



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

New water and sewerage authorities

62 New water and sewerage authorities

- (1) There shall be established—
- (a) a body, to be known as the East of Scotland Water Authority, which, as from 1st April 1996, shall be—
 - (i) the water authority for the eastern water area; and
 - (ii) the sewerage authority for the eastern sewerage area;
 - (b) a body, to be known as the West of Scotland Water Authority, which, as from that date, shall be—
 - (i) the water authority for the western water area; and
 - (ii) the sewerage authority for the western sewerage area; and
 - (c) a body, to be known as the North of Scotland Water Authority, which, as from that date, shall be—
 - (i) the water authority for the northern water area; and
 - (ii) the sewerage authority for the northern sewerage area;
- but any reference in any enactment, including this Act, to water authorities generally, shall not be taken to include a reference to any of the above bodies as sewerage authority.
- (2) Schedule 7 to this Act shall have effect with respect to the constitution and proceedings of, and other matters relating to, each of the bodies established by subsection (1) above (those bodies being, in this Act, collectively referred to as the “new water and sewerage authorities”).

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- (3) The water areas and sewerage areas mentioned in subsection (1) above and in column 1 of Schedule 8 to this Act comprise the areas for the time being respectively described in column 2 of that Schedule.

63 Alteration of water areas and sewerage areas

- (1) Subject to subsection (4) below, the Secretary of State may from time to time by order amend column 2 of Schedule 8 to this Act so as to alter water areas or sewerage areas of the new water and sewerage authorities.
- (2) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An order under this section may include such incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient for the purposes of the order.
- (4) Before making an order under this section the Secretary of State shall prepare a draft of the order, shall consult with every new water and sewerage authority whose area would be altered by the order and with the Customers Council and shall publish in the Edinburgh Gazette, and in one or more local newspapers circulating in the geographical area affected by the order, a notice—
- (a) stating the general effect of the order;
 - (b) specifying the places where copies of the draft order, and of any maps relating to it, may be inspected, free of charge and at all reasonable times, during a period of not less than twenty-eight days which begins with the date on which the notice is so published; and
 - (c) stating that any person affected by the order may within that period, by intimation in writing to the Secretary of State, object to the proposed making of the order.
- (5) The Secretary of State shall serve a copy of a notice published under subsection (4) above on every body which he has, in accordance with that subsection, consulted.
- (6) The Secretary of State shall have regard to any objection made by virtue of subsection (4)(c) above and timeously received; and he may then proceed to make the order, either in the form of the draft order or as amended by him.
- (7) For the purposes of subsection (6) above, an objection is timeously received if received by the end of the specified period of not less than twenty-eight days which begins with the latest date on which is published an issue of the Edinburgh Gazette, or of a local newspaper, in which the notice mentioned in subsection (4) above appears by virtue of that subsection.

64 Maps of areas

- (1) The Secretary of State shall, as soon as is practicable after—
- (a) the coming into force of section 62(3) of, and Schedule 8 to, this Act, send to each of the new water and sewerage authorities a map of their water area and of their sewerage area, both as described in column 2 of that Schedule;
 - (b) making an order under section 63 of this Act altering water areas or sewerage areas, send to each of the new water and sewerage authorities of the areas

altered a map of their water area, or as the case may be their sewerage area, as so altered.

- (2) Any map which is sent to an authority under subsection (1) above shall, until superseded by a map subsequently sent under that subsection, be kept at the principal office of the authority; and the authority shall provide reasonable facilities for inspection of the map by any person and shall permit a copy of it, or of an extract of it, to be taken by a person on his paying such reasonable amount as the authority may determine.

65 General duties of Secretary of State and of new authorities

- (1) For section 1 of the 1980 Act (which imposes on the Secretary of State certain duties as respects water conservation and supply) there shall be substituted—

“1 General duties of Secretary of State and of water authorities

It shall be the duty of the Secretary of State and of the water authorities when exercising their respective functions or powers under or by virtue of this Act—

- (a) to promote the conservation and effective use of the water resources of, and the provision of adequate water supplies throughout, Scotland; and
 - (b) to secure the collection, preparation, publication and dissemination of information and statistics relating to such resources and supplies.”.
- (2) It shall be the duty of the Secretary of State and of the new water and sewerage authorities when exercising their respective functions or powers under or by virtue of this Act, the 1968 Act or the 1980 Act—
- (a) to have regard to the interests of every person who is a customer or potential customer of any such authority and especially of such of those persons as—
 - (i) are likely, by reason of some persistent medical condition or of family circumstances, to require to have a much greater supply of water, or to make much greater use of facilities for the disposal of sewage, than might ordinarily have been expected; or
 - (ii) are ordinarily resident in some rural part of Scotland;
 - (b) to further, so far as may be consistent with the purposes of any enactment relating to their respective functions (whether or not functions under or by virtue of this Act, the 1968 Act or the 1980 Act)—
 - (i) the conservation and enhancement of natural beauty and the conservation of flora and fauna; and
 - (ii) the conservation of geological or physiographical features of special interest;
 - (c) to have regard to the desirability of preserving for the public any freedom of access (including access for recreational purposes) to areas of forest, woodland, mountains, moor, bog, cliff, foreshore, loch or reservoir and to other places of natural beauty; and
 - (d) to have regard to the desirability of protecting and conserving—
 - (i) buildings;
 - (ii) sites; and
 - (iii) objects,

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of archaeological, architectural or historic interest and of maintaining the availability to the public of any facility for visiting or inspecting any such building, site or object.

66 Codes of practice for new water and sewerage authorities

- (1) A new water and sewerage authority shall draft a code of practice which shall make provision—
 - (a) as to their standards of performance in providing services to their customers;
 - (b) for procedures for dealing with complaints by their customers or their potential or former customers;
 - (c) as respects the circumstances in which they will pay compensation if or in so far as those standards are not attained; and
 - (d) as respects such matters as are incidental to the provision made under paragraphs (a) to (c) above;and the code may include such supplemental provisions as appear to the authority to be appropriate.
- (2) A code drafted by an authority under subsection (1) above shall be sent by them to the Customers Council no later than the date on which they first, under subsection (4)(a) of section 76 of this Act, send a draft charges scheme to the Council; and subsections (4) to (6) of the said section 76 shall apply as respects any such draft code of practice as they apply to any such draft charges scheme.
- (3) The authority shall endeavour to comply with their code of practice as for the time being approved by virtue of this section; but contravention of that code shall not of itself give rise to any criminal or civil liability.
- (4) Subject to subsection (1) above, the authority may from time to time—
 - (a) vary; or
 - (b) revoke and replace,their code of practice as so approved; and the varied or new code shall be sent forthwith by them in draft to the Customers Council.
- (5) Subsections (4) to (6) of section 76 of this Act shall apply as respects a draft sent under subsection (4) above as they apply, by virtue of subsection (2) above, to a draft sent under the said subsection (2).
- (6) The authority shall take such steps as appear to them appropriate to inform customers and potential or former customers of the contents for the time being of their code approved by virtue of this section.