(b)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F5** Words in s. 10(1A) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F6** Words in s. 10(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F7** S. 10(5)(6) inserted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), s. 57(b)
- F8** S. 10(5)(b) substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(3)(a)**
- F9** Words in s. 10(5)(c) 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(2)(a)**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F10** S. 10(5)(d) substituted (1.1.1993) by virtue of New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8, Pt. IV, para. 108(2)(b)**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F11** Words in s. 10(5)(e) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(d)**; S.I. 1994/2850, **art. 3**
- F12** S. 10(6) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(e), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

Marginal Citations

- M1** 1972 c. 52 (123:3).
- M2** 1984 c. 54 (59, 108).

Status:

Point in time view as at 01/04/1996. This version of this provision has been superseded.

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