

**Changes to legislation:** Water (Scotland) Act 1980, Cross Heading: Byelaws made by water authorities or water development boards under sections 70 and 71 is up to date with all changes known to be in force on or before 10 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) View outstanding changes

## SCHEDULES

### SCHEDULE 1 **S**

#### PROCEDURE FOR MAKING ORDERS AND MAKING AND CONFIRMING BYELAWS

#### PART IV **S**

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

- 24 Byelaws to which this Part of this Schedule applies <sup>F1</sup> . . . shall not have effect until they are confirmed by the Secretary of State.

##### Textual Amendments

- F1** Words in Sch. 1 para. 24 repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 64(16) (with s. 67); S.S.I. 2002/118, art. 2(3)

- 25 At least one month before application for confirmation of the byelaws is made—
- (a) notice of the intention to apply for confirmation shall be published in the Edinburgh Gazette and in one or more local newspapers circulating in the area to which the byelaws apply, and
  - (b) a copy of the byelaws shall be sent to the [<sup>F2</sup>local authority for any area] wholly or partly comprised in the area to which the byelaws apply.

##### Textual Amendments

- F2** Words in Sch. 1 para. 25(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 119(54)(l); S.I. 1996/323, art. 4(1)(c)

- 26 For at least one month before such application is made, a copy of the byelaws shall be deposited at the offices of [<sup>F3</sup>Scottish Water]<sup>F4</sup> and shall at all reasonable hours be open to public inspection without payment.

##### Textual Amendments

- F3** Words in Sch. 1 para. 26 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 64(17) (with s. 67); S.S.I. 2002/118, art. 2(3)
- F4** Words in Sch. 1 para. 26 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(54)(k), Sch. 14; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2

- 27 [<sup>F5</sup>Scottish Water]<sup>F6</sup> shall, at the request of any person interested, furnish to him a copy of the proposed byelaws upon payment of such sum <sup>F7</sup> as [<sup>F8</sup>it] may determine.

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#### Textual Amendments

- F5** Words in Sch. 1 para. 27 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 64\(18\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F6** Words in Sch. 1 para. 27 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(54)(k), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)
- F7** Words repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\), s. 41, Sch. 4](#)
- F8** Word in Sch. 1 para. 27 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 64\(18\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

- 28 Any person aggrieved by any such byelaws may, within one month after the publication of the notice required by paragraph 25 hereof, notify his objection and the ground of his objection to the Secretary of State who shall consider them before confirming the byelaws.
- 29 The Secretary of State may confirm with or without modification or refuse to confirm any byelaws submitted to him under this Part of this Schedule for confirmation, and may fix a date on which the byelaws are to come into operation and if no date is so fixed the byelaws shall come into operation at the expiration of one month from the date of their confirmation.
- 30 A copy of the byelaws when confirmed shall be printed and deposited at the offices of [<sup>F9</sup>Scottish Water]<sup>F10</sup> and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum <sup>F11</sup>, as [<sup>F12</sup>Scottish Water]<sup>F10</sup> may determine.

#### Textual Amendments

- F9** Words in Sch. 1 para. 30 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 64\(19\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F10** Words in Sch. 1 para. 30 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(54)(m), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)
- F11** Words repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\), s. 41, Sch. 4](#)
- F12** Words in Sch. 1 para. 30 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 64\(19\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

- 31 The production of a printed copy of the byelaws on which is endorsed a certificate purporting to be signed by [<sup>F13</sup>a duly authorised] officer of [<sup>F14</sup>Scottish Water]<sup>F15</sup>, stating—
- (a) that the byelaws were made by [<sup>F14</sup>Scottish Water]<sup>F15</sup>;
  - (b) that the copy is a true copy of the byelaws;
  - (c) that on a specified date the byelaws were confirmed by the Secretary of State; and
  - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaws;
- shall be prima facie evidence of the facts stated in the certificate and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this paragraph.

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**Textual Amendments**

- F13** Words in Sch. 1 para. 31 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(54)(n)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F14** Words in Sch. 1 para. 31 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 64(20)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F15** Words in Sch. 1 para. 31 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(54)(n)(ii), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

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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](#)