



Water (Scotland) Act 1980

1980 CHAPTER 45

PART II

DUTIES OF WATER AUTHORITIES

10 Compensation for damage resulting from exercise of powers.

- (1) Subject to the provisions of this section, a [^{F1}local authority] or [^{F2}Scottish Water]^{F3} . . . shall make full compensation to any person who has sustained damage by reason of the exercise by them [^{F4}or it] of any of their [^{F5}or its] powers under this Act in relation to a matter as to which he has not himself been in default.
- [^{F6}(1A) The escape of water, however caused, ^{F7} . . . from one of [^{F8}Scottish Water's]^{F7} . . . communication [^{F9}or supply] pipes or mains shall for the purposes of subsection (1) above be taken to have been brought about by the exercise by [^{F10}it] of powers under this Act.]
- (2) Any question arising under this section as to the fact of damage or as to the amount of compensation shall, in case of dispute, be determined by arbitration.
- (3) A claim for compensation under this section shall not be maintainable unless it is made within [^{F11}24] months after the date on which it is alleged to have arisen.
- (4) The provisions of this section shall be without prejudice to any other provisions in this Act relating to compensation.
- [^{F12}(5) Without prejudice to any right to compensation other than under subsection (1) above, in that subsection “person” does not, as regards compensation payable under that subsection by virtue of subsection (1A) above, include—
 - (a) statutory undertakers as defined in [^{F13}section 214 of the Town and Country Planning (Scotland) Act 1997];
 - [roads authorities as defined in section 151(1) of the ^{M1}Roads (Scotland) Act ^{F14}(b) 1984;]
 - (c) bridge authorities [^{F15}as defined in section 147 of the New Roads and Street Works Act 1991;]

Changes to legislation: Water (Scotland) Act 1980, Section 10 is up to date with all changes known to be in force on or before 14 April 2024. 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) View outstanding changes

- [road works authority as defined in section 108 of the New Roads and Street Works Act 1991;]
 (e) persons on whom a right to compensation under section [F17]141 of the said Act of 1991] is conferred.

F18(6)]

Textual Amendments

- F1** Words in s. 10(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(a)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F2** Words in s. 10(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 7(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F3** Words in s. 10(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(a)(ii), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**
- F4** Words in s. 10(1) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 7(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F5** Words in s. 10(1) inserted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 7(a)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F6** S. 10(1A) inserted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **s. 57(a)**
- F7** Words in s. 10(1A) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(b)(i), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**
- F8** Words in s. 10(1A) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 7(b)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F9** Words in s. 10(1A) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(b)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F10** Word in s. 10(1A) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 7(b)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F11** Words in s. 10(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(c)**; S.I. 1996/323, **art. 4(1)(c)**
- F12** S. 10(5)(6) inserted by Local Government and Planning (Scotland) Act 1982 (c. 43, SIF 81:2), **s. 57(b)**
- F13** Words in s. 10(5)(a) substituted (27.5.1997) by 1997 c. 11, ss. 4, 6(2), **Sch. 2 para. 30(1)**
- F14** S. 10(5)(b) substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(3)(a)**
- F15** Words in s. 10(5)(c) substituted (1.1.1993) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 108(2)(a)**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F16** S. 10(5)(d) substituted (1.1.1993) by virtue of New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8, Pt. IV, para. 108(2)(b)**; S.I. 1992/2990, art. 2(2), **Sch. 2**
- F17** Words in s. 10(5)(e) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(5)(d)**; S.I. 1994/2850, **art. 3**
- F18** S. 10(6) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(5)(e), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 10 modified (1.1.2015) by The Public Water Supplies (Scotland) Regulations 2014 (S.S.I. 2014/364), regs. 1(1), **45** (with reg. 1(3)(4))

Marginal Citations

- M1** 1984 c. 54 (**59, 108**).

Changes to legislation:

Water (Scotland) Act 1980, Section 10 is up to date with all changes known to be in force on or before 14 April 2024. 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(1A) inserted by [2003 asp 3 sch. 4 para. 3\(3\)](#)
- s. 110A certain functions transferred by [S.I. 1999/1750 art. 3Sch. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A inserted by [1995 c. 25 Sch. 21 para. 5](#)
- s. 110A(7) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A(8) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- Sch. 3 para. 4(3)(4) inserted by [2003 asp 3 sch. 4 para. 4\(2\)](#)
- Sch. 3 para. 6(1A) inserted by [2003 asp 3 sch. 4 para. 4\(3\)](#)
- Sch. 4 s. 34(3) inserted by [2003 asp 3 sch. 4 para. 5](#)