



Water (Scotland) Act 1980

1980 CHAPTER 45

PART IV

FINANCE

39^{F1}

Textual Amendments

F1 S. 39 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#)

[^{F2}40] **Non-domestic water rate.**

- (1) Subject to the provisions of this Part of this Act [^{F3}and section 6(1A) of the Local Government (Scotland) Act 1975 (exemption of formula valued premises from non-domestic water rate)] each council of a region or an islands area shall, in respect of the financial year 1989-90 and each subsequent financial year, determine a non-domestic water rate, which shall be levied in respect of those lands and heritages described in subsection (2) below—
 - (a) which are subjects (other than part residential subjects) in respect of which there is an entry in the valuation roll, according to their net annual value; or
 - (b) which are part residential subjects, according to that part of their net annual value which is shown in the apportionment note as relating to the non-residential use of those subjects.
- (2) The lands and heritages mentioned in subsection (1) above are lands and heritages—
 - (a) in respect of which [^{F4}a water authority] is supplying water, whether for domestic or for non-domestic purposes; and
 - (b) which are not being—
 - (i) wholly supplied with water by meter, or

Status: Point in time view as at 04/01/1995.

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- (ii) occupied by a water authority for the purposes of a water undertaking or by a water development board.
- (3) The person who is liable to pay the non-domestic water rate in respect of any lands and heritages shall be the person who is liable to pay non-domestic rates in respect of those lands and heritages [^{F5}or who would be liable to pay those non-domestic rates but for any enactment which exempts the lands and heritages from those rates or by or under which any relief or remission from liability for those rates is given.]
- (4) Each council of a region or islands area shall, in respect of the financial year 1989-90 and each subsequent financial year, determine, before such date as may be prescribed in relation to each of those years, such amount of the non-domestic water rate as will provide sufficient moneys to meet the proportion of their estimated expenditure for that year which they have determined under paragraph 2 of Schedule [^{F6}11 to the 1992 Act] is to be met out of that rate.
- (5) The non-domestic water rate shall not be leviable in respect of any premises, being lands and heritages situated within the region or area of a council of a region or islands area, unless a supply of water provided by a water authority is used for any purposes for or in connection with which the premises are used or by or for persons employed or otherwise engaged on or about the premises in connection with such purpose.
- (6) Where premises are for the first time provided with a supply of water otherwise than on the first day of a financial year, the person who is liable to pay the non-domestic water rate shall be liable to pay in respect of that year such part only of that rate which would be leviable if a supply had been provided throughout that year as is proportionate to the part of that year which had not elapsed when the supply was provided.
- (7)^{F7}]

Textual Amendments

- F2** S. 40 substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 29](#)
- F3** Words inserted by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\), s. 145, Sch. 6 para. 19\(a\)](#)
- F4** Words in s. 40(2)(a) substituted (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 107, Sch. 11, Pt. IV, para. 31\(a\) \(with s. 118\(1\)\(2\)\(4\)\)](#)
- F5** Words inserted (*retrospectively*) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\), s. 145, Sch. 6 para. 16](#)
- F6** Words in s. 40(4) substituted (1.10.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 107, Sch. 11, Pt. IV, para. 31\(b\) \(with s. 118\(1\)\(2\)\(4\)\); S.I. 1992/2183, art. 2\(b\)](#)
- F7** Subsection (7) repealed by [Local Government and Housing Act 1989 \(c. 42, SIF 81:2\), ss. 145, 194\(4\), Sch. 6 para. 19\(b\), Sch. 12 Pt. II](#)

Modifications etc. (not altering text)

- C1** S. 40 extended by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. I para. 12](#)
- C2** S. 40 continued (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 107, Sch. 11, Pt. I, para. 12 \(with s. 118\(1\)\(2\)\(4\)\)](#)
- C3** S. 40 applied (6.3.1992) by [Local Government Finance Act 1992 \(c. 14\), s. 99\(2\)\(c\) \(with s. 118\(1\)\(2\)\(4\)\)](#)

Status: Point in time view as at 04/01/1995.

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41 Levy of domestic water rate on business and commercial premises.

- (1) Where the [^{F8}non-domestic water rate] is leviable in respect of lands and heritages being premises to which this section applies, it shall be levied according to one-half of the net annual value [^{F9}or, in respect of part residential subjects, one half of the part which is shown in the apportionment note as relating to the non-residential use of those subjects] thereof:

Provided that if the water authority providing a supply of water to the premises so resolve not later than such date in any year as may be prescribed by regulations made by the Secretary of State under section 111 of the ^{M1}Local Government (Scotland) Act 1973 with respect to any particular premises such as aforesaid [^{F10}or to any class of such premises] this subsection shall have effect in that year in relation to those premises [or, as the case may be, to premises in that class] with the substitution for one-half of such other fraction, not exceeding one-half and not less than one-quarter, as may be specified in the resolution.

^{F11}(2)

^{F11}(2A)

(3) ^{F12}

- (4) This section applies to lands and heritages being premises occupied wholly or partly as a shop, offices, a warehouse, factory, cinematograph theatre, theatre, town hall, dance hall or concert hall, and such other premises [^{F13}of whatsoever kind but] not being such premises as are mentioned in section 42 or 43 as the water authority providing a supply of water to the premises may from time to time resolve.

Textual Amendments

- F8** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 30\(a\)\(i\)](#)
- F9** Words inserted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 30\(a\)\(ii\)](#)
- F10** Words inserted (*retrospectively*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:2\), s. 145, Sch. 6 para. 17\(1\)\(a\)\(i\)\(2\)](#)
- F11** S. 41(2)(2A) repealed (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 117\(2\), Sch. 14](#) (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(d\)](#)Sch.
- F12** S. 41(3) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 34, Sch. 6](#)
- F13** Words inserted (*retrospectively*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:2\), s. 145, Sch. 6 para. 17\(1\)\(b\)\(2\)](#)

Marginal Citations

- M1** 1973 c. 65.

[^{F14}41A Supply of water by meter.

- (1) Where premises to which water is supplied are premises in respect of which there is an entry on the valuation roll, the occupier shall have the option of taking the supply by meter.

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- (2) Where premises to which water is supplied constitute a dwelling within the meaning of section 72(2) of the 1992 Act—
 - (a) the owner of the dwelling; or
 - (b) the person or persons who, in terms of section 75 of that Act—
 - (i) are liable to pay council tax on the dwelling; or
 - (ii) would have been so liable had the building not been exempt from council tax under section 72(6) of that Act,
 shall have the option of taking the supply by meter.
- (3) Neither of the parties mentioned in paragraph (a) or (b) of subsection (2) above may exercise the option mentioned in that subsection without the consent of the other.
- (4) The exercise of the option mentioned in subsections (1) and (2) above is subject to—
 - (a) the payment by the person exercising the option of any reasonable charges made by the authority under section 35 of this Act; and
 - (b) the acceptance by him of such reasonable terms and conditions as may be published by the authority under section 55(1) of this Act,
 and any question as to whether any such charges or terms and conditions are reasonable shall, in default of agreement, be referred to the Secretary of State who may determine it himself or, if he thinks fit, refer it for arbitration.]

Textual Amendments

F14 S. 41A inserted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107, [Sch. 11](#), Pt. IV, para.32 (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

[^{F15}42 Levy of non-domestic water rate on certain subjects.

Where the non-domestic water rate is leviable in respect of premises being lands and heritages occupied as waterworks or sewage works, or as a mine or a quarry, or as a public park or recreation ground, it shall be levied according to one quarter of the net annual value or, in respect of part residential subjects, one quarter of the part which is shown in the apportionment note as relating to the non-residential use of those subjects.]

Textual Amendments

F15 Ss. 42, 43 substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47\)](#), SIF 81:2, 103:2, s. 25, [Sch. 5 Pt. IV para. 31](#)

43 Levy of non-domestic water rate on shootings and fishings.

Where the non-domestic water rate is leviable in respect of premises being lands and heritages occupied as shootings or as fishings it shall be levied according to one eighth of the net annual value thereof.

44, 45. ^{F16}

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Textual Amendments

- F16** Ss. 44, 45 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#); and ss. 44, 45 expressed to be repealed (1.4.1996) by 1994 c. 39, s. 180(2), [Sch. 14](#); S.I. 1996/323, art. 4(1)(d), [Sch. 2](#)

46 Transport hereditaments.

- (1) Without prejudice to the provisions contained in section 17(4C) (payment in lieu of rates) of the ^{M2}Local Government (Scotland) Act 1966, it is hereby declared that nothing in the foregoing provisions of this Part affects the exemption from liability to be rated or to be included in any valuation roll or in any rate conferred by Part V of the ^{M3}Local Government Act 1948 on premises being a railway or canal hereditament.
- (2) Subject to the said section 17(4C), where a water rate was in the year 1947-48 levied in respect of premises being a railway or canal hereditament and no charge calculated by reference to the amount of water consumed was made, no charge by way of meter [^{F17}, [^{F18}council water charge] or the non-domestic water rate] shall be made in any subsequent year during which the premises are occupied as such a hereditament in respect of a supply of water (whether for domestic purposes or otherwise) to those premises by a water authority.
- (3) Subject to the said section 17 (4C), where no payment by way of water was made in the year 1947-48 in respect of any such premises as aforesaid, or where in that year a charge calculated in accordance with the amount of water consumed was made in respect of a supply of water to such premises (whether a water rate was levied in addition to such charge or not), the water authority shall be entitled to make in any subsequent year in respect of any supply of water to those premises a charge calculated by reference to the amount of water consumed thereon.
- (4) In this section the expression “railway or canal hereditament” has the meaning assigned to it by the Local Government Act 1948 for the purposes of part V of that Act; and the expression “1947-48” has the meaning assigned to it by Part VIII of that Act.

Textual Amendments

- F17** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 32](#)
- F18** Words in s. 46(2) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107, [Sch. 11](#), Pt. IV, para. 33 (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

Modifications etc. (not altering text)

- C4** [S. 46](#) repealed so far as it relates to premises of the British Waterways Board in Scotland by [S.I. 1985/194](#), [art. 7\(3\)\(b\)](#) and so far as it relates to premises of the British Railways Board and any subsidiary of that Board in Scotland by [S.I. 1985/196](#), [art. 7\(3\)](#)

Marginal Citations

- M2** 1966 c. 51.
- M3** 1948 c. 26.

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47 Domestic water rate in certain cases.

- (1) Notwithstanding anything in the foregoing provisions of this Part, no [^{F19}non-domestic water rate] shall be payable in respect of any premises to which a water authority were immediately before 16th May 1949 by virtue of any enactment or agreement under an obligation to provide a supply of water free of charge, and no charge or other payment shall be required by the authority to be made in respect of that supply.
- (2) Where by virtue of any local enactment in force immediately before 16th May 1949 the domestic water rate was leviable in any area specified in the local enactment at an amount per pound determined by the local enactment (whether as an amount per pound specified therein or as an amount per pound being a proportion so specified of the amount per pound at which the domestic water rate would otherwise be payable, or otherwise), the [^{F20}non-domestic water rate] shall during such period as is specified in the local enactment [^{F21}in relation to the domestic water rate] be payable in that area at the amount per pound so specified [^{F22}in relation to the domestic water rate]:

[^{F23}Provided that if in any financial year during the said period the non-domestic water rate levied generally within the region or islands area is lower than the non-domestic water rate falling to be levied for that financial year in accordance with the foregoing provisions of this subsection, the non-domestic water rate to be levied in such area as aforesaid shall not exceed the amount of that rate levied generally within the region or islands area.]
- (3) Notwithstanding anything in the foregoing provisions of this Part, [^{F24}non-domestic water rate shall not be payable] in respect of the provision of a supply of water to any premises to which a water authority were, by virtue of any enactment or agreement in force immediately before 16th May 1949, under an obligation to provide such a supply on terms more favourable to the person having the vested interest in the obligation than those which, apart from the obligation, would have been applicable under the enactments in force immediately before that date relating to the supply of water by the authority in the limits of supply in which the premises are situated, and the supply shall continue to be provided on the following, and no other, terms, that is to say—
 - (a) where immediately before 16th May 1949 there was leviable under such an enactment a rate other than a public water rate, on such terms as may be agreed between the authority and the person having the vested interest in the obligation;
 - (b) in any other case on the terms on which immediately before that date it was provided under the enactment or agreement.
- (4) In determining for the purposes of the foregoing provisions of this section whether a supply of water provided under any enactment or agreement in force immediately before 16th May 1949 was provided free of charge or was such a supply as is mentioned in subsection (3), or in determining the sum which by virtue of that subsection is to be paid in respect of such a supply, no account shall be taken of any public water rate levied under any such enactment in respect of the premises so supplied or of any undertaking (other than an undertaking to pay a rate or a charge) entered into by the person having the vested interest in the obligation in consideration of which the supply was provided.
- (5) Any question arising under this section whether a water authority are required to provide a supply of water free of charge, or whether a supply is such a supply as is mentioned in subsection (3), or as to the terms on which a supply was provided immediately before 16th May 1949, or on which by virtue of this section a supply is

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to continue to be provided or otherwise, shall, in default of agreement, be referred to the Secretary of State, and the Secretary of State may determine it himself or, if he thinks fit, may refer it for determination by arbitration.

- (6) In this section the expression “public water rate” means in relation to any supply any rate called the public water rate in the local enactment by virtue of which the supply is provided on special terms.
- (7) Nothing in the provisions of subsection (1) or (3) shall be construed as continuing any exemption conferred by either of these subsections from the payment in whole or in part of [F25 non-domestic water rate], where the water authority have ceased to be under the obligation which gave rise to that exemption.

Textual Amendments

- F19** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 33](#)
- F20** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 34\(a\)](#)
- F21** Words inserted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c.47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 34\(b\)](#)
- F22** Words inserted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 34\(c\)](#)
- F23** Proviso substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 35](#)
- F24** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 36](#)
- F25** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 37](#)

48 Levying of, and exemptions from, rates.

- (1) The provisions of Part XI of the ^{M4}Local Government (Scotland) Act 1947 (which relate to the levy and collection of rates and to requisitions), Part VII of the ^{M5}Local Government (Scotland) Act 1973 and sections 7 to 10 of the ^{M6}Local Government (Scotland) Act 1975 shall, in their application to the [F26 non-domestic water rate] levied under this Part, have effect subject to such adaptations and modifications as may be prescribed.
- (2) The amount of the annual value of any lands and heritages according to which the [F27 non-domestic water rate] is leviable in accordance with the foregoing provisions of this Part shall, if it includes a fraction of a pound, be increased or reduced as the case may be, to the nearest complete pound or, if the fraction is 50 pence, the fraction shall be disregarded.
- (3) Nothing in this part shall affect the total exemption from any rates [F28 or charges] conferred in respect of any lands and heritages by or under any enactment in force at the passing of the ^{M7}Water (Scotland) Act 1949.

Textual Amendments

- F26** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 25, Sch. 5 Pt. IV para. 38](#)

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F27 Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 39](#)

F28 Words inserted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2\)](#), 103:2, s. 25, [Sch. 5 Pt. IV para. 40](#)

Marginal Citations

M4 1947 c. 43.

M5 1973 c. 65.

M6 1975 c. 30.

M7 1949 c. 31.

[49] ^{F29} **Payment for supplies by meter.**

- (1) Subject to the provisions of this section, where water is supplied by meter by a water authority, they may make—
 - (a) such a standing charge as they may from time to time consider appropriate, irrespective of whether any water is consumed on the premises; and
 - (b) charges calculated on the amount of water, if any, actually so consumed.
- (2) Charges payable under this section shall be payable—
 - (a) in the case of premises (other than premises constituting the residential part of part residential subjects) in respect of which there is an entry on the valuation roll, by the occupier of the premises in respect of which they are due; or
 - (b) in the case of a dwelling within the meaning of section 72(2) of the 1992 Act, by the person or persons who—
 - (i) are liable to pay council tax on the dwelling; or
 - (ii) would have been so liable had the building not been exempt from council tax under section 72(6) of that Act.
- (3) Charges payable under this section, including charges for any meter supplied by the authority, shall be recoverable in the manner in which non-domestic rates are recoverable.
- (4) No charges shall be made under this section in relation to any lands and heritages such as are mentioned in section 5 (rebates for institutions in Scotland for the disabled) of the ^{M8}Rating (Disabled Persons) Act 1978 during any rebate period (within the meaning of section 6(2) of that Act)]

Textual Amendments

F29 S. 49 substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107, [Sch. 11, Pt. IV, para.34](#) (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

Marginal Citations

M8 1978 c. 40.

50 **Power to require supply by meter.**

A water authority shall not be bound to supply with water otherwise than by meter—

- (a) any premises whereof part is used as a dwelling house and part for any business, trade or manufacturing purpose for which water is required;

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- (b) any public institution, hospital, asylum, nursing home, sanatorium, school, club, hostel, camp, assembly hall, place of public entertainment, hotel or restaurant or any licensed premises for which a licence is required under the ^{M9}Licensing (Scotland) Act 1976;
- (c) any boarding-house capable of accommodating 12 or more persons, including the persons usually resident therein; or
- (d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes only is required.

Marginal Citations

M9 1976 c. 66.

51 Power to require supplies for refrigerating apparatus, etc., to be taken by meter.

Where a person who takes a supply of water for domestic purposes from a water authority otherwise than by meter desires to use any of the water so supplied—

- (a) for operating a water-cooled or refrigerating apparatus;
- (b) for operating any apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating the water; or
- (c) for cleaning, regenerating or supplying motive power to an apparatus used for softening water,

the authority may require that all water so supplied shall be taken by meter.

52 Power to require supply for hose pipe to be taken by meter.

Where water which a water authority supply for domestic purposes is used by means of a hosepipe or similar apparatus for watering a garden or for horses, washing vehicles or other purposes in stables, garages or other premises where horses or vehicles are kept, the authority may require that all water so supplied shall be taken by meter.

53 Provision as to supply to tents, vans, sheds, etc.

- (1) No person shall be entitled to demand or to continue to receive from a water authority a supply of water to any habitation to which this subsection applies unless he has—
 - (a) agreed with the authority to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the required supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation, and will yield a reasonable return on the cost of the water supplied; and
 - (b) secured to the reasonable satisfaction of the authority by way of deposit or otherwise, payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined, in default of agreement, by the sheriff, whose decision shall be final.

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- (2) The habitations to which subsection (1) applies are tents, vans or other conveyances, whether on wheels or not, and sheds or similar structures.
- (3) ^{F30}

Textual Amendments

F30 S. 53(3) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#)

54 Register of meter to be evidence.

- (1) Where a water authority supply water by meter, the register of the meter shall be [^{F31}sufficient] evidence of the quantity of water supplied
- (2) Any question arising between the authority and a consumer with respect to the quantity of water supplied may, on the application of either party, be determined by the sheriff.
- (3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent—
- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the authority, unless it is proved to have begun to register incorrectly on some later date; and
 - (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the authority or paid by the consumer, as the case may be, and in the case of an extra payment shall be recoverable in the manner in which [^{F32}non-domestic rates] are recoverable.

Textual Amendments

F31 Word substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 43](#)

F32 Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 44](#)

55 Charges for water supplied by meter.

- (1) Every water authority shall prepare and maintain a schedule of the terms and conditions on which they are prepared in general to give a supply of water by meter or otherwise, and that schedule shall be published in such manner as in the opinion of the authority will secure adequate publicity for it.
- (2) Nothing in the foregoing subsection shall be construed as prejudicing the rights or duties under section 9 of a water authority or of any person supplied or proposed to be supplied by them under that section.
- (3) Every water authority shall keep a register in which they shall enter particulars of every agreement entered into by them for the giving of a supply of water for purposes other than domestic purposes to any person on terms and conditions other than the

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terms and conditions for the time being set forth in the schedule maintained by them under subsection (1).

- (4) The register kept under subsection (3) shall be kept at the office of the authority and shall be open at all reasonable hours to the inspection of [^{F33}the public] without payment of any fee.

Textual Amendments

F33 Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 45](#)

56 Provisions as to supply of water to agricultural subjects.

- (1) Where a supply of water for purposes other than domestic purposes is provided for premises being agricultural lands and heritages, the water authority shall require the supply to be taken either by meter or on other specified terms as they may from time to time in their discretion determine.
- (2) Where a water authority supply water by meter for purposes other than domestic purposes to any premises being agricultural lands and heritages and also supply water for domestic purposes to any dwelling house comprised in such premises, the authority shall, if it is reasonably practicable so to do, provide the whole supply of water to such premises and dwelling house through a single meter.

[^{F34}**56A Regulations as to meters.**

The Secretary of State may make regulations under this Act as to the installation, connection, use, maintenance, authentication and testing of meters, and as to any related matters.]

Textual Amendments

F34 [S. 56A](#) inserted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107, [Sch. 11, Pt. IV, para. 35](#) (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

57 ^{F35}

Textual Amendments

F35 [S. 57](#) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c.47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#)

58 Termination of right to supply of water on special terms.

- (1) Where by virtue of any enactment including any enactment in this Act) or of any agreement a water authority are under an obligation to which this section applies, the authority and the person having the vested interest in the obligation may ^{F36} enter into an agreement to terminate the obligation on such terms and conditions as

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to compensation or otherwise as they may agree; and any such agreement shall be enforceable against any person deriving title from the person who entered into the agreement.

- (2) The Secretary of State may, on the application of the water authority and after affording to the person having the vested interest in the obligation an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, by order provide for the termination compulsorily of an obligation to which this section applies on payment of compensation, the amount of which shall, in default of agreement, be determined in manner provided by the Lands Clauses Acts with references to the taking of lands otherwise than by agreement, and the order may contain such incidental, consequential and supplementary provisions, including provisions for the amendment and repeal of any local enactment, as the Secretary of State thinks necessary or expedient.
- (3) The amount of the compensation to be paid under subsection (2) shall be assessed by reference to the value of the rights secured under the obligation as at the date of the making of the order, and in assessing that value regard shall be had to [^{F37}the amount of any charge under section 49, [^{F38}council water charge] or non-domestic water rate], as the case may be, which may reasonably be expected to become payable as a result of the termination of the obligation.
- (4) This section applies to any obligation on the part of any water authority providing to any person other than a district council or a water authority a supply of water (whether for domestic purposes or for purposes other than domestic purposes) to provide that supply free of charge or on terms more favourable to the person having the vested interest in the obligation than those which apart from the obligation would be applicable.
- (5) The water authority shall record in the appropriate Register of Sasines any agreement entered into or order made under the foregoing provisions of this section terminating an obligation to which this section applies if the obligation was itself recorded in the Register of Sasines.
- (6) Where an application under subsection (2) relates to an obligation under which the water authority making the application are required to provide a supply of water to premises in the limits of supply of another water authority or the district of a district council the order may, with the concurrence of the authorities concerned, contain provisions for the payment by that other water authority or by that district council of such part of the compensation payable by virtue of the order as the order may prescribe.
- (7) An obligation to furnish a supply of water or to grant a wayleave for pipes or to give any other benefit or advantage to a water authority entered into in consideration of an obligation to which this section applies shall not be deemed to be terminated by reason only of the termination under this section of the last mentioned obligation.
- (8) No water authority shall by agreement or otherwise incur any obligation of the kind to which this section applies.

Textual Amendments

F36 Words repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 2 para. 40](#), [Sch. 4](#)

F37 Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 46](#)

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F38 Words in s. 58(3) substituted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\), s. 107, Sch. 11, Pt. IV, para.36](#) (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

59 Limitation of liability of water authority to supply water on special terms.

- (1) Notwithstanding anything in any such obligation as is mentioned in section 58(4) a water authority shall not be liable under the obligation to provide to any premises in any year a quantity of water greater than the quantity supplied thereto in the year immediately preceding 27th October 1948, or to provide to any premises not provided by them with a supply of water on that day a supply otherwise than on the terms on which the supply would, apart from the obligation, have been provided under the ^{M10}Water (Scotland) Act 1946 and the ^{M11}Water (Scotland) Act 1949.
- (2) Any question arising under the foregoing subsection shall in case of dispute be determined by arbitration.

Marginal Citations

- M10** 1946 c. 42.
M11 1949 c. 31.

60 Requisitions.

- (1) Each water authority—
 - (a) who are a regional council, and
 - (b) whose limits of supply extend beyond their own region or who supply water to premises in another region,shall in respect of any financial year determine ^{F39}the amount required to be requisitioned by the water authority under this Part from each of their contributing authorities ^{F39}.
- (2) Each such water authority shall, by such date or dates as may be prescribed, cause a requisition in respect of any financial year to be sent to their contributing authorities requiring each of them to pay such sum as may be apportioned to each under the subsequent provisions of this Part, and each of those authorities shall, at such intervals and by such instalments as may be prescribed, pay over to the water authority the sum so requisitioned.
- (3) In this section “prescribed” means prescribed by regulations made by the Secretary of State under section 111 of the ^{M12}Local Government (Scotland) Act 1973.

Textual Amendments

- F39** Words repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\), s. 34, Sch. 6](#)

Marginal Citations

- M12** 1973 c. 65.

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61 Calculation of amount to be requisitioned by water authorities.

[^{F40}(1) Subject to subsection (2) below, the amount of the requisition made by a requisitioning authority on any contributing authority shall be calculated by—

- (a) estimating the cost to the requisitioning authority of supplying the volume of water which is to be supplied to the contributing authority in the financial year; and
- (b) deducting therefrom the estimated income which will be received by the requisitioning authority in that financial year by way of charges or other sources (not being [^{F41}the council water charge]or the non-domestic water rate) from the parts of the contributing authority’s area supplied.

(2) In respect of any financial year, the sum of the requisition made on any contributing authority and the estimated income mentioned in subsection (1)(b) above shall bear the same relationship to the expenditure incurred by the requisitioning authority in the exercise of all its water supply functions as the estimated volume of water to be supplied to that contributing authority bears to the total volume of water to be supplied by the requisitioning authority, whether for consumption inside its own area or elsewhere.

(3) For the purposes of this section “requisitioning authority” means a water authority such as is mentioned in section 60(1) above.]

(5) Where, in the case of any water authority, the Secretary of State considers, having regard to all the circumstances, that it would be unreasonable or inequitable that the methods of calculating the sums to be requisitioned, as required by [^{F40}subsections (1) and (2)], should apply, he may by order modify the requirements of either or both of the said subsections or specify a different method of calculation and, in either event, may so specify the financial years during which the provisions of the said order are to operate, and in relation to that authority in respect of those years the provisions of those subsections as so modified, or, where the said order specifies a different method of calculation, the provisions of that order, shall have effect for the purposes of this section.

(6) ^{F42}

Textual Amendments

F40 S. 61(1)–(3) substituted for s. 61(1)–(4) by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 25, **Sch. 5 Pt. IV para. 47**

F41 Words in s. 61(1)(b) substituted (1.10.1992) by Local Government Finance Act 1992 (c. 14), s. 107, **Sch. 11, Pt. IV, para. 37** (with s. 118(1)(2)(4)); S.I. 1992/2183, **art. 2(b)**

F42 Words substituted by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 25, **Sch. 5 Pt. IV para. 48**

62 ^{F43}

Textual Amendments

F43 S. 62 repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c.23, SIF 81:2), s. 41, **Sch. 4**

Status:

Point in time view as at 04/01/1995.

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