

SCHEDULE 1 WATER SHORTAGE ORDERS

Compensation

- 17 (1) Scottish Water must compensate any person who has sustained loss or damage in consequence of—
- (a) the abstraction or discharge of water by Scottish Water in accordance with a water shortage order,
 - (b) a restriction or prohibition on the abstraction of water imposed by such an order,
 - (c) the exercise by an approved person of the authority mentioned in paragraph 14(1)(a) or (b).
- (2) Sub-paragraph (1) does not apply to loss or damage that is attributable to—
- (a) the fault of the person who sustained it,
 - (b) the imposition of a water saving measure by a water shortage order,
 - (c) the relaxation by such an order of 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) the supply of water by Scottish Water by means other than through pipes, in accordance with an emergency water shortage order,
 - (e) a serious deficiency of water supplies that the provisions of a water shortage order are intended to abate.
- (3) A claim for compensation under this paragraph must be given to Scottish Water—
- (a) by notice in writing,
 - (b) within the period of 6 months beginning with the day on which the water shortage order to which the claim relates expires.
- (4) A notice under sub-paragraph (3) must state—
- (a) the grounds of the claim,
 - (b) the amount of compensation claimed.
- (5) Any question of disputed compensation under this paragraph is to be determined by the sheriff.
- (6) In sub-paragraph (1)(c), “approved person” means person approved as mentioned in paragraph 14(2).