Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

New water and sewerage authorities

[F1]62 . . . . . .

Textual Amendments

F1 Ss. 62-64 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F2]63 . . . . . .

Textual Amendments

F2 Ss. 62-64 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F3]64 . . . . . .

Textual Amendments

F3 Ss. 62-64 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

65 General duties of Secretary of State and of new authorities.

(1) For section 1 of the 1980 Act (which imposes on the Secretary of State certain duties as respects water conservation and supply) there shall be substituted—

> "**1 General duties of Secretary of State and of water authorities.**
>
> It shall be the duty of the Secretary of State and of the water authorities when exercising their respective functions or powers under or by virtue of this Act—
>
> (a) to promote the conservation and effective use of the water resources of, and the provision of adequate water supplies throughout, Scotland; and
>
> (b) to secure the collection, preparation, publication and dissemination of information and statistics relating to such resources and supplies.".

[F4](2) . . . . . .

Textual Amendments

F4 S. 65(2) repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Commencement Information

I1 S. 65 wholly in force at 1.4.1996; s. 65 not in force at Royal Assent see s. 184(2); s. 65(2) in force at 17.7.1995 by S.I. 1995/1898, art. 2(a), **Sch.**; s. 65(1) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), **Sch.**

[F5]66 . . . . . .

Textual Amendments

F5 S. 66 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(c)** (with art. 67); S.S.I. 2002/118, **art. 2(3)**

Protection of customers' interests etc.

[F6]67 Scottish Water and Sewerage Customers Council.

. . . . . .

Textual Amendments

F6 S. 67 repealed (1.11.1999) by 1999 c. 9, s. 15(2), **Sch. 4 Pt. II**; S.S.I. 1999/133, **art. 2(c)(f)**

[F7 The Water Industry Commissioner for Scotland]

Textual Amendments

F7 S. 67A and crossheading inserted (1.11.1999) by 1999 c. 9, **s. 12(1)**; S.S.I. 1999/133, **art. 2(a)**

F8 67A . . . . . .

Textual Amendments

F8 S. 67A repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

F9 68 . . . . . .

Textual Amendments

F9 S. 68 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with art. 67); S.S.I. 2002/118, **art. 2(3)**

F10 69 . . . . . .

Textual Amendments

F10 S. 69 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

F11 70 . . . . . .

Textual Amendments

F11 S. 70 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

F12 71 . . . . . .

Textual Amendments

F12 S. 71 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F13]72 . . . . . .

Textual Amendments

F13 S. 72 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Environmental protection

[F14]73 . . . . . .

Textual Amendments

F14 S. 73 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Charges

[F15]74 . . . . . .

Textual Amendments

F15 S. 74 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F16]75 . . . . . .

Textual Amendments

F16 S. 75 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F17]75A . . . . . .

Textual Amendments

F17 S. 75A repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F18]76 . . . . . .

Textual Amendments

F18 S. 76 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F19]77 . . . . . .

Textual Amendments

F19 S. 77 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F20]78 . . . . . .

Textual Amendments

F20 S. 78 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F21]79 . . . . . .

Textual Amendments

F21 S. 79 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F22]80 . . . . . .

Textual Amendments

F22 S. 80 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F23]81 . . . . . .

Textual Amendments

F23 S. 81 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F24]82 . . . . . .

Textual Amendments

F24 S. 82 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Finances of new authorities

[F25]83 . . . . . .

Textual Amendments

F25 S. 83 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F26]84 . . . . . .

Textual Amendments

F26 S. 84 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2** (subject to savings in art. 3)

[F27]85 . . . . . .

Textual Amendments

F27 S. 85 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F28]86 . . . . . .

Textual Amendments

F28 S. 86 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F29]87 . . . . . .

Textual Amendments

F29 S. 87 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (subject to savings in art. 3)

[F30]88 . . . . . .

Textual Amendments

F30 S. 88 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)** (subject to savings in art. 3)

Subsidiary powers of new authorities

[F31]89 . . . . . .

Textual Amendments

F31 S. 89 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Dissolution of Central Scotland Water Development Board

[F32]90 . . . . . .

Textual Amendments

F32 S. 90 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Transfer of property, rights and liabilities to new authorities

[F33]91 . . . . . .

Textual Amendments

F33 S. 91 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F34]92 . . . . . .

Textual Amendments

F34 S. 92 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F35]93 . . . . . .

Textual Amendments

F35 S. 93 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F36]94 . . . . . .

Textual Amendments

F36 S. 94 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F37]95 . . . . . .

Textual Amendments

F37 S. 95 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F38]96 . . . . . .

Textual Amendments

F38 S. 96 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Transfer etc. of staff

[F39]97 . . . . . .

Textual Amendments

F39 S. 97 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Land transactions

[F40]98 . . . . . .

Textual Amendments

F40 S. 98 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F41]99 . . . . . .

Textual Amendments

F41 S. 99 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F42]100 . . . . . .

Textual Amendments

F42 S. 100 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Amendment of Sewerage (Scotland) Act 1968

101 Authorisation of construction of certain private sewers etc.

The following section shall be inserted after section 3 of the 1968 Act—

"3A Authorisation of construction of certain private sewers etc.

(1) Without prejudice to their powers under section 3 of this Act (including any power to authorise the construction, on their behalf, of a public sewer), a sewerage authority may authorise a person to construct, within their area but

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whether or not connecting with their sewers or sewage treatment works, a sewer—

(a) in, under or over any road, or under any cellar or vault below any road; or

(b) in, on or over any land which does not form part of a road and is not land as respects which he is owner, lessee or occupier,

but where authorisation is so given, subsection (2) of section 3 of this Act shall apply in respect of the person and the construction proposed as that subsection applies in respect of a sewerage authority and works proposed by them under subsection (1) of that section.

(2) The sewerage authority—

(a) in giving authorisation to a person under subsection (1) above; or

(b) as respects any sewer (not being a sewer constructed by or on behalf of the authority) whose construction by a person does not require such authorisation,

may, in a case where the proposed sewer will connect with their sewers or sewage treatment works, determine (and by written notice advise the person) that all, or a part which they shall specify in the notice, of the sewer constructed shall not vest in them through the operation of section 16(1)(c) of this Act and shall instead vest in him; but notwithstanding the determination the sewerage authority may, on such terms and conditions as they think fit, then or at some later time enter into an agreement under which the sewer, or as the case may be the part, shall vest in them.”.

102 Emptying of septic tanks.

For section 10 of the 1968 Act (whereby local authorities are under a duty to empty septic tanks only where they have passed a resolution electing to do so) there shall be substituted—

“**10 Emptying of septic tanks.**

(1) It shall be the duty of a sewerage authority to empty a septic tank serving premises in their area on their being requested to do so by the owner or occupier of the premises; but that duty is subject to subsection (2) below and as respects any particular septic tank—

(a) to its being reasonably practicable to empty the tank; and

(b) to all proper charges for their doing so being timeously paid.

(2) The duty does not extend to septic tanks which receive trade effluent; but the authority may, at the request of an owner or occupier of premises served by any such septic tank, agree to empty it on such conditions as to payment or otherwise as they think fit.

(3) If any question arises under this section as to whether emptying is reasonably practicable or as to whether a septic tank receives trade effluent, it shall be determined summarily by the sheriff, whose decision in the matter shall be final.

(4) For the purposes of subsection (1) above, a charge is proper if fixed in accordance with, and timeously paid if paid in accordance with, a charges

scheme (within the meaning of Part II of the Local Government etc. (Scotland) Act 1994).”.

103 Register as respects trade effluents.

The following sections shall be inserted after section 37 of the 1968 Act—

“**37A Register for purposes of Part II.**

(1) A sewerage authority shall maintain a register for the purposes of this Part of this Act.

(2) The authority shall enter in the register—
- (a) such particulars as may be prescribed—
  - (i) of any consent, affecting their area and for the time being extant, given (whether before or after the coming into force of this section) under this Part of this Act; and
  - (ii) of any agreement, affecting their area and for the time being extant, entered into (whether before or after the coming into force of this section) under section 37 of this Act; and
- (b) such particulars of other matters relative to their functions under this Part of this Act as may be prescribed.

(3) It shall be the duty of a sewerage authority—
- (a) to secure that the register maintained by them in pursuance of subsection (1) above is, after such date as may be prescribed, open to inspection by the public free of charge at all reasonable hours; and
- (b) to afford members of the public reasonable facilities for obtaining from them, on payment of reasonable charges, copies of entries in the register.

(4) In subsections (2) and (3) above, “prescribed” means prescribed by the Secretary of State by regulations made under this subsection by statutory instrument.

(5) An instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

37B Exclusion from register of information affecting national security.

(1) No information shall be included in a register maintained under section 37A of this Act if and so long as, in the opinion of the Secretary of State, the inclusion in the register of that information, or of information of that description, would be contrary to the interests of national security.

(2) The Secretary of State may, for the purposes of subsection (1) above, give to a sewerage authority directions—
- (a) specifying information, or descriptions of information, to be excluded from the register; or
- (b) specifying descriptions of information to be referred to him for his determination;

and no information referred to him in pursuance of paragraph (b) above shall be included in the register until he determines that it should be so included.

(3) The sewerage authority shall notify the Secretary of State of any information they exclude from the register in pursuance of directions under subsection (2) above.

(4) A person may, as respects any information which (but for this section) might be included in the register but which he believes may be information whose inclusion would be contrary to the interests of national security, by notice so inform the Secretary of State, specifying the information and indicating its apparent nature; and if the person does so—

(a) he shall advise the sewerage authority that he has given such notice; and

(b) no information in respect of which such advice has been given shall be included in the register until the Secretary of State has determined that it should be so included.”.

104 Disapplication of restrictions on disclosure of information.

In section 50 of the 1968 Act (which imposes restrictions on the disclosure of information obtained under or by virtue of that Act)—

(a) in subsection (2), after paragraph (a) there shall be inserted—

“(aa) in prescribed circumstances or for prescribed purposes; or”; and

(b) after subsection (3) there shall be added—

“(4) In paragraph (aa) of subsection (2) above, “prescribed” means prescribed by the Secretary of State by regulations made under this subsection by statutory instrument.

(5) An instrument containing regulations under subsection (4) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subsections (1) and (2) above are subject to regulation 3(7) of the Environmental Information Regulations 1992 (which disapplies restrictions on disclosure if in pursuance of the [M1]regulations).”.

Marginal Citations

M1 S.I. 1992/3240.

Further amendment of Water (Scotland) Act 1980

105 Restriction on references to Secretary of State of questions regarding water supply.

In section 9(4) of the 1980 Act (which provides that questions as to the terms and conditions on which water is supplied etc. are to be referred to the Secretary of State in the absence of agreement), after the word “supplied” there shall be inserted “ (not being a question as respects charges for the water which is to be supplied) ”.

106 Removal of restriction on supply of water to premises outwith water authority's limits of supply.

For section 12 of the 1980 Act (which provides for a water authority giving a supply of water to premises situated outwith their limits of supply if the water authority within whose limits the premises are situated consents) there shall be substituted—

"**12 Supply of water to premises outwith limits of supply.**

Where premises are situated outwith the limits of supply of a water authority, the authority may, after informing the water authority within whose limits of supply the premises are situated, give a supply of water to the premises.".

107 Supply of water for use outwith Scotland.

The following section shall be inserted after section 13 of the 1980 Act—

"**13A Supply of water for use outwith Scotland.**

(1) A water authority may, if for the time being they are satisfied that such supplies of water as are available to them are likely to be more than sufficient to enable them to fulfil their duties as respects the supply of water to premises in Scotland, enter into an agreement with any other person to give him, on such terms and conditions as they think fit and whether or not in bulk, a supply of water for use outwith Scotland.

(2) For the purposes of laying any pipes or installing any apparatus connected therewith, being pipes or apparatus required for giving a supply of water in pursuance of an agreement entered into under subsection (1) above, a water authority may exercise, either within or outwith their limits of supply, the like powers with respect to laying mains or breaking open roads as are exercisable by them under this Act for the purposes of laying mains, but subject to the like conditions and obligations.".

108 Further provision as regards removal of restrictions on supply of water outwith limits of supply.

For section 21 of the 1980 Act (which provides powers for the purposes of a water authority providing the whole or part of their limits of supply with a supply of water) there shall be substituted—

"**21 Power to carry out works.**

Without prejudice to any other powers which they may have, a water authority may, for the purposes of providing a supply of water under this Act and subject to its provisions—

(a) construct, alter, acquire by purchase, lease or otherwise, or renew or maintain, waterworks;

(b) so acquire any undertaking belonging to persons, other than a water authority, who are supplying or are authorised to supply water;

(c) so acquire premises to be used for the purposes of the authority and maintain such premises;

Changes to legislation: *There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Part II. (See end of Document for details)*

(d) contract with any person for a supply by him of water in bulk or otherwise; or

(e) erect and maintain a house for the use of a person employed by them for the purposes of their undertaking.".

109 Right of objection to proposed laying of mains.

In section 23 of the 1980 Act (power to lay mains), after subsection (1) there shall be inserted—

"(1A) If within two months after the service of a notice under subsection (1)(b) above the owner or occupier objects to the water authority about the proposed works (and that objection is not withdrawn), the authority shall not proceed to lay the main but shall refer the matter by summary application to the sheriff, who may—

(a) grant consent to the proposed works, either unconditionally or subject to such terms and conditions as he thinks just; or

(b) withhold his consent;

and the decision of the sheriff on the matter shall be final.".

110 Vesting of certain supply pipes.

In section 24 of the 1980 Act (which makes provision as regards communication and supply pipes)—

(a) in subsection (4)—

(i) after the word "road" there shall be inserted " and is not, by virtue of any of subsections (5) to (8) below, vested in them "; and

(ii) at the end there shall be added " and to the terms and conditions of any such agreement as is mentioned in subsection (8) below "; and

(b) after subsection (4) there shall be added—

"(5) Where the laying of a supply pipe is completed after such day as the Secretary of State may under this subsection by order appoint, so much of that pipe as may lie between a communication pipe with which it connects and the curtilage of the premises supplied shall, on such completion, vest in the water authority in whom is vested the communication pipe as shall any apparatus used wholly or mainly in connection with that supply pipe; and a supply pipe in so far as so lying is, together with any apparatus so used in connection with it, referred to in the following provisions of this section as a "relevant supply pipe".

(6) Subject to subsection (7) below, on such day as the Secretary of State may by order appoint, a relevant supply pipe which is not then vested in any water authority (and whose laying is complete) shall vest in the water authority in whom the communication pipe is vested.

(7) Subsection (6) above shall have no effect in relation to any relevant supply pipe in respect of which notice is both given and not withdrawn, within the period of three months before the day appointed under that subsection—

(a) to the water authority in question by the person (or as the case may be any one of the persons) in whom the pipe is, or will immediately before that day be, vested stating that he does not wish the pipe to vest in the water authority under that subsection; or

(b) to such person (or as the case may be persons) by the water authority stating that the pipe is inappropriate for the purpose of supplying water to the premises, whether by reason of its state of repair or otherwise,

but at any time after the appointed day the person, or as the case may be persons, in whom the pipe is vested may by notice specify a day on which he desires (or they desire) that the pipe shall vest in the authority and if the pipe is on that specified day appropriate for the purpose of supplying water to the premises it shall vest accordingly.

(8) If a relevant supply pipe does not vest in a water authority by virtue of subsection (6) or (7) above, the pipe may nevertheless vest by agreement in the authority—

(a) on such terms and conditions; and

(b) as from such day after the appointed day,

as the person (or persons) and the water authority consider appropriate.

(9) The water authority shall, at their own expense, carry out any necessary work of maintenance, repair or renewal of relevant supply pipes vested in them by virtue of any of subsections (5) to (7) above; but this subsection is without prejudice to the terms and conditions of any such agreement as is mentioned in subsection (8) above.

(10) Any dispute arising under subsection (7) above as to whether—

(a) a notice under paragraph (b) of that subsection should be withdrawn as unjustified;

(b) apparatus is used wholly or mainly in connection with a supply pipe; or

(c) on a specified day a relevant supply pipe is appropriate for the purpose of supplying water to the premises,

shall be referred by the person or persons in whom the pipe is vested to the Secretary of State, who may determine the dispute himself or, if he thinks fit, refer it for determination by arbitration.”.

111 Duty of water authority to keep map showing water mains etc.

The following section shall be inserted after section 24 of the 1980 Act—

“**24A Keeping of map showing water mains, etc.**

(1) A water authority shall keep deposited at their principal office a map showing and distinguishing so far as is reasonably practicable all water mains, communication pipes and supply pipes which are vested in them by virtue of this Act or of Part II of the Local Government etc. (Scotland) Act 1994; and the authority shall provide reasonable facilities at that office for inspection of the map by any person and shall permit a copy of the map, or of an extract of it,

to be taken by a person on his paying such reasonable amount as the authority may determine.

(2) A water authority shall keep deposited at such of their offices, other than their principal office, as they consider appropriate, a copy relevant to the office in question of part of the map mentioned in subsection (1) above; and the authority shall provide the like facilities and permission in relation to the copy part, at the office at which that copy is deposited, as, under subsection (1) above, they do in relation to the map mentioned in that subsection at their principal office.

(3) For the purposes of subsection (2) above, a copy is relevant to an office if it is of such part of the map mentioned in subsection (1) above as appears to the water authority to be appropriate having regard to the geographical location of that office.”.

112 Simplification of provisions as respects opting for water supply by meter.

For section 41A of the 1980 Act (which makes provision as respects the supply of water by meter) there shall be substituted—

“**41A Supply of water by meter.**

The occupier of premises to which water is supplied shall have the option, provided that he has (if he is not himself the owner of the premises) the consent of the owner, of taking the supply by meter; but the exercise of that option shall be conditional upon—

(a) the payment by the occupier of any reasonable charges made by the authority under section 35 of this Act; and

(b) the acceptance by him of such reasonable terms and conditions as may be published by the water authority under section 55(1) of this Act,

and any question as to whether any such charges or terms and conditions are reasonable shall, in default of agreement, be referred to the Secretary of State who may determine it himself or, if he thinks fit, refer it to arbitration.”.

113 Actings of Secretary of State on default of water authority.

In section 76E(4) of the 1980 Act (which provides for enforcement, by default order, of requirements as to quality of water unless the Secretary of State is satisfied that failures complained of were of a trivial nature or that certain undertakings given are being complied with), in paragraph (a)—

(a) the words after “of”, where it first occurs, shall be sub-paragraph (i) of the paragraph; and

(b) after that sub-paragraph there shall be added—

“; or

(ii) are not continuing and are unlikely to recur;”.

114 Publication and provision of information as respects quality of private supplies of water.

In section 76F of the 1980 Act (general functions of local authorities in relation to water quality), after subsection (6) there shall be added—

"(7) The Secretary of State may by regulations require a local authority—

(a) to publish information about the quality of private supplies of water for domestic or food production purposes to any premises in their area; and

(b) to provide information to prescribed persons about the quality of water so supplied.

(8) Regulations under subsection (7) above—

(a) shall prescribe both the information which is to be published or provided in pursuance of the regulations and the manner and circumstances in which it is to be published or provided;

(b) may require the provision of information by a local authority to any person to be free of charge or may authorise it to be subject to the payment by that person to the authority of a prescribed charge; and

(c) may impose such other conditions on the provision of information by a local authority to any person as may be prescribed.".

115 Regulations as to certain procedures.

In section 101 of the 1980 Act (provisions as to regulations), after subsection (1A) there shall be added—

"(1B) The Secretary of State may by regulations make provision as to—

(a) the manner in which and the time within which a question or dispute may be referred (other than by him for determination by arbitration), or a request may be made, in pursuance of section 6(3), 9(4) or 24(10) of this Act and as to the procedure for dealing with any such reference or request; and

(b) the manner in which, subject to sections 76G and 76H of this Act, written representation or objection may be made, submitted or withdrawn under subsection (2) of the said section 76H.".

Miscellaneous provisions as respects new authorities

[F43]116 . . . . . .

Textual Amendments

F43 S. 116 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F44]117 . . . . . .

Textual Amendments

F44 S. 117 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F45]118 . . . . . .

Textual Amendments

F45 S. 118 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F46]119 . . . . . .

Textual Amendments

F46 S. 119 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F47]120 . . . . . .

Textual Amendments

F47 S. 120 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F48]121 . . . . . .

Textual Amendments

F48 S. 121 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F49]122 . . . . . .

Textual Amendments

F49 S. 122 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F50]123 . . . . . .

Textual Amendments

F50 S. 123 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Other miscellaneous provisions

[F51]124 . . . . . .

Textual Amendments

F51 S. 124 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

General

[F52]125 . . . . . .

Textual Amendments

F52 S. 125 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F53]125A. . . . . .

Textual Amendments

F53 S. 125A repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

[F54]126 . . . . . .

Textual Amendments

F54 S. 126 repealed (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 23(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

Changes to legislation:
There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Part II.