



Water Industry (Scotland) Act 2002

2002 asp 3

WATER INDUSTRY (SCOTLAND) ACT 2002

PART 1

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- 6 Funding of the Commission and Consumer Scotland
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- 10 Enforcement notices
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- 14 Variation and withdrawal of notices

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15 Register of enforcement notices and emergency notices

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PART 3

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22 Transfer of property and liabilities

23 Transfer of staff

24 Dissolution of new water and sewerage authorities etc.

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25 General powers

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29A Charges schemes

29B Determination of maximum charges

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32 Approval of charges schemes

33 Commissioner's advice on charges

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35A Charges for services arranged by licensed providers

36 Section 35: meaning of "occupier"

37 Collection of charges by local authority

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39 Primacy of duty to maintain domestic water supply etc.

40 Reduced charges

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- 71 Modification of enactments
- 72 Commencement and short title

SCHEDULE A1 — Water Industry Commission for Scotland

Status

- 1 (1) The Commission is a body corporate.

Membership

- 2 The Commission is to consist of the following members—

Tenure and removal from office

- 3 (1) Each ordinary member— (a) is to be appointed by...

Disqualification

- 4 A person is disqualified from appointment, and from holding office,...

Chairing

- 5 (1) The Scottish Ministers— (a) must appoint one of the...

Remuneration, allowances and pensions

- 6 (1) The Commission must pay to each ordinary member such...

Chief executive

- 7 (1) The Commission is to employ a chief executive.

Staff

- 8 (1) All staff employed, immediately before the coming into force...

Transfer of property and liabilities

- 9 (1) All property (including rights) and liabilities, subsisting immediately before...

Committees

- 10 (1) The Commission may establish committees for or in connection...

Delegation of powers

- 11 (1) Anything authorised or required under any enactment to be...

Proceedings

- 12 (1) The Commission may regulate its own procedure (including any...

General powers

- 13 (1) The Commission may do anything which appears necessary or...

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Accounts

14 The Commission must— (a) prepare for each financial year, in...

SCHEDULE 1 — Water Industry Commissioner and Customer Panels: further provision

Part 1 — THE COMMISSIONER

1 *Appointment*

2 *Staff*

3 *Status*

4 *Accounts*

Part 2 — CUSTOMER PANELS

5 *Convener*

6 *Membership*

7 *Remuneration and allowances*

8 *Administrative support*

9 *Proceedings*

SCHEDULE 2 — Drinking Water Quality Regulator: further provision as to powers of entry etc.

1 *Notice of entry*

2 *Warrant to exercise right or power*

3 *Evidence of authority*

4 *Supplementary powers*

5 *Duty to secure premises*

6 *Compensation*

7 *Commercially confidential information*

8 *Interpretation*

SCHEDULE 3 — Scottish Water: status, constitution, proceedings etc.

1 *Status*

2 *Membership*

3 *Tenure and removal from office*

4 *Chairing*

5 *Remuneration, allowances and pensions*

6 *Chief executive and other staff*

7 *Committees*

8 *Proceedings*

9 *Delegation of powers*

10 *Validity of proceedings and actings*

11 *Transitory arrangements: initial appointments*

12 (1) The Scottish Ministers may appoint, on such terms and...

SCHEDULE 4 — Recovery by local authority of unpaid charges

1 This schedule applies to any sum which has become payable...

2 (1) Any sum to which this schedule applies may be...

3 No misnomer or inaccurate description of any person or place,...

4 (1) Without prejudice to section 39(1) of the Debt Arrangement...

SCHEDULE 5 — Modifications of Sewerage (Scotland) Act 1968

1 The Sewerage (Scotland) Act 1968 (c.47) is amended as follows....

2 In each of the following provisions, for “a sewerage authority”...

3 In each of the following provisions, for “the sewerage authority”...

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- 4 In each of the following provisions, for “the authority” wherever...
- 5 In section 1 (duty of sewerage authority to provide for...
- 6 In section 2 (maintenance of public sewers and other works)—...
- 7 In section 3 (construction etc. of public sewers and public...
- 8 In section 3A (authorisation of construction of certain private sewers)
—...
- 9 In section 4 (power of sewerage authority to close or...
- 10 Section 6(functions outwith area of a sewerage authority) is repealed....
- 11 In section 7 (agreements between roads and sewerage authorities)—
- 12 In section 8 (agreements as to provision of sewers etc....
- 13 In section 9 (loan of temporary sanitary conveniences), for—
- 14 In section 10 (emptying of septic tanks)—
- 15 In section 11 (duty of sewerage authority to keep map...
- 16 In section 12 (rights of owners and occupiers to connect...
- 17 Section 13(rights of owners and occupiers to connect with and...
- 18 In section 14 (direction by sewerage authority as to manner...
- 19 In section 15 (owner or occupier to remedy defects in...
- 20 In section 16 (vesting of sewers and other works in...
- 21 In section 16A (vesting of certain private sewers)—
- 22 In section 17 (sewerage authority may take over private sewage...
- 23 In section 20 (compensation for loss etc. resulting from exercise...
- 24 In section 21(1) (buildings not to interfere with sewers), for...
- 25 In section 23 (restriction on working minerals), for “section 98(1)(b)...
- 26 In section 27 (procedure on application for consent to new...
- 27 In section 28 (time to dispose of application), for “them”...
- 28 In section 29 (decision on application)— (a) in subsection (1)—...
- 29 In section 30(1) (intimation of decision)— (a) for “their” substitute...
- 30 In section 32 (review of consents, conditions and refusals)—
- 31 In section 36 (review of continuation of existing discharge)—
- 32 In section 37 (agreements as respects trade premises)—
- 33 In section 37A (register for purposes of Part II)—
- 34 In section 38 (power to extend Part II to other...
- 35 In section 39 (sewerage authority to have right to sewage)—...
- 36 In section 41 (breaking open of roads etc.)—
- 37 In section 42(1) (execution of works by sewerage authorities for...
- 38 In section 44 (power of sewerage authorities to require information...
- 39 In section 48(1) (powers of entry)— (a) in paragraph (d),...
- 40 In section 55(2) (application of Act to Crown), for the...
- 41 In section 59(interpretation)— (a) for the definition of “area” substitute
—...

SCHEDULE 6 — Modifications of Water (Scotland) Act 1980

- 1 The Water (Scotland) Act 1980 (c.45) is amended as follows....
- 2 In section 1 (general duties of Scottish Ministers and of...
- 3 (1) Section 6 (duty of authority to provide supply) is...
- 4 In section 8 (water supplied for domestic purposes to be...
- 5 (1) Section 9 (supply of water for non-domestic purposes) is...
- 6 In section 9A (no charge for supply of water for...
- 7 In section 10 (compensation for damage resulting from exercise of...
- 8 (1) Section 11 (power of Scottish Ministers on default of...
- 9 Section 12(supply of water to premises outwith limits of supply)...
- 10 (1) Section 13 (supply of water in bulk) is amended...
- 11 In section 13A (supply of water for use outwith Scotland)—...

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- 12 In section 14 (power of water authority to give guarantee...
- 13 (1) Section 16 (powers of survey and search for water...
- 14 (1) Section 17 (acquisition of water rights) is amended as...
- 15 In section 18(1) (compulsory acquisition of land for water works)—...
- 16 In section 21 (power to carry out works)—
- 17 In section 22 (power to break open roads)—
- 18 (1) Section 23 (power to lay mains etc.) is amended...
- 19 (1) Section 24A (keeping of map showing water mains etc.)...
- 20 In section 25(1) (power of authority to provide public wells)—...
- 21 In section 26 (power to close, or restrict use of,...
- 22 In section 28 (water works code)— (a) in subsection (1),...
- 23 In section 29 (applications of enactments by order)—
- 24 In section 31(1) (consultation with authorities in England)—
- 25 In section 32(1) (power of water undertakers to supply water...
- 26 (1) Section 33 (temporary discharge of water into watercourses) is...
- 27 In section 34 (persons supplying water to supply to authority)—...
- 28 In section 35 (power to supply water fittings)—
- 29 In section 36 (power to execute work on behalf of...
- 30 In section 38(1) (entry of premises)— (a) for “a water...
- 31 In section 41A (supply of water by meter)—
- 32 (1) Section 50 (power to require supply by meter) is...
- 33 In section 51 (power to require supplies for refrigerating apparatus...
- 34 In section 52 (power to require supply for hose pipe...
- 35 In section 53(1) (provision as to supply to tents, vans,...
- 36 In section 54 (register of meter to be evidence)—
- 37 (1) Section 55 (charges for water supplied by meter) is...
- 38 In section 56 (provision as to supply of water to...
- 39 (1) Section 58 (termination of right to supply of water...
- 40 In section 59 (limitation of liability of water authority to...
- 41 In section 63 (provision of water supply for new buildings...
- 42 In section 68(1) (agreements as to drainage)—
- 43 In section 69 (power to restrict use of hose pipes)—...
- 44 (1) Section 70 (byelaws for preventing misuse of water) is...
- 45 (1) Section 71 (byelaws for preventing pollution of water) is...
- 46 In section 72(2) (general provision as to byelaws)—
- 47 In section 73 (power of Scottish Ministers to require the...
- 48 (1) Section 76 (acquisition of land for protection of water)...
- 49 (1) Section 76A (duties of water authorities with respect to...
- 50 (1) Section 76B (regulations for preserving water quality) is amended...
- 51 In section 76C (offence of supplying water unfit for human...
- 52 In section 76D (provision of water where piped supplies insufficient...
- 53 In section 76E (enforcement of sections 76A to 76D)—
- 54 In section 76F (general functions of local authorities in relation...
- 55 In section 76G(6)(a) (remedial powers of local authorities in relation...
- 56 In section 76H(5)(b) (effect, confirmation and variation of notice under...
- 57 In section 76I(2) (incidental powers of local authorities), for “a...
- 58 In section 76L (interpretation etc. of Part VIA), in the...
- 59 In section 100(2) (orders), for the words from “all” to...
- 60 In section 103 (notices to be in writing), for “water...
- 61 In section 107 (repeal, amendment and adaptation of local enactments) —...
- 62 In section 109 (interpretation)— (a) in subsection (1)—

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63 In section 110(2) (further provisions as to communication pipes etc.)

—...

64 (1) Schedule 1 (procedure for making orders and making and...

65 In Schedule 2 (orders under section 17 authorising compulsory acquisition...

66 (1) Schedule 3 (provisions as to breaking open roads and...

67 In Schedule 10 (amendment of enactments), Part I is repealed....

SCHEDULE 7 — Modifications of other enactments

- 1 *Fire Services Act 1947 (c.41)*
- 2 *Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)*
- 3 *Flood Prevention (Scotland) Act 1961 (c.41)*
- 4 *Local Government (Scotland) Act 1966 (c.51)*
- 5 *Countryside (Scotland) Act 1967 (c.86)*
- 6 *Local Government (Scotland) Act 1973 (c.65)*
- 7 *Reservoirs Act 1975 (c.23)*
- 8 *House of Commons Disqualification Act 1975 (c.24)*
- 9 *Race Relations Act 1976 (c.74)*
- 10 *Competition Act 1980 (c.21)*
- 11 *Wildlife and Countryside Act 1981 (c.69)*
- 12 *Local Government and Planning (Scotland) Act 1982 (c.43)*
- 13 *Civic Government (Scotland) Act 1982 (c.45)*
- 14 *Roads (Scotland) Act 1984 (c.54)*
- 15 *Water (Fluoridation) Act 1985 (c.63)*
- 16 *Bankruptcy (Scotland) Act 1985 (c.66)*
- 17 *Debtors (Scotland) Act 1987 (c.18)*
- 18 *Housing (Scotland) Act 1987 (c.26)*
- 19 *Food Safety Act 1990 (c.16)*
- 20 *Environmental Protection Act 1990 (c.43)*
- 21 *New Roads and Street Works Act 1991 (c.22)*
- 22 *Natural Heritage (Scotland) Act 1991 (c.28)*
- 23 *Local Government etc. (Scotland) Act 1994 (c.39)*
- 24 *Environment Act 1995 (c.25)*
- 25 *Planning (Consequential Provisions) (Scotland) Act 1997 (c.11)*
- 26 *Water Industry Act 1999 (c.9)*
- 27 *Public Finance and Accountability (Scotland) Act 2000 (asp 1)*
- 28 *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

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Changes and effects yet to be applied to :

- sch. 7 para. 18(5) repealed by [2014 asp 14 sch. 2 para. 11](#)