



Water (Scotland) Act 1980

1980 CHAPTER 45

PART III

POWERS OF WATER AUTHORITIES FOR THE PURPOSES OF WATER SUPPLY

26 Power to close, or restrict use of, wells.

If a [^{F1}local authority][^{F2}are or Scottish Water is] satisfied that—

- ^{F3}(a) any public well, drinking fountain or other work within their [^{F1}area] or, as the case may be, [^{F4}its] limits of supply and vested in them [^{F5}or, as the case may be, it] or any work constructed under section 25 is no longer required, or
- (b) the water obtained therefrom is so polluted as to be injurious or dangerous to health and that it is not reasonably practicable to remedy the cause of the pollution,

they may close the well, fountain or other work or restrict the use of the water obtained from it.

Textual Amendments

- F1** Words in s. 26 substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(16)(a)(b)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 26 substituted (1.4.2002) by **Water Industry (Scotland) Act 2002** (asp 3), s. 71(1), **Sch. 6 para. 21(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F3** By **Water Industry (Scotland) Act 2002** (asp 3), s. 71(1), **Sch. 6 para. 21(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**, it is provided that the words "or, as the case may be, it" be inserted after "they" in s. 26(a) (1.4.2002)
- F4** Word in s. 26(a) substituted (1.4.2002) by **Water Industry (Scotland) Act 2002** (asp 3), s. 71(1), **Sch. 6 para. 21(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F5** Words in s. 26(a) inserted (1.4.2002) by **Water Industry (Scotland) Act 2002** (asp 3), s. 71(1), **Sch. 6 para. 21(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Changes to legislation:

Water (Scotland) Act 1980, Section 26 is up to date with all changes known to be in force on or before 04 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.

[View outstanding changes](#)

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](#)