



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

Further amendment of Water (Scotland) Act 1980

110 Vesting of certain supply pipes.

In section 24 of the 1980 Act (which makes provision as regards communication and supply pipes)—

- (a) in subsection (4)—
 - (i) after the word “road” there shall be inserted “ and is not, by virtue of any of subsections (5) to (8) below, vested in them ”; and
 - (ii) at the end there shall be added “ and to the terms and conditions of any such agreement as is mentioned in subsection (8) below ”; and
- (b) after subsection (4) there shall be added—

“(5) Where the laying of a supply pipe is completed after such day as the Secretary of State may under this subsection by order appoint, so much of that pipe as may lie between a communication pipe with which it connects and the curtilage of the premises supplied shall, on such completion, vest in the water authority in whom is vested the communication pipe as shall any apparatus used wholly or mainly in connection with that supply pipe; and a supply pipe in so far as so lying is, together with any apparatus so used in connection with it, referred to in the following provisions of this section as a “relevant supply pipe”.

- (6) Subject to subsection (7) below, on such day as the Secretary of State may by order appoint, a relevant supply pipe which is not then vested

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Section 110. (See end of Document for details)

in any water authority (and whose laying is complete) shall vest in the water authority in whom the communication pipe is vested.

(7) Subsection (6) above shall have no effect in relation to any relevant supply pipe in respect of which notice is both given and not withdrawn, within the period of three months before the day appointed under that subsection—

- (a) to the water authority in question by the person (or as the case may be any one of the persons) in whom the pipe is, or will immediately before that day be, vested stating that he does not wish the pipe to vest in the water authority under that subsection; or
- (b) to such person (or as the case may be persons) by the water authority stating that the pipe is inappropriate for the purpose of supplying water to the premises, whether by reason of its state of repair or otherwise,

but at any time after the appointed day the person, or as the case may be persons, in whom the pipe is vested may by notice specify a day on which he desires (or they desire) that the pipe shall vest in the authority and if the pipe is on that specified day appropriate for the purpose of supplying water to the premises it shall vest accordingly.

(8) If a relevant supply pipe does not vest in a water authority by virtue of subsection (6) or (7) above, the pipe may nevertheless vest by agreement in the authority—

- (a) on such terms and conditions; and
- (b) as from such day after the appointed day,

as the person (or persons) and the water authority consider appropriate.

(9) The water authority shall, at their own expense, carry out any necessary work of maintenance, repair or renewal of relevant supply pipes vested in them by virtue of any of subsections (5) to (7) above; but this subsection is without prejudice to the terms and conditions of any such agreement as is mentioned in subsection (8) above.

(10) Any dispute arising under subsection (7) above as to whether—

- (a) a notice under paragraph (b) of that subsection should be withdrawn as unjustified;
- (b) apparatus is used wholly or mainly in connection with a supply pipe; or
- (c) on a specified day a relevant supply pipe is appropriate for the purpose of supplying water to the premises,

shall be referred by the person or persons in whom the pipe is vested to the Secretary of State, who may determine the dispute himself or, if he thinks fit, refer it for determination by arbitration.”.

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