



Water (Scotland) Act 1980

1980 CHAPTER 45

PART II

DUTIES OF WATER AUTHORITIES

9 Supply of water for non-domestic purposes.

- (1) Subject to the following provisions of this Act, [^{F1}Scottish Water] shall give a supply of water on reasonable terms and conditions for purposes other than domestic purposes to the owner or occupier of any premises within [^{F2}its] limits of supply who requests [^{F3}it] to give such a supply to those premises.
 - (2) [^{F4}Scottish Water] shall not be required to give a supply of water in accordance with subsection (1) if [^{F5}its] ability to meet existing obligations to supply water for any purposes or probable future requirements to supply water for domestic purposes, without having to incur unreasonable expenditure in constructing new waterworks for the purpose, would thereby be endangered.
- [^{F6}(2A) Where a supply of water has been made to premises under subsection (2) of section 16 of the Water Services etc. (Scotland) Act 2005 (asp 3) but—
- (a) the arrangements for the supply (made between the occupier of the premises and the water services provider who made the related request under subsection (1) of that section in respect of the premises) are at an end, or are to come to an end, in consequence of non-payment of charges owed to the provider in relation to the water supplied; or
 - (b) the supply is discontinued (or is to be discontinued) under section 18(5) of that Act,

Scottish Water shall not be required to give a supply of water to the premises in accordance with subsection (1) if it is of the opinion that there is no reasonable prospect of recovering the charges (or any significant proportion of the charges) which it would be entitled to recover in relation to that supply of water were it given.

Changes to legislation: Water (Scotland) Act 1980, Section 9 is up to date with all changes known to be in force on or before 22 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) View outstanding changes

- (2B) Where Scottish Water decides, by virtue of subsection (2A), not to give a supply of water to premises, the occupier of the premises may by notice require the WaterIndustry Commission for Scotland to review that decision.
- (2C) In a review under subsection (2B), the Commission may, having regard to any representations made to it by the parties—
- (a) confirm the decision of Scottish Water; or
 - (b) direct Scottish Water to give a supply of water to the premises in accordance with subsection (1),
- and the determination of the Commission in the review shall be final.]
- (3) [^{F7}Scottish Water] may require, as a condition of giving a supply of water under this section, that the person requesting the supply shall enter into an agreement undertaking to pay to [^{F8}it] in respect of each year a sum not exceeding one-eighth of the cost of providing and laying the necessary mains (less any amounts received by [^{F9}Scottish Water] in respect of water supplied whether for domestic or non-domestic purposes in that year from those mains) until the expiration of a period of 12 years or such lesser period as may appear to [^{F9}Scottish Water] to be appropriate.
- (4) Any question arising as to the terms and conditions on which water is to be supplied [^{F10}(not being a question as respect charges for the water which is to be supplied)] under this section and any question whether [^{F11}Scottish Water is] justified in refusing to give a supply 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, refer it for determination by arbitration.
- (5) Where [^{F12}Scottish Water is] required to give a supply of water under this section, the powers of [^{F13}Scottish Water] and of persons supplied or proposed to be supplied by [^{F14}it] to lay mains and pipes for providing a supply of water for domestic purposes and to break open [^{F15}roads] for that purpose shall apply for the purpose of the provision of a supply under this section.

^{F16}(6)

Textual Amendments

- F1** Words in s. 9(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(2\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Word in s. 9(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(2\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F3** Word in s. 9(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(2\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F4** Words in s. 9(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(3\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F5** Word in s. 9(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(3\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F6** S. 9(2A)-(2C) inserted (7.9.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), [s. 17\(4\)](#) (with s. 76); S.S.I. 2006/445, [art. 2](#), [Sch.](#)
- F7** Words in s. 9(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(4\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F8** Word in s. 9(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 5\(4\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

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- F9** Words in s. 9(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 5(4)(c)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F10** Words in s. 9(4) inserted (1.4.1996) by 1994 c. 39, s. 105; S.I. 1996/323, art. 4(1)(a), **Sch. 1**
- F11** Words in s. 9(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 5(5)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F12** Words in s. 9(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 5(6)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F13** Words in s. 9(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 5(6)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F14** Word in s. 9(5) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 5(6)(c)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F15** Word substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(2)**
- F16** S. 9(6) repealed (1.4.1996) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch. 14** (with s. 118(1)(2)(4)); S.I. 1996/918, **art. 2(b)(ii)**

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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](#)