



Water (Scotland) Act 1980

1980 CHAPTER 45

PART II

DUTIES OF WATER AUTHORITIES

11 Power of Secretary of State on default of authority or board.

(1) If—

(a) a complaint is made to the Secretary of State that [^{F1}Scottish Water has] failed—

- (i) to do anything which [^{F2}it is] required to do by or under this Act,
- (ii) to give an adequate supply of water either as respects quantity or quality within [^{F3}its limits of supply, or has] failed to give any supply which [^{F4}it has] been lawfully required to give, or
- (iii) to take such steps as are in the circumstances reasonable to obtain new powers or to extend [^{F5}its] existing powers for the purpose of remedying any such failure as is mentioned in paragraph (ii), or

(b) the Secretary of State is of opinion that an investigation should be made as to whether [^{F6}Scottish Water has] failed in any of those matters,

he may cause a local inquiry to be held into the matter.

(2) If after a local inquiry has been held in pursuance of subsection (1), the Secretary of State is satisfied that there has been such a failure on the part of [^{F7}Scottish Water], he may make an order declaring [^{F8}it] to be in default and directing [^{F8}it] for the purpose of remedying the default to discharge such of [^{F9}its] functions in such a manner and within such time or times as may be specified in the order or, as the case may be, to take such steps within such time or times as may be specified in the order to obtain new powers or to extend [^{F10}its] existing powers.

(3) If [^{F11}Scottish Water fails] to comply with any requirements of [^{F12}an order made under subsection (2)] within the time specified therein for compliance with that requirement—

(a) ^{F13}

Changes to legislation: Water (Scotland) Act 1980, Section 11 is up to date with all changes known to be in force on or before 07 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

[^{F14}or]

(b) the Court of Session may on the application of the Lord Advocate on behalf of the Secretary of State order specific performance of the functions and do otherwise as to the Court appears to be just.

- (4) ^{F15}
- (5) ^{F15}
- (6) ^{F15}
- (7) ^{F15}

Textual Amendments

- F1** Words in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Words in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F3** Words in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F4** Words in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(d\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F5** Word in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(e\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F6** Words in s. 11(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(2\)\(f\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F7** Words in s. 11(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(3\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F8** Word in s. 11(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(3\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F9** Word in s. 11(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(3\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F10** Word in s. 11(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(3\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F11** Words in s. 11(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(4\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F12** Words in s. 11(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(4\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F13** S. 11(3)(a) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(4\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F14** By [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(4\)\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#) it is provided that the word "and" following s. 11(3)(a) is repealed (1.4.2002)
- F15** S. 11(4)-(7) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\), s. 71\(1\), Sch. 6 para. 8\(5\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 11 extended (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1, 130\), s. 20\(6\)\(b\)](#)
- C2** S. 11: Transfer of functions (*temp.* from 6.5.1999 until 1.7.1999) by [S.I. 1999/901, arts. 2, 5, Sch.](#); S.I. 1998/3178, [art. 3](#)
- C3** S. 11 modified (1.1.2015) by [The Public Water Supplies \(Scotland\) Regulations 2014 \(S.S.I. 2014/364\), regs. 1\(1\), 46\(2\)](#) (with reg. 1(3)(4))

Changes to legislation:

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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](#)