



Water (Scotland) Act 1980

1980 CHAPTER 45

PART II

DUTIES OF WATER AUTHORITIES

11 Power of Secretary of State on default of authority or board

- (1) If—
- (a) a complaint is made to the Secretary of State that a water authority or a water development board have failed—
 - (i) to do anything which they are required to do by or under this Act,
 - (ii) to give an adequate supply of water either as respects quantity or quality within their limits of supply, or have failed to give any supply which they have been lawfully required to give, or
 - (iii) to take such steps as are in the circumstances reasonable to obtain new powers or to extend their existing powers for the purpose of remedying any such failure as is mentioned in paragraph (ii), or
 - (b) the Secretary of State is of opinion that an investigation should be made as to whether any authority or board have failed in any of those matters,
- he may cause a local inquiry to be held into the matter.
- (2) If after a local inquiry has been held in pursuance of subsection (1), the Secretary of State is satisfied that there has been such a failure on the part of the authority or board in question, he may make an order declaring them to be in default and directing them for the purpose of remedying the default to discharge such of their functions in such manner and within such time or times as may be specified in the order or, as the case may be, to take such steps within such time or times as may be specified in the order to obtain new powers or to extend their existing powers.
- (3) If the authority or board declared to be in default by an order made under subsection (2) fail to comply with any requirements of that order within the time specified therein for compliance with that requirement—

Status: This is the original version (as it was originally enacted).

- (a) the Secretary of State may make an order transferring to another authority or board such of the functions of the authority or board in default as he thinks fit; or
 - (b) the Court of Session may on the application of the Lord Advocate on behalf of the Secretary of State order specific performance of the functions and do otherwise as to the Court appears to be just.
- (4) Any expenses incurred by the authority or board to whom functions are transferred by an order under this section (in this section referred to as " the transferee authority " or " the transferee board ") in discharging those functions shall be defrayed in the first instance by the transferee authority or board in such manner as the order may provide and shall be a debt due by the authority or board in default to the transferee authority or board and recoverable accordingly.
- (5) The transferee authority or board shall keep separate accounts of all income and expenditure in respect of the transferred functions.
- (6) The authority or board in default shall have the like power of raising the money required to meet the expenses of the transferee authority or board as they have of raising money for defraying expenses incurred directly by themselves, and the payment of any such expenses shall, to such extent as may be sanctioned by the Secretary of State, be a purpose for which the authority or board in default may borrow money in accordance with the statutory provisions relating to borrowing by such authority or board.
- (7) An order made under subsection (3) may provide for the transfer to the transferee authority or board of such of the property and liabilities of the authority or board in default as in the opinion of the Secretary of State may be necessary or expedient, and when any such order is revoked the Secretary of State may, either by the revoking order or by a subsequent order, make such provision as appears to him to be desirable with respect to any property or liabilities acquired or incurred by the transferee authority or board in discharging any of the functions to which the order so revoked related.