
Status: Point in time view as at 01/02/1991.

Changes to legislation: Water (Scotland) Act 1980, Cross Heading: Agreements made by water authorities or water development boards under section 17 is up to date with all changes known to be in force on or before 20 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 1

PROCEDURE FOR MAKING ORDERS AND MAKING AND CONFIRMING BYELAWS

PART III

Agreements made by water authorities or water development boards under section 17

- 19 A water authority or water development board who propose to enter into an agreement to which this Part of this Schedule applies shall publish once at least in each of two successive weeks in one or more local newspapers circulating within their limits of supply or area a notice explaining the effect of the proposals and stating that objections thereto may be made to the Secretary of State within 28 days after the first publication of the notice, and shall send a copy of the notice to the water authority, regional council, district council and water development board for any area, the fishery district board of any fishery district, and any navigation authority exercising jurisdiction in relation to any watercourse, from which water is proposed to be taken under the rights to be acquired, and where the river purification authority within whose area the stream affected is situated are not the same authority as the water authority, to that authority, and to any public undertakers known by the water authority or water development board to be authorised by any enactment to take or use water from any such watercourse.
- 20 The water authority or water development board shall also publish in the Edinburgh Gazette a notice stating that they propose to enter into such an agreement as aforesaid with the persons specified in the notice and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the proposals will be found.
- 21 The Secretary of State shall not approve the agreement before the expiration of the said 28 days or before the expiration of 25 days from the publication of the said notice in the Edinburgh Gazette, and before approving it shall consider any objections which may have been received by him before the expiration of either of the said periods, and if before such expiration an objection is received by the Secretary of State from any authority or board or undertakers to whom a notice is required to be sent under paragraph 19 of this Schedule or who appear to him to be affected by the proposed agreement and the objection is not withdrawn, the Secretary of State shall, before approving the agreement, cause a local inquiry to be held.

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- 22 After considering the report of any local inquiry under the last foregoing paragraph, and before making the order approving the agreement, the Secretary of State shall give to any person who has objected thereto under the said paragraph, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.
- 23 The expenses incurred by the Secretary of State in connection with the approval of agreements under this Part of this Schedule (whether by order or otherwise) and the confirmation of orders thereunder shall be paid by the authority or board to whom the agreement or order relates, and in a case where there are two or more such authorities or boards, the Secretary of State may apportion such expenses between them.

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