

Status: Point in time view as at 01/04/2002.

Changes to legislation: There are currently no known outstanding effects for the Natural Heritage (Scotland) Act 1991, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 20.

FURTHER PROVISIONS REGARDING DROUGHT ORDERS

Duration of drought orders

- 1 (1) This paragraph applies to the period for which the following have effect—
- (a) an authorisation given;
 - (b) a prohibition or limitation imposed; or
 - (c) a suspension or modification effected,
- by or under any drought order made under section 20 of this Act.
- (2) The period mentioned in sub-paragraph (1) above shall expire no later than the end of the period of—
- (a) in the case of an ordinary drought order, six months; or
 - (b) in the case of an emergency drought order, three months,
- beginning with the day on which the order comes into operation unless that period is extended, in relation to that order, by virtue of the exercise by the Secretary of State of his power to amend the order.
- (3) The Secretary of State shall not extend the periods mentioned in sub-paragraph (2) above beyond the end of the period of—
- (a) in the case of an ordinary drought order, one year; or
 - (b) in the case of an emergency drought order, five months,
- beginning with the day on which the order comes into operation.

Commencement Information

I1 Sch. 7 para. 1 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Exercise of power to make a drought order

- 2 (1) A drought order may—
- (a) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (b) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (2) A drought order shall be made by statutory instrument.

Commencement Information

I2 Sch. 7 para. 2 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

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Prohibition or limitation of use of water

- 3 Where a drought order contains a provision authorising [^{F1}Scottish Water]to prohibit or limit the use of water—
- (a) the power may be exercised in relation to consumers generally, a class of consumer or a particular consumer;
 - (b) [^{F2}Scottish Water] shall (as [^{F2}it thinks] appropriate)—
 - (i) cause notice of the prohibition or limitation to be published in one or more newspapers circulating within that part of [^{F3}its] limits of supply which would be affected by the provision of the order; or
 - (ii) send notice of the prohibition or limitation to the persons to whom the prohibition or limitation will apply,
 and shall take such other steps, if any, as [^{F2}it thinks] appropriate for bringing the prohibition or limitation to the attention of the persons to whom the prohibition or limitation will apply; and
 - (c) the prohibition or limitation shall not come into operation until the expiration of the period of seventy-two hours beginning with the day on which the notice is published or, as the case may be, sent to the person in question.

Textual Amendments

- F1** Words in Sch. 7 para. 3 substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 22(5)(a)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F2** Words in Sch. 7 para. 3(b) substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 22(5)(b)** (with s. 67); S.S.I. 2002/118, **art. 2**
- F3** Word in Sch. 7 para. 3(b)(i) substituted (1.4.2002) by 2002 asp 3, s. 71, **Sch. 7 para. 22(5)(b)(iii)** (with s. 67); S.S.I. 2002/118, **art. 2**

Commencement Information

- I3** Sch. 7 para. 3 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, **Sch.**

Abstractions and discharges of water

- 4 (1) Any drought order which—
- (a) authorises the taking of water from a source from which water is supplied to an inland navigation; or
 - (b) suspends or modifies—
 - (i) a restriction as respects the taking of water from a source from which water is supplied to an inland navigation; or
 - (ii) an obligation to discharge compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation,
 may include provision for prohibiting or imposing limitations on the taking of water from the inland navigation or for the suspension or modification of any obligation to which a navigation authority are subject as respects the discharge of water from the inland navigation.
- (2) A prohibition or limitation by or under a drought order on the taking of water from any source may be imposed so as to have effect in relation to a source from which a

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person to whom the prohibition or limitation applies has a right to take water whether by virtue of an enactment or instrument, an agreement or the ownership of land.

Commencement Information

I4 Sch. 7 para. 4 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

Works under drought orders

- 5 (1) A drought order may authorise [^{F4}Scottish Water]. . . , subject to any conditions and restrictions specified in the order, to execute any works required for the performance of any duty or the exercise of any power which is imposed or conferred by or under the order and—
- (a) may authorise [^{F4}Scottish Water]. . . for the purpose to enter upon any land specified in the order and to occupy and use the land to such extent and in such manner as may be requisite for the execution and maintenance of the works; and
 - (b) may apply in relation to the execution of the works such of the provisions of Part III of and Schedules 3 and 4 to the ^{M1}Water (Scotland) Act 1980 as appear to the Secretary of State to be appropriate, subject to such modifications as may be specified in the order.
- (2) Where a drought order authorises [^{F5}Scottish Water]. . . to enter upon any land, the provisions of subsections (2), (4), (5), (7), (8) and (9) of section 24 of this Act shall apply, subject to sub-paragraph (3) below, to the right of entry given by such an order as they apply to the right of entry given by that section.
- (3) A drought order which authorises [^{F6}Scottish Water]. . . to enter upon land shall provide that [^{F6}Scottish Water]. . . shall give to the occupier of the land and to such other persons concerned with the land as may be specified in the order not less than twenty-four hours' notice of any intended entry: and a sheriff shall not grant a warrant under paragraph (a) or (b) of section 24(2) of this Act unless he is satisfied that such notice has been given.
- (4) Any works to be carried out under the authority of an emergency drought order shall be included in the definition of emergency works in [^{F7}section 111 of the ^{M2}New Roads and Street Works Act 1991].

Textual Amendments

- F4** Words in Sch. 7 para. 5(1) substituted (1.4.2002) by 2002 asp 3, s. 71, Sch. 7 para. 22(5)(c)(i) (with s. 67); S.S.I. 2002/118, art. 2
- F5** Words in Sch. 7 para. 5(2) substituted (1.4.2002) by 2002 asp 3, s. 71, Sch. 7 para. 22(5)(c)(ii) (with s. 67); S.S.I. 2002/118, art. 2
- F6** Words in Sch. 7 para. 5(3) substituted (1.4.2002) by 2002 asp 3, s. 71, Sch. 7 para. 22(5)(c)(iii) (with s. 67); S.S.I. 2002/118, art. 2
- F7** Words in Sch. 7 para. 5(4) 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. 127; S.I. 1992/2990, art. 2(2), Sch. 2.

Commencement Information

I5 Sch. 7 para. 5 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

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Marginal Citations

- M1** 1980 c. 45.
M2 1991 c. 22

Miscellaneous

- 6 An interruption or diminution of the supply of water shall not affect the right of [F8Scottish Water] to recover any fixed or minimum charge F9. . . .

Textual Amendments

- F8** Words in Sch. 7 para. 6 substituted (1.4.2002) by 2002 asp 3, s. 71, Sch. 7 para. 22(5)(d) (with s. 67); S.S.I. 2002/118, art. 2
F9 Words in Sch. 7 para. 6 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 170(5)(b), Sch. 14; S.I. 1996/323, art. 4

Commencement Information

- I6** Sch. 7 para. 6 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

- 7 [F10Where powers have been conferred on Scottish Water by a drought order, the Scottish Ministers may require it] to furnish him with such information relating to the exercise by [F10it] of any of these powers as he considers necessary to enable him to discharge his functions under Part III of this Act.

Textual Amendments

- F10** Words in Sch. 7 para. 7 substituted (1.4.2002) by 2002 asp 3, s. 71, Sch. 7 para. 22(5)(e) (with s. 67); S.S.I. 2002/118, art. 2

Commencement Information

- I7** Sch. 7 para. 7 wholly in force at 1.10.1991 see s. 28(2) and S.I. 1991/2187, art. 3, Sch.

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