



Water Resources (Scotland) Act 2013

2013 asp 5

PART 7

WATER SHORTAGE ORDERS

Main provisions

38 Proposal for order

- (1) Scottish Water may propose to the Scottish Ministers that they make a water shortage order if it believes that there is—
 - (a) a serious deficiency of water supplies in an area, or
 - (b) a threat of a serious deficiency of water supplies in an area.
- (2) A proposal must include—
 - (a) a draft water shortage order,
 - (b) details of—
 - (i) the deficiency or threat as respects the water supplies,
 - (ii) the steps that Scottish Water has taken to abate the deficiency or threat,
 - (iii) the steps (other than steps in accordance with the draft order) that Scottish Water intends to take in order to abate the deficiency or threat,
 - (iv) how Scottish Water considers that the taking of those steps will abate the deficiency or threat,
 - (v) any prior communications about the proposal between Scottish Water and persons likely to be affected by the draft order,
 - (c) such other information as the Scottish Ministers may reasonably require.
- (3) A proposal must be accompanied by—
 - (a) a map or plan showing the location of—
 - (i) any source from which Scottish Water proposes to abstract water,
 - (ii) any place to which Scottish Water proposes to discharge water,
 - (iii) any works which Scottish Water proposes to carry out,

Status: This is the original version (as it was originally enacted).

- (iv) any premises at which Scottish Water proposes to take any other steps in order to abate the deficiency or threat,
 - (b) a copy of any associated application made by Scottish Water under the Controlled Activities Regulations,
 - (c) such other documents as the Scottish Ministers may reasonably require.
- (4) The Scottish Ministers may instruct Scottish Water about the form in which a proposal is to be presented to them.

39 Making of order

- (1) The Scottish Ministers may make an ordinary water shortage order in relation to an area if the first and second conditions are met.
- (2) The Scottish Ministers may make an emergency water shortage order in relation to an area if the first, second and third conditions are met.
- (3) The first condition is that Scottish Water has made a proposal.
- (4) The second condition is that the Scottish Ministers are satisfied that the deficiency or threat in question exists.
- (5) The third condition is that the Scottish Ministers are satisfied that there is a risk to the health, or social or economic well-being, of people in the area.
- (6) The function of making a water shortage order is not exercisable by Scottish statutory instrument.

40 Content of order

- (1) A water shortage order may contain such provision as the Scottish Ministers consider necessary or expedient to abate—
 - (a) a serious deficiency of water supplies in an area, or
 - (b) a threat of a serious deficiency of water supplies in an area.
- (2) In particular, a water shortage order may—
 - (a) permit Scottish Water to—
 - (i) abstract water from any source specified in the order,
 - (ii) discharge water to any place specified in the order,
 - (iii) carry out and maintain works on any premises specified in the order for any purpose specified in the order,
 - (b) impose conditions or restrictions on any abstraction or discharge of water so permitted,
 - (c) relax any requirement, restriction or obligation regarding the quantity, quality, pressure, filtration or treatment of water to which Scottish Water is subject in relation to the supply of water,
 - (d) restrict or prohibit the abstraction of water by any person from any source specified in the order,
 - (e) impose one or more water saving measures in relation to—
 - (i) persons of such descriptions as are specified in the order,
 - (ii) premises of such categories as are so specified,
 - (iii) other property of such types as are so specified,

(iv) such purposes or circumstances as are so specified.

- (3) A water shortage order may include—
- (a) provision by way of exceptions or exemptions,
 - (b) different provision for different purposes in any respects.
- (4) An emergency water shortage order (but not an ordinary water shortage order) may permit Scottish Water to supply water by means other than through pipes.

41 Abstraction and discharge

- (1) Permission as mentioned in section 40(2)(a)(i) or (ii) allows Scottish Water to abstract or (as the case may be) discharge the water even if—
- (a) it is not otherwise entitled to do so,
 - (b) the abstraction or discharge would interfere with any right of any other person in the water.
- (2) A restriction or prohibition as mentioned in section 40(2)(d) restricts or prohibits the abstraction of the water even if the restriction or prohibition interferes with any right of any person to abstract the water.

42 Scheduled provision

Schedule 1 makes further provision in relation to water shortage orders.