



Water (Scotland) Act 1980

CHAPTER 45

WATER (SCOTLAND) ACT 1980

PART I

CENTRAL AUTHORITY

- 1 Duty of Secretary of State.
- 2

PART II

DUTIES OF WATER AUTHORITIES

- 3 Water authorities.
- 4 Alteration of limits of supply.
- 5 Maps of limits of supply.
- 6 Duty of authority to provide supply.
- 7 Supply of water for domestic purposes.
- 8 Water supplied for domestic purposes to be wholesome.
- 9 Supply of water for non-domestic purposes.
- 9A Without prejudice to any provision relating to the non-domestic water...
- 10 Compensation for damage resulting from exercise of powers.
- 11 Power of Secretary of State on default of authority or board.

PART III

POWERS OF WATER AUTHORITIES FOR THE PURPOSES OF WATER SUPPLY

- 12 Supply of water by water authority to premises outside limits of supply.
- 13 Supply of water in bulk.
- 13A Supply of water for use outwith Scotland.
- 14 Power of water authority to give guarantee for supply of water.

Status: Point in time view as at 06/03/1992.

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- 15 Power to acquire land.
- 16 Powers of survey and search for water on land.
- 17 Acquisition of water rights.
- 18 Compulsory acquisition of land for water works.
- 19
- 20 Power to hold and dispose of land.
- 21 Power to carry out works.
- 22 Power to break open streets.
- 23 Power to lay mains, etc.
- 24 Communication and supply pipes.
- 24A Keeping of map showing water mains, etc.
- 24B Works in connection with metering
- 25 Power of authority to provide public wells.
- 26 Power to close, or restrict use of, wells.
- 27 Power to close, or restrict use of water from, polluted source.
- 28 Water works code.
- 29 Applications of enactments by order.
- 30 Exemption from stamp duty.
- 31 Consultation with authorities in England.
- 32 Power of water undertakers to supply water to water authorities.
- 33 Temporary discharge of water into watercourses.
- 34 Persons supplying water to supply to authority.
- 35 Power to supply water fittings.
- 36 Power to execute work on behalf of owner or occupier.
- 37 Power to require occupier to permit works to be executed by owner.
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- 41 Levy of domestic water rate on business and commercial premises.
- 41A Supply of water by meter.
- 42 Levy of non-domestic water rate on certain subjects.
- 43 Levy of non-domestic water rate on shootings and fishings.
- 44, 45
- 46 Transport hereditaments.
- 47 Domestic water rate in certain cases.
- 48 Levying of, and exemptions from, rates.
- 49 Payment for supplies by meter.
- 50 Power to require supply by meter.
- 51 Power to require supplies for refrigerating apparatus, etc., to be taken by meter.
- 52 Power to require supply for hose pipe to be taken by meter.
- 53 Provision as to supply to tents, vans, sheds, etc.
- 54 Register of meter to be evidence.
- 55 Charges for water supplied by meter.
- 56 Provisions as to supply of water to agricultural subjects.
- 56A Regulations as to meters.
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- 58 Termination of right to supply of water on special terms.

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- 59 Limitation of liability of water authority to supply water on special terms.
- 60 Requisitions.
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- 71 Byelaws for preventing pollution of water.
- 72 General provisions as to byelaws.
- 73 Power of Secretary of State to require the making of byelaws.
- 74 Regulations to prevent waste, misuse or contamination of water.
- 75 Penalty for polluting water.
- 76 Acquisition of land for protection of water.

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PART IX

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- 93 Obtaining of information as to underground water.
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- 100 Orders.
- 101 Regulations.
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- 106 Supplementary provisions relating to determination of disputes.
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- 108 Transitional provisions and savings.
- 109 Interpretation.
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- 112 Amendments and repeals.
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SCHEDULES

SCHEDULE 1 — Procedure for Making Orders and Making and Confirming Byelaws

Part I

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Orders made by the Secretary of State under section 17(2) and (if made on application of water authority or water development board) sections 19, 29(2) and 107(1)).

- 1 Applicants for any order to which this part of this...
- 2 Not later than the date on which the said notice...
- 3 The applicants shall also publish in the Edinburgh Gazette a...
- 4 The applicants shall, at the request of any person interested,...
- 5 The Secretary of State may make an order in the...
- 6 If before the expiration of the 28 days referred to...
- 7 After considering the report of any local inquiry under the...
- 8 The expenses incurred by the Secretary of State in connection...
- 9

Part II

Orders made by the Secretary of State under section 13(2) and (if no application by the water authority or water development board) sections 19 and 29(2).

- 10 Before making an order to which this Part of this...
- 11 Not later than the date on which the said notice...
- 12 The Secretary of State shall also publish in the Edinburgh...
- 13 The Secretary of State shall, at the request of any...
- 14 The Secretary of State may make the order either in...
- 15 If before the expiration of the 28 days referred to...
- 16 After considering the report of any local inquiry under the...
- 17 The expenses incurred by the Secretary of State in connection...
- 18

Part III

Agreements made by water authorities or water development boards under section 17

- 19 A water authority or water development board who propose to...
- 20 The water authority or water development board shall also publish...
- 21 The Secretary of State shall not approve the agreement before...
- 22 After considering the report of any local inquiry under the...
- 23 The expenses incurred by the Secretary of State in connection...

Part IV

Byelaws made by water authorities or water development boards under sections 70 and 71

- 24 Byelaws to which this Part of this Schedule applies shall...
- 25 At least one month before application for confirmation of the...
- 26 For at least one month before such application is made,...
- 27 The water authority or water development board shall, at the...
- 28 Any person aggrieved by any such byelaws may, within one...
- 29 The Secretary of State may confirm with or without modification...
- 30 A copy of the byelaws when confirmed shall be printed...
- 31 The production of a printed copy of the byelaws on...

SCHEDULE 2 — Orders under Section 17 Authorising Compulsory Acquisition of Land

- 1 The order shall incorporate the Lands Clauses Acts and section...
- 2 A copy of the notice required by paragraph 1 or...
- 3 Where any such objection as is mentioned in paragraph 6...
- 4 Notwithstanding anything in paragraph 5 or 14 of Schedule 1,...
- 5 Subject as hereinafter provided, Part III of Schedule 1 to...

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- 6 As soon as may be after the order has been...
- 7 Part IV of Schedule 1 to the Act of 1947...
- 8 In this Schedule the expression “the Act of 1947” means...

SCHEDULE 3 — Provisions as to Breaking Open Streets and Laying Communication and Supply Pipes

Part I

Provisions as to breaking open streets, etc.

- 1 Power to break open streets.
- 2 Protection for railway companies, navigation authorities, tramway undertakers, etc.
- 3

Part II

Provisions as to laying communication and supply pipes, etc.

- 4 Power to lay service pipes, etc.
- 5 Laying of supply pipes, etc.
- 6 Laying of communication pipes, etc.
- 7 Power of authority to require separate service pipes.
- 8 Power to break open streets forming boundary of limits of supply.
- 9 Provisions as to the position of stopcocks.

SCHEDULE 4 — Provisions to be incorporated in Orders relating to Water Undertakings

Part I — INTERPRETATION

- 1 Definitions, etc.

Part II — WORKS AND LANDS

- 2 Permissible limits of deviation.
- 3 Limit on powers of undertakers to take water.
- 4 General power to construct subsidiary works.
- 5
- 6 Penalty for obstructing construction of works.
- 7 Power to acquire servitudes for underground work.
- 8 Persons under disability may grant servitudes, etc.
- 9 Extinction of private rights of way.

Part III — COMPENSATION WATER

- 10 Provisions as to compensation water.

Part IV — MINERALS UNDERLYING WATERWORKS

- 11 Undertakers not entitled to underlying minerals unless expressly purchased.
- 12 Map of underground works to be prepared and kept up to date.
- 13 Mines lying near the works not to be worked without notice to undertakers.
- 14 If undertakers unwilling to pay compensation, mines may be worked in usual manner.
- 15 Power to make mining communication where continuous working is prevented.
- 16 Undertakers to pay compensation for expenses incurred by reason of severance.
- 17 Undertakers may enter and inspect the working of mines.
- 18 Undertakers not exempted from liability for injury to mines.

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Part V — SUPPLY OF WATER FOR PUBLIC PURPOSES

- 19 Undertakers to fix and maintain fire hydrants on pipes.
- 20 Undertakers to deposit keys of hydrants at certain places.
- 21 Cost of hydrants.
- 21A The Scottish Ministers may by regulations make provision as to—...
- 22 Hydrants to be placed near factories, etc., at request of owners or occupiers.
- 23
- 24 Supply of water for cleansing sewers, etc., and for other public purposes.

Part VI — CONSTANCY AND PRESSURE OF SUPPLY

- 25 Duty of undertakers as respects constant supply and pressure.

Part VII — PROVISIONS AS TO WASTE AND AS TO METERS

- 26 Power to require provision of cisterns in certain cases.
- 27 Power to test water fittings.
- 28 Power to enter premises to detect waste or misuse of water.
- 29 Power to repair supply pipes.
- 30 Penalty for waste, etc., of water by non-repair of pipes, etc.
- 31 Penalty for misuse of water.
- 32 Penalty for injuring water fittings, etc., or for fraudulent use of water.
- 33 Penalty for interference with valves and apparatus.
- 34 Penalty for extension or alteration of pipes, etc.
- 35 Meters to be connected, or disconnected by undertakers.
- 36 Meters, etc., to measure water or detect waste.

Part VIII — POLLUTION OF WATER BY MANUFACTURE OF GAS, ETC.

- 37 Provisions as to pollution by liquids resulting from manufacture of gas, etc.
- 38 Provision as to pollution by gas.
- 39 Power to examine pipes and other works to ascertain source of pollution.

Part IX — GENERAL AND MISCELLANEOUS

- 40 Notice of discontinuance.
- 41 Duty of undertakers to give notice of certain works.
- 42 Penalty for obstructing execution of special Act.
- 43 Proceedings for offences.
- 44 Liability of undertakers to pay compensation.
- 45 Protection for works of navigation authorities and for railways.
- 46 Copies of special Act to be deposited.

SCHEDULES 5 AND —

6.

SCHEDULE 7 — Procedure for Making an Order under Section 4 or 82

- 1 Before making an order under section 4 or 82 the...
- 2 The Secretary of State shall cause a copy of a...
- 3 If no objection is duly made under paragraph 1 or...
- 4 If any objection duly made as aforesaid is not withdrawn,...
- 5 The Secretary of State shall not make an amendment order...

SCHEDULE 8 — Provisions as to Water Development Boards

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Corporate status of boards

- 1 A board shall be a body corporate with perpetual succession...

Terms of office of members of boards

- 2 (1) The first members of a board shall come into...

Vacation of office by members of boards

- 3 A member of a board may resign his office at...
4 A member of a board shall vacate his office if...

Appointments to fill casual vacancies

- 5 Where, for any reason whatsoever, the place of a member...

Disqualification for, and re-appointment to, membership of boards

- 6 (1) Subject to the following provisions of this paragraph, a...
7 Subject to the provisions of this Act, a vacating member...

First meetings of boards

- 8 The first meeting of a board shall be held on...

Chairman

- 9 The chairman of a board shall be elected by the...
10 The election of the chairman shall be the first business...

Appointment of committees

- 11 (1) A board may appoint from their number such committees...

Members of committees

- 12 The number of members of a committee appointed under this...

Proceedings of boards and committees

- 13 The proceedings of a board, or of any committee appointed...
14 (1) A board may make standing orders with respect to—...
15 At any meeting of a board or of a committee...
16 The provisions of sections 38 to 42 of the Local...
17 (1) Subject to the next following sub-paragraph, the minutes of...

Authentication of documents

- 18 The provisions of section 194 of the Local Government (Scotland)...
19 (1) Any notice or other document which a board are...

Officers and servants

- 20 A board shall appoint such officers and servants as the...
21 The provisions of sections 66 (security to be taken in...

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Expenses, subscriptions and contributions

- 22 A board may defray— (a) any expenses incurred in the...
- 23 A board may pay reasonable subscriptions, whether annually or otherwise,...

General

- 24 The following provisions of the Local Government (Scotland) Act 1973...
- 25 In this Schedule “board” means a water development board, and...

SCHEDULE 9 — Transitional Provisions and Savings

- 1 In so far as anything done under an enactment repealed...
- 2 Where any period of time specified in an enactment repealed...
- 3 Any reference in any enactment or document, whether express or...
- 4 (1) Nothing in this Act shall affect the enactments repealed...

SCHEDULE 10 — Amendment of Enactments

Part I — GENERAL

Part II — SPECIFIC ENACTMENTS.

Fire Services Act 1947 (c. 41.)

Requisitioned Land and War Works Act 1948 (c. 17)

Prevention of Damage by Pests Act 1949 (c. 55).

Rivers (Prevention of Pollution) (Scotland) Act 1951 (c. 66)

Town and Country Planning (Scotland) Act 1959 (c. 70)

Water Officers Compensation Act 1960 (c. 15)

Radioactive Substances Act 1960 (c. 34)

Local Government (Financial Provisions etc.) (Scotland) Act 1962 (c. 9)

Spray Irrigation (Scotland) Act 1964 (c. 90)

Airports Authority Act 1965 (c. 16)

Gas Act 1965 (c. 36)

In section 15(11)(d), for the word “1946” there shall be...

In section 23(5) for the words “Acts 1946 and 1949”...

In section 28(1)— (a) in the definition of “limits of...

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Countryside (Scotland) Act 1967 (c. 86)

Sewerage (Scotland) Act 1968 (c. 47)

Town and Country Planning (Scotland) Act 1972 (c. 52)

Local Government (Scotland) Act 1973 (c. 65)

Control of Pollution Act 1974 (c. 40)

Local Government (Scotland) Act 1975 (c. 30)

Airports Authority Act 1975 (c. 78)

SCHEDULE 11 — REPEALS

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