



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

Charges

35 Liability of occupiers etc. for charges

- (1) Supplies of water provided by Scottish Water to any premises and the provision and maintenance by Scottish Water of communication pipes and supply pipes for the purposes of such supplies are to be treated for the purposes of this Act as services provided to the occupier for the time being of those premises.
- (2) The provision of sewerage, and the disposal of sewage, provided by Scottish Water are to be treated for the purposes of this Act as provision to, or as disposal for, the occupier for the time being of any premises which—
 - (a) are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with a public sewer provided for foul water or surface water or both, or
 - (b) are premises the occupier of which has, in respect of the premises, the benefit of facilities which drain to a sewer or drain so connecting.
- (3) Subject to subsection (5), in relation to any period during which premises referred to in subsection (1) or (2) are unoccupied, references to the occupier in the subsection in question are to be construed as references to the owner of the premises.
- (4) Subsections (1) to (3) do not apply so far as provision to the contrary is made by any agreement to which Scottish Water is a party.
- (5) Charges which, under section 29, are fixed in relation to any premises by reference to volume may be imposed so that a person remains liable, in relation to those premises, to pay charges for—
 - (a) a supply of water, and
 - (b) provision of sewerage or disposal of sewage,provided by Scottish Water after the person has ceased to be occupier of the premises.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 35. (See end of Document for details)

- (6) A person is liable by virtue of subsection (5) for any charges fixed in relation to any premises by Scottish Water only where that person fails to inform Scottish Water of the ending of that person's occupation of the premises at least 48 hours before that person ceases to occupy them.
- (7) The charges for which a person may be liable by virtue of subsection (5) are charges in respect of a period ending no later than whichever of the following first occurs after the person ceases to occupy the premises—
- (a) where the person informs Scottish Water of the ending of that person's occupation, the 28th day after informing Scottish Water,
 - (b) any day on which any meter would normally have been read in order for the amount of the charges to be determined,
 - (c) any day on which any other person informs the authority that that other person has become the new occupier of the premises.
- (8) In calculating the period of 48 hours referred to in subsection (6) any time falling on—
- (a) a Saturday or Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 (c.80),
- is to be disregarded.
- (9) In subsection (1), “communication pipes” and “supply pipes” have the same meanings as in the 1980 Act.
- [^{F1}(10) This section does not apply to or in relation to any services provided by Scottish Water under section 16 of the Water Services etc. (Scotland) Act 2005 (asp 3) except where the provision of the service is continued under section 17(1) or 20(1) or (3) of that Act.]

Textual Amendments

- F1** S. 35(10) added (7.9.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), **ss. 21(4)**, 37(2) (with s. 36); S.S.I. 2006/445, art. 2, sch.

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 35.