



# Water (Scotland) Act 1980

## 1980 CHAPTER 45

### PART II

#### DUTIES OF WATER AUTHORITIES

#### **6 Duty of authority to provide supply.**

(1) It shall be the duty of [<sup>F1</sup>Scottish Water] to provide a supply of wholesome water to every part of [<sup>F2</sup>its] limits of supply where a supply of water is required for domestic purposes and can be provided at a reasonable cost.

(2) Without prejudice to the generality of subsection (1), [<sup>F3</sup>Scottish Water] shall provide a supply of wholesome water in pipes to every part of [<sup>F4</sup>its] limits of supply where a supply of water is required for domestic purposes and shall [<sup>F5</sup>, subject to subsection (2A),] take the pipes affording that supply to such point or points as will enable the buildings for which a supply is required for domestic purposes to be connected thereto at a reasonable cost; but this subsection shall not require [<sup>F6</sup>Scottish Water] to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of [<sup>F4</sup>its] limits of supply where such a supply is already available at such point or points.

[<sup>F7</sup>(2A) Subsection (2), so far as requiring Scottish Water to take pipes to the point or points referred to in that subsection, shall not apply for so long as there is in force an agreement between Scottish Water and some other person for that person to take the pipes referred to in that subsection to that point or those points.

(2B) Subsections (1) and (2), so far as excepting from the duties under those subsections things which cannot be done at a reasonable cost, shall not apply to such cases or descriptions of case as the Scottish Ministers may direct.

(2C) In determining what is a reasonable cost for the purpose of subsection (2) so far as excepting from the duty under that subsection things which cannot be done at a reasonable cost, the costs to be taken into account include the costs of—

- (a) constructing such other water mains, communication pipes and other waterworks, and

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- (b) carrying out such other work,  
 as Scottish Water considers necessary in consequence of the connection referred to in that subsection.
- (2D) Subject to subsection (2C), any question as to what is a reasonable cost for the purposes of this section shall be determined in accordance with regulations made by the Scottish Ministers.
- (2E) Such regulations may, in particular, make provision as to—
- (a) the matters to be taken into, or left out of, account,
  - (b) the criteria to be applied,
  - (c) the method of calculation to be adopted,
- in determining what is a reasonable cost for those purposes, and may make different provision for different cases and descriptions of case.]
- (3) If any question arises under this section as to—
- [<sup>F8</sup>(za) whether a reasonable cost has been properly determined in accordance with regulations made under subsection (2D), or]
- (a) whether a supply of water can be provided at a reasonable cost, or
  - (b) whether anything is or is not practicable at a reasonable cost, or
  - (c) the point or points to which pipes must be taken in order to enable buildings to be connected therewith at a reasonable cost,
- the [<sup>F9</sup>Water Industry Commission for Scotland], if requested to do so by [<sup>F10</sup>any person aggrieved], shall, after [<sup>F10</sup>consultation with that person and with [<sup>F11</sup>Scottish Water]], determine that question and [<sup>F12</sup>Scottish Water] shall give effect to [<sup>F13</sup>its] determination.
- [<sup>F14</sup>(3A) The Commission—
- (a) shall prepare a statement which specifies the procedure to be followed for the purposes of its determining questions under subsection (3), and
  - (b) may from time to time revise the statement.
- (3B) In preparing or revising the statement, the Commission shall consult Scottish Water and such other persons as it considers appropriate.
- (3C) The Commission shall, on payment of such reasonable fee (if any) as the Commission may determine, send a copy of the statement to any person who requests it.]
- (4) [<sup>F15</sup>Scottish Water] shall also provide a supply of water for the purpose of complying with any other obligation imposed on [<sup>F16</sup>it] by this Act and may, if [<sup>F17</sup>it thinks] fit, provide a supply to enable [<sup>F18</sup>it] to exercise any of the powers conferred on [<sup>F18</sup>it] by this Act or for any other purpose which [<sup>F19</sup>it considers] is in the interests of the area comprising [<sup>F20</sup>its] limits of supply.
- [<sup>F21</sup>(5) The duties imposed by subsections (1), (2) and (4) shall not require Scottish Water to do anything which is prejudicial to its compliance with—
- (a) any directions given to it under section 56 of the Water Industry (Scotland) Act 2002 (asp 3) so far as setting objectives of a type referred to in section 56A of that Act, or
  - (b) a statement of policy issued under section 29D of that Act.]

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### Textual Amendments

- F1** Words in s. 6(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(2)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F2** Word in s. 6(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(2)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F3** Words in s. 6(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(3)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F4** Word in s. 6(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(3)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F5** Words in s. 6(2) inserted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **s. 29(6)** (with s. 39(2)); S.S.I. 2006/55, **art. 2**
- F6** Words in s. 6(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(3)(c)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F7** S. 6(2A)-(2E) inserted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **s. 29(7)** (with s. 35(2)); S.S.I. 2006/55, **art. 2**
- F8** S. 6(3)(za) inserted (6.3.2006) by Water Environment and Water Services (Scotland) Act 2003 (asp 3), **s. 29(8)** (with s. 35(2)); S.S.I. 2006/55, **art. 2**
- F9** Words in s. 6(3) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(2)(a)(i)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 1
- F10** Words in s. 6(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(3)**; S.I. 1996/323, **art. 4(1)(c)**
- F11** Words in s. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(4)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F12** Words in s. 6(3) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(4)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F13** Word in s. 6(3) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(2)(a)(ii)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 1
- F14** S. 6(3A)-(3C) inserted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 23(2)(b)**, 37(2) (with s. 36); S.S.I. 2006/167, **art. 2**, Sch. 1
- F15** Words in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F16** Words in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F17** Words in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(c)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F18** Word in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F19** Words in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(d)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F20** Word in s. 6(4) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 3(5)(e)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F21** S. 6(5) added (1.7.2005) by Water Services etc. (Scotland) Act 2005 (asp 3), **s. 24(2)** (with s. 36); S.S.I. 2005/351, **art. 2**, Sch. 2

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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](#)