



Water (Scotland) Act 1980

1980 CHAPTER 45

PART III

POWERS OF WATER AUTHORITIES FOR THE PURPOSES OF WATER SUPPLY

23 Power to lay mains, etc.

- (1) A water authority or water development board may for the purposes of their functions lay a main—
- (a) in, under or over any [^{F1}roads] or under any cellar or vault below any [^{F1}roads] after giving reasonable notice to [^{F1}—
 - (i) where the road is a public road, the roads authority; and
 - (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road,], and
 - (b) in, on or over any land not forming part of a [^{F2}road], after giving reasonable notice to the owner and the occupier of that land;
- and may from time to time inspect, repair, maintain, alter, or renew or may at any time remove a main previously laid whether by virtue of this section or otherwise.
- (2) Where an authority or board in the exercise of their powers under this section lay a main in, on or over any land not forming part of a [^{F3}road], or inspect, repair, maintain, alter, renew or remove a main laid in or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to or injurious affection of that land by reason of the laying, inspection, repair, maintenance, alteration, renewal or removal of the main; and any question as to the amount of compensation to be paid under this subsection shall, in case of dispute, be determined by arbitration.
- (3) A water authority or water development board may erect and maintain in any street notices indicating the position of underground water fittings used for controlling the flow of water through their mains whether laid by virtue of this section or otherwise and may affix such a notice to any house or other building, or any wall or fence.

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Water (Scotland) Act 1980, Section 23 is up to date with all changes known to be in force on or before 20 June 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)

[^{F4}(4) In the case of works in respect of which notice is required to be given under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of road works), notice duly given to a person in accordance with that section and section 156 of that Act (service of notice) shall be treated as reasonable notice for the purposes of subsection (1) above.]

Textual Amendments

- F1** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 81(5)(a)(i)**
- F2** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 81(5)(a)(ii)**
- F3** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), **Sch. 9 para. 81(5)(b)**
- F4** [S. 23\(4\)](#) inserted (*prosp.*) by [New Roads and Street Works Act 1991 \(c.22, SIF 59, 108\)](#), ss. 168(1), 170, **Sch. 8 Pt. IV para. 108(4)**

Status:

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