



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

General duties

49 Interests of customers

The Scottish Ministers, when exercising their functions under or by virtue of this Act, the 1968 Act or the 1980 Act and Scottish Water, when exercising its functions, must have regard to the interests of every person [^{F1}whose premises are connected to, or might reasonably become connected to, the public water supply system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both;] and especially of such of those persons as—

- (a) are likely, by reason of a persistent disability or 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
- (b) are ordinarily resident in a rural or remote part of Scotland.

Textual Amendments

- F1** Words in s. 49 substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(6\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2

50 Economy, efficiency and effectiveness

Scottish Water must, in exercising its functions, seek to ensure that its resources are used economically, efficiently and effectively.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Cross Heading: General duties. (See end of Document for details)

[^{F2}50A Development of assets

- (1) So far as it considers is not inconsistent with the economic, efficient and effective exercise of its functions, Scottish Water must take reasonable steps to develop the commercial value of its assets and expertise.
- (2) In complying with subsection (1), Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers.
- (3) In this section, “assets” means property, rights and other assets (whether tangible or intangible).]

Textual Amendments

- F2** S. 50A inserted (21.12.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), ss. 24, 56(1)(2); S.S.I. 2013/342, art. 2(a)

51 Sustainable development

- (1) Scottish Water must, in exercising its functions, act in the way best calculated to contribute to the achievement of sustainable development.
- (2) Subsection (1) applies so far as is consistent with the purposes of any enactment relating to the functions of Scottish Water.
- (3) In complying with subsection (1) Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers.

[^{F3}51A Supporting renewable energy

- (1) So far as it considers is not inconsistent with the economic, efficient and effective exercise of its functions, Scottish Water must take reasonable steps to promote the use of its assets for the generation of renewable energy.
- (2) In complying with subsection (1), Scottish Water must have regard to any guidance for the time being issued by the Scottish Ministers.
- (3) In this section, “assets” means property, rights and other assets (whether tangible or intangible).]

Textual Amendments

- F3** S. 51A inserted (21.12.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), ss. 25, 56(1)(2); S.S.I. 2013/342, art. 2(a)

52 Public access to land held by Scottish Water

- (1) The Scottish Ministers, in exercising their functions under or by virtue of this Act, the 1968 Act or the 1980 Act and Scottish Water, in exercising its functions, must have regard to the desirability of preserving for the public any freedom of access (including access for recreational purposes) to land held by Scottish Water.
- (2) This section is without prejudice to section 53(1) and (2)(a).

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53 Environmental matters

- (1) The Scottish Ministers, in exercising their functions under or by virtue of this Act, the 1968 Act or the 1980 Act and Scottish Water, in exercising its functions, must have regard to the matters specified in subsection (2).
- (2) Those matters are—
 - (a) 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
 - (b) the desirability of protecting and conserving—
 - (i) buildings,
 - (ii) sites, and
 - (iii) objects,of archaeological, architectural, historic or scientific interest and of maintaining the availability to the public of any facility for visiting or inspecting any such building, site or object.
- (3) The Scottish Ministers and Scottish Water must, in exercising the functions referred to in subsection (1), further—
 - (a) the conservation and enhancement of natural beauty and the conservation of flora and fauna, and
 - (b) the conservation of geological or physiographical features of special interest.
- (4) Subsection (3) applies so far as is consistent with the purposes of any enactment relating to the functions of the Scottish Ministers or, as the case may be, Scottish Water (whether or not functions under or by virtue of this Act, the 1968 Act or the 1980 Act).

54 Protection of natural heritage

- (1) Scottish Natural Heritage (“SNH”) must by notice in writing notify Scottish Water of any area of land in Scotland which is a [^{F4}European site within the meaning of Regulation 10 of the Conservation (Natural Habitats, &c.) Regulations 1994 (S.I. 1994/2716)] .
- ^{F5}(2)
- (3) Where SNH has given notice under subsection (1) in respect of an area of land and—
 - ^{F6}(a)
 - ^{F6}(b)
 - (c) ^{F7}... the area ceases to be a European site,
SNH must by notice in writing advise Scottish Water of that fact.
- (4) Where Scottish Water has received notice under subsection (1), it must (unless SNH has given notice under subsection (3) to the effect that the area of land in question is no longer a [^{F8}European site]) consult SNH before commencing any scheme, work, operation or activity which is likely to prejudice significantly the qualities by reference to which the area of land ^{F9}... is a European site.
- (5) Before commencing any scheme, work, operation or activity which appears to Scottish Water to be likely to affect adversely an area of land designated as a National Park

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under the National Parks (Scotland) Act 2000 (asp 10), Scottish Water must consult the National Park authority for the National Park.

- (6) Subsections (4) and (5) do not apply in relation to anything to be done by Scottish Water in an emergency but particulars of what is done and of the emergency must be notified by Scottish Water to SNH or, as the case may be, the National Park authority as soon as is practicable after the thing is done.

Textual Amendments

- F4** Words in s. 54(1) substituted (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(a)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F5** S. 54(2) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(b)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F6** S. 54(3)(a)(b) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(c)(i)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F7** Words in s. 54(3)(c) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(c)(ii)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F8** Words in s. 54(4) substituted (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(d)(i)** (with s. 55(2)); S.S.I. 2004/495, art. 2
- F9** Words in s. 54(4) repealed (29.11.2004) by Nature Conservation (Scotland) Act 2004 (asp 6), s. 59(2), **sch. 7 para. 13(d)(ii)** (with s. 55(2)); S.S.I. 2004/495, art. 2

55 Consultation with Health Boards

- (1) Where it appears to Scottish Water that (whether or not as a result of any act or omission by it) services provided by it in the exercise of its core functions give rise to, or are likely to give rise to, a significant risk to public health in relation to the area of any Health Board, Scottish Water must—
- (a) consult the Health Board, and
 - (b) exercise its core functions with a view to reducing or eliminating the risk to public health, having regard to any views expressed by the Health Board.
- (2) This section is without prejudice to section 11(6).

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002,
Cross Heading: General duties.