

Status: Point in time view as at 30/06/2014.

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^{F1}SCHEDULE A1 (introduced by section 1(4))

WATER INDUSTRY COMMISSION FOR SCOTLAND

Textual Amendments

- F1** Sch. A1 inserted (20.6.2005 for the insertion of Sch. A1 paras. 1-7, 1.7.2005 in so far as not already in force) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 1](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 1, sch. 2

Status

- 1 (1) The Commission is a body corporate.
- (2) The Commission—
- (a) is not a servant or agent of the Crown,
 - (b) has no status, immunity or privilege of the Crown,
- and its property is not to be regarded as property of, or held on behalf of, the Crown.

Membership

- 2 The Commission is to consist of the following members—
- (a) not fewer than 3, nor more than 5, ordinary members, and
 - (b) the person holding the post of chief executive.

Tenure and removal from office

- 3 (1) Each ordinary member—
- (a) is to be appointed by the Scottish Ministers for such period as is specified in the appointment,
 - (b) may, by written notice to the Scottish Ministers, resign as a member,
 - (c) in other respects, holds and vacates office on such terms and conditions as the Scottish Ministers may determine, and
 - (d) after ceasing to hold office is eligible for reappointment as a member.
- (2) The Scottish Ministers may remove an ordinary member from office and the Commission may, with the approval of the Scottish Ministers, remove the member who is the chief executive from office if satisfied that—
- (a) the member's estate has been sequestrated or the member has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract, or
 - (b) the member—
 - (i) is incapacitated by physical or mental illness,
 - (ii) has been absent from meetings of the Commission for a period longer than 3 consecutive months without the permission of the Commission, or
 - (iii) is otherwise unable or unfit to discharge the functions of a member or is unsuitable to continue as a member.

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Disqualification

- 4 A person is disqualified from appointment, and from holding office, as a member of the Commission if that person is a member of—
- (a) the House of Lords,
 - (b) the House of Commons,
 - (c) the Scottish Parliament, or
 - (d) the European Parliament.

Chairing

- 5 (1) The Scottish Ministers—
- (a) must appoint one of the ordinary members to chair meetings of the Commission, and
 - (b) may, after consulting that member, appoint another ordinary member to act as deputy to that member.
- (2) The member appointed to chair the meetings and any member appointed to act as deputy to that member hold and vacate office as such in accordance with the terms of their appointments.
- (3) A member so appointed may, by written notice to the Scottish Ministers, resign from office as such.
- (4) A member so appointed vacates office on ceasing to be a member of the Commission.
- (5) Where a member—
- (a) is appointed to chair meetings or to act as deputy to the member so appointed, or
 - (b) ceases to hold office as such,
- the Scottish Ministers may vary the terms of the member's appointment so as to alter the date on which office as a member is to be vacated.

Remuneration, allowances and pensions

- 6 (1) The Commission must pay to each ordinary member such remuneration as the Scottish Ministers may determine.
- (2) The Commission must pay to each ordinary member and the chief executive such allowances as the Scottish Ministers may determine in respect of expenses properly incurred in the performance of their duties as a member.
- (3) Where a person ceases to be an ordinary member otherwise than on the expiry of that person's term of appointment, the Scottish Ministers may, if they think there are special circumstances, direct the Commission to pay to the person such amount of compensation as they may determine.
- (4) The Scottish Ministers may direct the Commission to pay—
- (a) such pension, allowance or gratuity to, or in respect of, any person who is or has been an ordinary member,
 - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as they consider appropriate.

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Chief executive

- 7
- (1) The Commission is to employ a chief executive.
 - (2) The Scottish Ministers are to appoint the first chief executive of the Commission on such terms and conditions as the Scottish Ministers may determine.
 - (3) Before making the appointment of the first chief executive, the Scottish Ministers must consult the member of the Commission appointed, or to be appointed, to chair the meetings of the Commission (if there is a person holding, or as the case may be designated to hold, that office).
 - (4) The Commission may, with the approval of the Scottish Ministers, make subsequent appointments to the post of chief executive on such terms and conditions as it may with the approval of the Scottish Ministers determine.
 - (5) The chief executive is to be appointed from amongst persons who appear—
 - (a) as regards the first appointment, to the Scottish Ministers, and
 - (b) thereafter, to the Commission,to have knowledge, skills or experience relevant to the functions of the Commission.
 - (6) The Commission may, with the approval of the Scottish Ministers—
 - (a) vary any terms and conditions of a person's appointment to the post of chief executive, or
 - (b) terminate a person's appointment to the post of chief executive if the Commission is satisfied that the person is not adequately discharging the functions of that post.

Staff

- 8
- (1) All staff employed, immediately before the coming into force of this sub-paragraph, by the Water Industry Commissioner for Scotland are transferred to the employment of the Commission.
 - (2) The contract of employment of a person transferred by virtue of sub-paragraph (1)—
 - (a) is not terminated by the transfer, and
 - (b) has effect from the date of transfer as if originally made between the person and the Commission.
 - (3) Without prejudice to sub-paragraph (2), where a person becomes a member of staff of the Commission under sub-paragraph (1)—
 - (a) all the rights, powers, duties and liabilities of the Water Industry Commissioner for Scotland under or in connection with that person's contract of employment are by virtue of this sub-paragraph transferred to the Commission on the date of transfer, and
 - (b) anything done before that date by or in relation to the Water Industry Commissioner for Scotland in respect of that contract of employment or that person is to be treated from that date as having been done by, or in relation to, the Commission.
 - (4) Sub-paragraphs (1) to (3) do not prejudice the right of any person to terminate that person's contract of employment if the terms and conditions of employment are changed substantially to the detriment of the person; but such a change is not to be

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taken to have occurred by reason only that the identity of that person's employer changes by virtue of those sub-paragraphs.

- (5) The Commission may, with the consent of the Scottish Ministers as to numbers, terms and conditions, appoint such other employees as it considers appropriate.
- (6) The Commission must, as regards such of its employees as it may with the approval of the Scottish Ministers determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities.
- (7) Such arrangements—
 - (a) may include the establishment and administration, by the Commission or otherwise, of one or more pension schemes, and
 - (b) must, in any case, be approved by the Scottish Ministers.
- (8) The reference in sub-paragraph (6) to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.

Transfer of property and liabilities

- 9 (1) All property (including rights) and liabilities, subsisting immediately before the coming into force of this paragraph, of the Water Industry Commissioner for Scotland are transferred to the Commission.
- (2) Sub-paragraph (1) has effect in relation to any property and liabilities to which it applies despite any provision (of whatever nature) which would otherwise prevent, penalise or prohibit the transfer of the property or liabilities.

Committees

- 10 (1) The Commission may establish committees for or in connection with the exercise of such of its functions as it may determine.
- (2) Any committee established under this paragraph must be chaired by a person who is an ordinary member of the Commission.
- (3) Employees of the Commission who are not members of the Commission may be appointed to be members of any committee established by it.

Delegation of powers

- 11 (1) Anything authorised or required under any enactment to be done by the Commission may be done by any of its committees which, or by any of its members or employees who, are authorised (whether generally or specifically) by it for the purpose.
- (2) Nothing in sub-paragraph (1) prevents the Commission from doing anything that a committee, member or employee has been authorised or required to do.

Proceedings

- 12 (1) The Commission may regulate its own procedure (including any quorum) and that of any of its committees.
- (2) The validity of any proceedings or actings of the Commission is not affected by—

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- (a) any vacancy among its members, or
- (b) any defect in the appointment of a member.

General powers

- 13 (1) The Commission may do anything which appears necessary or expedient for the purpose of, or in connection with, the exercise of its functions including, in particular—
- (a) entering into contracts; and
 - (b) acquiring and disposing of property.
- (2) But the Commission may not acquire or dispose of land without the consent of the Scottish Ministers.

Accounts

- 14 The Commission must—
- (a) prepare for each financial year, in accordance with directions given by the Scottish Ministers, an account of the Commission's income and expenditure, and
 - (b) send the account, by such time as the Scottish Ministers may direct, to the Auditor General for Scotland for auditing.]

SCHEDULE 1

(introduced by sections 1 and 2)

WATER INDUSTRY COMMISSIONER AND CUSTOMER PANELS: FURTHER PROVISION

^{F2}PART 1

THE COMMISSIONER

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Textual Amendments

F2 Sch. 1 Pt. 1 repealed (8.1.2007) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(10\)](#) (with s. 36); S.S.I. 2006/599, art. 2, sch.

^{F3}PART 2

CUSTOMER PANELS

.....

Textual Amendments

F3 Sch. 1 Pt. 2 repealed (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), [sch. 2 para. 21](#); S.S.I. 2011/278, art. 2(d)

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SCHEDULE 2

(introduced by section 18)

DRINKING WATER QUALITY REGULATOR: FURTHER PROVISION AS TO POWERS OF ENTRY ETC.

Notice of entry

- 1 (1) The Regulator is entitled to demand entry into any premises as of right by virtue of section 9(1), 12(2)(a) or 13(3)(a) (in this schedule referred to as “the relevant provisions”) only at a reasonable time, except in an emergency.
- (2) Unless the premises are premises of a public water supplier, the Regulator must give 24 hours’ notice of the intended entry to the occupier of the premises.

Warrant to exercise right or power

- 2 (1) If a sheriff or a justice of the peace is satisfied, by evidence on oath, that—
- (a) there are reasonable grounds for the exercise in relation to any premises of a power conferred by the relevant provisions, and
 - (b) one or more of the conditions specified in sub-paragraph (2) is fulfilled in relation to those premises,
- the sheriff or justice may by warrant authorise the Regulator and any person authorised by the Regulator for the purpose to exercise the power in relation to those premises in accordance with the warrant and, if need be, by force.
- (2) The conditions mentioned in sub-paragraph (1) are—
- (a) that the exercise of the power in relation to the premises has been refused,
 - (b) that such a refusal is reasonably apprehended,
 - (c) that the premises are unoccupied,
 - (d) that the occupier is temporarily absent from the premises,
 - (e) that the case is one of urgency,
 - (f) that an application for admission to the premises would defeat the object of the proposed entry.
- (3) A sheriff or justice must not issue a warrant under this schedule by virtue only of being satisfied that a condition specified in sub-paragraph (2)(a) or (b) is fulfilled unless the sheriff or justice is also satisfied—
- (a) that notice of the intention to apply for the warrant has been given to the occupier of the premises, or
 - (b) that the giving of such notice would defeat the object of the proposed entry.
- (4) A warrant under this schedule continues in force until the purposes for which the warrant was issued have been fulfilled.

Evidence of authority

- 3 A person entitled to exercise any power conferred by the relevant provisions must, if required to do so, produce written evidence of that entitlement.

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Supplementary powers

- 4 A person entitled to enter any premises by virtue of any power conferred by the relevant provisions is entitled, subject in the case of a power exercisable under a warrant to the terms of the warrant, to take on to the premises such other persons and such equipment as may be necessary.

Duty to secure premises

- 5 A person who enters any premises in the exercise of any power conferred by the relevant provisions must leave the premises as effectually secured against trespassers as that person found them.

Compensation

- 6 (1) Where any person exercises any power conferred by the relevant provisions, the Scottish Ministers must make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise by the person of that power or of any power to take any person or equipment on to the premises in relation to which the power is exercised, or
 - (b) the performance of, or failure of the person to perform, the duty imposed by paragraph 5.
- (2) Compensation is not payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—
- (a) is attributable to the default of the person who sustained it, or
 - (b) is loss or damage in respect of which compensation is payable by virtue of any other provision of this Act.
- (3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, is to be referred to the arbitration of a single arbiter appointed by agreement between the Scottish Ministers and the person who claims to have sustained the loss or damage or, in default of agreement, by the President of the Lands Tribunal for Scotland.

Commercially confidential information

- 7 (1) Any person who enters any premises in the exercise of any power conferred by the relevant provisions and who makes use of or discloses any information obtained by that person on those premises with regard to any manufacturing process or trade secret is guilty of an offence.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, to a fine.

Interpretation

- 8 For the purposes of paragraphs 5 and 6 a person enters any premises in the exercise of a power conferred by the relevant provisions despite a failure (whether by virtue of the waiver of the requirement by the occupier of the premises or otherwise) to comply with—

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- (a) any requirement to enter those premises at a reasonable time or after giving notice of intended entry, or
- (b) the requirement imposed by paragraph 3.

SCHEDULE 3

(introduced by section 20)

SCOTTISH WATER: STATUS, CONSTITUTION, PROCEEDINGS ETC.

Status

- 1 Scottish Water—
- (a) is not to be regarded as a servant or agent of the Crown,
 - (b) does not have any status, immunity or privilege of the Crown,
- and its property is not to be regarded as property of, or held on behalf of, the Crown.

Membership

- 2 (1) Scottish Water is to consist of a board comprising—
- (a) not fewer than 5, nor more than 8, non-executive members, and
 - (b) not fewer than 3, nor more than 5, executive members.
- (2) The number of non-executive members must exceed the number of executive members by at least 2.
- (3) The non-executive members are to be appointed by the Scottish Ministers from amongst persons who appear to them to have knowledge or experience relevant to the functions of Scottish Water.
- (4) One of the non-executive members to be appointed under sub-paragraph (3) must be a person appearing to the Scottish Ministers to have special knowledge of the interests of the employees of Scottish Water.
- (5) Before inviting applications for appointment as that member, the Scottish Ministers must consult such persons representing those employees as they think fit as to—
- (a) the particular knowledge of such interests, and
 - (b) any other attributes,
- that persons seeking such appointment should possess.
- (6) The chief executive of Scottish Water is to be one of its executive members and the other executive members are to be appointed by Scottish Water, with the approval of the Scottish Ministers, from amongst its other employees.

Tenure and removal from office

- 3 (1) Each member other than the chief executive—
- (a) is to be appointed for such period as is specified in the appointment,
 - (b) may, by written notice to—
 - (i) in the case of a non-executive member, the Scottish Ministers,
 - (ii) in the case of an executive member, Scottish Water,

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- resign as a member,
 - (c) in other respects, holds and vacates office on such terms and conditions as—
 - (i) in the case of a non-executive member, the Scottish Ministers,
 - (ii) in the case of an executive member, Scottish Water with the approval of the Scottish Ministers,may determine,
 - (d) after ceasing to hold office is eligible for reappointment as a member.
- (2) The Scottish Ministers may remove a non-executive member, and Scottish Water may, with the approval of the Scottish Ministers, remove an executive member, from office if satisfied that—
- (a) the member’s estate has been sequestrated or the member has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract, or
 - (b) the member—
 - (i) is incapacitated by physical or mental illness,
 - (ii) has been absent from meetings of Scottish Water for a period longer than 3 consecutive months without the permission of Scottish Water, or
 - (iii) is otherwise unable or unfit to discharge the member’s functions as a member or is unsuitable to continue as a member.
- (3) Without prejudice to its powers under sub-paragraph (2), Scottish Water may, with the approval of the Scottish Ministers, remove an executive member from office if it considers it necessary or expedient to do so in connection with the management of the affairs of Scottish Water.
- (4) An executive member ceases to hold office as such on ceasing to be an employee of Scottish Water.
- (5) A person who ceases to be an executive member does not, by reason only of that, cease to be an employee of Scottish Water.

Chairing

- 4 (1) The Scottish Ministers—
- (a) must appoint one of the non-executive members to chair the board, and
 - (b) may, after consulting that member, appoint another non-executive member to act as deputy to that member.
- (2) The member appointed to chair the board and any member appointed to act as deputy to that member hold and vacate office as such in accordance with the terms of their appointments.
- (3) A member so appointed may, by written notice to the Scottish Ministers, resign from office as such.
- (4) A member so appointed vacates office on ceasing to be a non-executive member of Scottish Water.
- (5) Where a non-executive member—
- (a) is appointed to chair the board or to act as deputy to the member so appointed, or

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(b) ceases to hold office as such,
the Scottish Ministers may vary the terms of the member's appointment so as to alter the date on which office as a non-executive member is to be vacated.

Remuneration, allowances and pensions

- 5 (1) Scottish Water must pay to those of its members holding an office specified in sub-paragraph (5) such remuneration as the Scottish Ministers may determine.
- (2) Scottish Water must pay to those members and the other members such allowances as the Scottish Ministers may determine in respect of expenses properly incurred in the performance of their duties.
- (3) Where a person ceases to be a non-executive member otherwise than on the expiry of that person's term of office, the Scottish Ministers may, if they think there are special circumstances, direct Scottish Water to pay to the person such amount of compensation as they may determine.
- (4) The Scottish Ministers may direct Scottish Water to pay—
- (a) such pension, allowance or gratuity to, or in respect of, any person who holds or has held any office specified in sub-paragraph (5),
 - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as they consider appropriate.
- (5) The offices referred to in sub-paragraphs (1) and (4)(a) are—
- (a) non-executive member,
 - (b) member appointed to chair the board, and
 - (c) member appointed to act as deputy to that member.

Chief executive and other staff

- 6 (1) The Scottish Ministers must, after consultation with the member appointed, or to be appointed, to chair the board (if there is a person holding, or as the case may be designated to hold, that office), make the first appointment of chief executive of Scottish Water on such terms and conditions as the Scottish Ministers may determine.
- (2) Scottish Water may, with the approval of the Scottish Ministers, make subsequent appointments to the post of chief executive on such terms and conditions as it may with the approval of the Scottish Ministers determine.
- (3) Scottish Water may appoint on such terms and conditions as it may with the approval of the Scottish Ministers determine such other employees as it considers appropriate.
- (4) Scottish Water must, as regards such of its employees as it may with the approval of the Scottish Ministers determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions, allowances or gratuities.
- (5) Such arrangements—
- (a) may include the establishment and administration, by Scottish Water or otherwise, of one or more pension schemes, and
 - (b) must, in any case, be approved by the Scottish Ministers.

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- (6) The reference in sub-paragraph (4) to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.

Committees

- 7 (1) Scottish Water may establish committees for or in connection with the exercise of such of its functions as it may determine.
- (2) Employees of Scottish Water who are not members of Scottish Water may be appointed to be members of any committee established by it.

Proceedings

- 8 The quorum of Scottish Water and any committee established under paragraph 7(1), and the arrangements for its meetings and meetings of any such committee, are to be such as Scottish Water may determine.

Delegation of powers

- 9 (1) Anything authorised or required under any enactment to be done by Scottish Water may be done by any of its committees which, or by any of its members or employees who, are authorised (whether generally or specifically) for the purpose by it.
- (2) Nothing in sub-paragraph (1) prevents Scottish Water from doing anything that a committee, member or employee has been authorised or required to do.

Validity of proceedings and actings

- 10 The validity of any proceedings or actings of Scottish Water is not affected by—
- (a) any vacancy among its members, or
 - (b) any defect in the appointment of a member.

Transitory arrangements: initial appointments

- 11 (1) Until the first appointment of the non-executive member mentioned in sub-paragraph (4) of paragraph 2—
- (a) sub-paragraph (1)(a) of that paragraph has effect as if for “5” there were substituted “4”,
 - (b) sub-paragraph (2) of that paragraph has effect as if for “2” there were substituted “1”, and
 - (c) the constitution of Scottish Water, and the validity of any of its proceedings or actings, may not be questioned by reason only that sub-paragraph (4) of that paragraph has not been complied with.
- (2) Sub-paragraph (1)(c) of this paragraph is without prejudice to paragraph 10.
- 12 (1) The Scottish Ministers may appoint, on such terms and conditions as they may determine, persons to act as executive members until the appointment of the first executive members by Scottish Water under paragraph 2(6).
- (2) A person appointed by the Scottish Ministers under sub-paragraph (1)—

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- (a) must be a person who is expected to become an employee of Scottish Water (whether by virtue of section 23 or paragraph 6(3) of this schedule),
- (b) is to be treated (except for the purposes of paragraph 3 of this schedule) as an executive member whilst acting as such,
- (c) may resign office by written notice to the Scottish Ministers,
- (d) may be removed from office by the Scottish Ministers,
- (e) in other respects, holds and vacates offices in accordance with the terms and conditions of the appointment.

SCHEDULE 4

(introduced by section 37)

RECOVERY BY LOCAL AUTHORITY OF UNPAID CHARGES

- 1 This schedule applies to any sum which has become payable to a local authority by virtue of section 37 and has not been paid (including a sum forming part of a larger sum which has become payable and the other part of which has been paid).
- 2 (1) Any sum to which this schedule applies may be recovered by the local authority by diligence—
- (a) authorised by a summary warrant granted under sub-paragraph (2), or
 - (b) in pursuance of a decree granted in an action for payment.
- (2) The sheriff, on an application by the authority which is accompanied by a certificate from them containing such particulars as may be prescribed by the Scottish Ministers by regulations, must grant a summary warrant in a form provided for by Act of Sederunt authorising the recovery, by way of any of the diligences mentioned in sub-paragraph (3), of the amount of the sum remaining due and unpaid along with a surcharge of 10 per cent of that amount.
- (3) The diligences referred to in sub-paragraph (2) are—
- [^{F4}(za) an attachment,]
 - [^{F5}(zb) a money attachment;]
 - (a) an earnings arrestment,
 - (b) an arrestment and action of furthcoming or sale.
- (4) It is incompetent for the sheriff to grant a summary warrant under sub-paragraph (2) in respect of any sum to which this schedule applies if an action has already been raised for the recovery of that sum; and, without prejudice to sub-paragraph (5), on the raising of an action for the recovery of any such sum, any existing summary warrant, in so far as it relates to the recovery of that sum, ceases to have effect.
- (5) It is incompetent to raise an action for the recovery of any sum to which this schedule applies if, in pursuance of a summary warrant, any of the diligences mentioned in sub-paragraph (3) for the recovery of that sum has been executed.
- (6) The Scottish Ministers may by order substitute another percentage for the percentage which is for the time being mentioned in sub-paragraph (2).

Textual Amendments

F4 Sch. 4 para. 2(3)(za) inserted (30.12.2002) by 2002 asp 17, ss. 61, 64(2)-(4), **Sch. 3 Pt. I para. 28**

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F5 Sch. 4 para. 2(3)(zb) inserted (23.11.2009) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **sch. 5 para. 26(2)** (with s. 223); S.S.I. 2009/369, art. 3(2)(3), sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

- 3 No misnomer or inaccurate description of any person or place, or mistake of informality, in any notice or other document or communication relating to a demand for, or the recovery of, charges payable to the local authority by virtue of section 37 or in any proceedings for the payment of such charges prejudices such recovery.
- 4 (1) [^{F6}Without prejudice to section 39(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) (expenses of attachment) and section 196(1) of the Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3) (expenses of money attachment),] the sheriff officer's fees, together with the outlays necessarily incurred by the sheriff officer, in connection with the execution of a summary warrant under paragraph 2 are chargeable against the debtor.
- (2) But no fees are chargeable by the sheriff officer against the debtor for collecting, and accounting to the local authority for, the sums paid to the sheriff officer by the debtor in satisfaction of an amount owing to the authority by way of charges payable to them by virtue of section 37.

Textual Amendments

F6 Words in **sch. 4 para. 4(1)** inserted (1.4.2008 for specified purposes, 23.11.2009 for specified purposes) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), s. 227(3), **sch. 5 para. 26(3)** (with s. 223); S.S.I. 2008/115, art. 3(2)(3), sch. 1 (with arts. 4-6, 10, 15) (as amended: (23.2.2009) by S.S.I. 2009/67, art. 7; (31.1.2011) by S.S.I. 2011/31, art. 5(a); and (4.10.2014) by S.S.I. 2014/173, arts. 1(2), 3); S.S.I. 2009/369, art. 3(2)(3), sch. (with art. 4) (which transitional provisions in art. 4 are revoked (31.1.2011) by S.S.I. 2011/31, art. 5(c))

SCHEDULE 5

(introduced by section 71)

MODIFICATIONS OF SEWERAGE (SCOTLAND) ACT 1968

- 1 The Sewerage (Scotland) Act 1968 (c.47) is amended as follows.
- 2 In each of the following provisions, for “a sewerage authority” wherever the expression occurs substitute “ Scottish Water ”
- 3 In each of the following provisions, for “the sewerage authority” wherever the expression occurs substitute “ Scottish Water ”
- 4 In each of the following provisions, for “the authority” wherever the expression occurs substitute “ Scottish Water ”
- 5 In section 1 (duty of sewerage authority to provide for sewerage of their area)—
- (a) in subsection (1)—
- (i) for “each of the sewerage authorities” substitute “ Scottish Water ”,
- (ii) for “their”, in both places where it occurs, substitute “ its ”,

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- (b) in subsection (2)(a), for “their”, in the first place where it occurs, substitute “ its ”,
 - (c) in subsection (4), before “private provider”, in the second and third places where the expression occurs, insert “ the ”.
- 6 In section 2 (maintenance of public sewers and other works)—
- (a) for “each of the sewerage authorities” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”,
 - (c) for the words from “Part” to the end substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 7 In section 3 (construction etc. of public sewers and public sewage treatment works)
- (a) in subsection (1)—
 - (i) the words “within or outwith their area” are repealed,
 - (ii) in paragraph (b), for “them” substitute “ it ”,
 - (b) in subsection (2), for “their” substitute “ its ”,
 - (c) subsection (4) is repealed.
- 8 In section 3A (authorisation of construction of certain private sewers)—
- (a) in subsection (1)—
 - (i) for “their” in each place where it occurs substitute “ its ”,
 - (ii) for “them” substitute “ it ”,
 - (b) in subsection (2)—
 - (i) for “their” substitute “ its ”,
 - (ii) for “they” in the first place where it occurs substitute “ it ”,
 - (iii) for “them” in both places where it occurs substitute “ it ”,
 - (iv) for “they think” substitute “ it thinks ”.
- 9 In section 4 (power of sewerage authority to close or alter public sewers etc.)—
- (a) for “they think” substitute “ it thinks ”,
 - (b) for “them” substitute “ it ”,
 - (c) for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”,
 - (d) for “they” in the second place where it occurs substitute “ it ”,
 - (e) for “their” substitute “ its ”.
- 10 Section 6(functions outwith area of a sewerage authority) is repealed.
- 11 In section 7 (agreements between roads and sewerage authorities)—
- (a) subsection (2) is repealed,
 - (b) in subsection (3)—
 - (i) the words from “and” where it first occurs to “thereto” are repealed,
 - (ii) for “any authority” substitute “ a roads authority or Scottish Water ”,
 - (iii) for “authorities concerned” substitute “ authority concerned and Scottish Water ”.
- 12 In section 8 (agreements as to provision of sewers etc. for new premises)—
- (a) in subsection (1)—
 - (i) for “a sewerage authority are” substitute “ Scottish Water is ”,
 - (ii) for “their” substitute “ its ”,

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- (iii) for “they” substitute “ it ”,
 - (iv) for “them” substitute “ it ”,
 - (b) in subsection (2)—
 - (i) for “an authority” substitute “ Scottish Water ”,
 - (ii) for “the authority have” substitute “ it has ”.
- 13 In section 9 (loan of temporary sanitary conveniences), for—
 - (a) “the sewerage authority concerned”, and
 - (b) in the proviso, “the sewerage authority”, substitute “ Scottish Water ”.
- 14 In section 10 (emptying of septic tanks)—
 - (a) in subsection (1), for “their” in each place where it occurs substitute “ its ”,
 - (b) in subsection (2), for “they think” substitute “ it thinks ”,
 - (c) in subsection (4), for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 15 In section 11 (duty of sewerage authority to keep map showing public sewers etc.)—
 - (a) for “their” wherever it occurs substitute “ its ”,
 - (b) in subsection (1)—
 - (i) for “them” substitute “ it ”,
 - (ii) for the words from “Part” to “1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”,
 - (iii) for “they have” substitute “ it has ”,
 - (c) in subsection (3)—
 - (i) for “they consider” substitute “ it considers ”,
 - (ii) for “the authority” substitute “ it ”,
 - (iii) for “they do” substitute “ it does ”.
- 16 In section 12 (rights of owners and occupiers to connect with and drain into public sewers etc.)—
 - (a) in subsection (1)—
 - (i) the words “within the area of a sewerage authority” are repealed,
 - (ii) for “that authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “an authority” substitute “ Scottish Water ”,
 - (c) in subsection (3)—
 - (i) for “them” in the second place where it occurs substitute “ it ”,
 - (ii) for “they think” substitute “ it thinks ”,
 - (d) in subsection (4), for “their” in both places where it occurs substitute “ its ”,
 - (e) in subsection (6)—
 - (i) for “the sewerage authority who granted it” substitute “ Scottish Water ”,
 - (ii) for “them” in both places where it occurs substitute “ it ”,
 - (f) in subsection (7)—
 - (i) for “the sewerage authority who granted the permission” substitute “ Scottish Water ”,
 - (ii) for “them” substitute “ it ”,
 - (g) in subsection (8), for “them” substitute “ it ”.

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- 17 Section 13(rights of owners and occupiers to connect with and drain into sewers etc. of another sewerage authority) is repealed.
- 18 In section 14 (direction by sewerage authority as to manner of construction of works)—
- (a) in subsection (1)—
 - (i) the words “or that subsection as applied by section 13 above” are repealed,
 - (ii) for “they consider” substitute “ it considers ”,
 - (iii) for “they have” substitute “ it has ”,
 - (iv) for “them” substitute “ it ”,
 - (b) in subsection (2), for the words from “the sewerage” to the end substitute “ Scottish Water ”,
 - (c) in subsection (4)—
 - (i) for the words “the sewerage authority who issued it” substitute “ Scottish Water ”,
 - (ii) for “them” in both places where it occurs substitute “ it ”,
 - (d) in subsection (5)—
 - (i) for the words “An authority who issue a direction under subsection (1) above” substitute “ Where Scottish Water has issued a direction under subsection (1) above, it ”,
 - (ii) for “they” substitute “ it ”,
 - (iii) for “their” substitute “ its ”.
- 19 In section 15 (owner or occupier to remedy defects in drains and other works)—
- (a) in subsection (1)—
 - (i) after “their” insert “ or, as the case may be, its ”,
 - (ii) for “the authority in question” substitute “ the local authority or, as the case may be, Scottish Water ”,
 - (b) in subsection (3)—
 - (i) before “authority” in both places where it occurs insert “ local ”,
 - (ii) after “notice” in the second place where it occurs insert “ or, where the notice was served by Scottish Water, that body ”,
 - (iii) after “them” in both places where it occurs insert “ or, as the case may be, it ”,
 - (iv) after “question” insert “ or, as the case may be, Scottish Water ”,
 - (v) after “think” insert “ or it thinks ”,
 - (c) in subsection (4)(c)—
 - (i) before “authority” insert “ local ”,
 - (ii) after “notice” insert “ or, where the notice was served by Scottish Water, that body ”,
- 20 In section 16 (vesting of sewers and other works in sewerage authority)—
- (a) in subsection (1)—
 - (i) for “them” in each place where it occurs substitute “ it ”,
 - (ii) for “their” in each place where it occurs substitute “ its ”,
 - (iii) in paragraph (cc), for “they enter” substitute “ it enters ”,
 - (b) in subsection (2), for “1st April 1996” substitute “ the date when section 21 of the Water Industry (Scotland) Act 2002 (asp 3) comes into force ”,

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- (c) in subsection (3), for “the authority who” substitute “ Scottish Water which ”.
- 21 In section 16A (vesting of certain private sewers)—
- (a) in subsection (1), for “their” substitute “ its ”,
- (b) in subsection (2)—
- (i) for “they think” substitute “ it thinks ”,
- (ii) for “them” substitute “ it ”.
- 22 In section 17 (sewerage authority may take over private sewage treatment works)—
- (a) in subsection (1)—
- (i) for the words from “a sewerage” to “situated” substitute “ Scottish Water ”,
- (ii) for “the works” where that expression first occurs substitute “ any private sewage treatment works ”,
- (iii) for “them” substitute “ it ”,
- (b) in subsection (2)—
- (i) for “their” substitute “ its ”,
- (ii) for “they think” substitute “ it thinks ”,
- (iii) for “them” substitute “ it ”,
- (iv) the words from “and shall” to “situated” are repealed,
- (c) in subsection (4), for “them” substitute “ it ”.
- 23 In section 20 (compensation for loss etc. resulting from exercise of powers under this Act)—
- (a) in subsection (1), for “their” substitute “ its ”,
- (b) in subsection (3), for “an authority” substitute “ Scottish Water ”,
- (c) in subsection (4), for “their” substitute “ its ”.
- 24 In section 21(1) (buildings not to interfere with sewers), for “they have” substitute “ it has ”.
- 25 In section 23 (restriction on working minerals), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “ section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 26 In section 27 (procedure on application for consent to new discharge)—
- (a) in subsection (4)—
- (i) paragraph (a) and the following “and” are repealed,
- (ii) the words “the second authority or” are repealed,
- (b) subsection (6) is repealed.
- 27 In section 28 (time to dispose of application), for “them” in each place where it occurs substitute “ it ”.
- 28 In section 29 (decision on application)—
- (a) in subsection (1)—
- (i) for “their” in each place where it occurs substitute “ its ”,
- (ii) for “they” in each place where it occurs substitute “ it ”,
- (b) in subsection (2)—
- (i) for “the authority have” substitute “ Scottish Water has ”,
- (ii) for “their” in each place where it occurs substitute “ its ”,
- (iii) for “they” substitute “ it ”,

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- (c) in subsection (3)—
 - (i) for “their” substitute “ its ”,
 - (ii) in paragraph (h), for “are” substitute “ is ”,
 - (iii) in paragraph (j), for “them” substitute “ it ”, and for “their” substitute “ its ”,
 - (d) in subsection (5), for “an authority” substitute “ Scottish Water ”.
- 29 In section 30(1) (intimation of decision)—
 - (a) for “their” substitute “ its ”,
 - (b) the words “authority or” are repealed.
- 30 In section 32 (review of consents, conditions and refusals)—
 - (a) in subsection (1), for “them” substitute “ it ”,
 - (b) in subsection (2)—
 - (i) for “they propose” substitute “ it proposes ”,
 - (ii) for “their” substitute “ its ”,
 - (iii) for “the authority” substitute “ it ”,
 - (c) in subsection (4), the words “authority or” are repealed.
- 31 In section 36 (review of continuation of existing discharge)—
 - (a) in subsection (1), for “they” substitute “ it ”,
 - (b) in subsection (4)—
 - (i) for “the authority have” substitute “ Scottish Water has ”,
 - (ii) for “them” substitute “ it ”.
 - (iii) for “the authority” in the second place where that expression occurs substitute “ Scottish Water ”.
- 32 In section 37 (agreements as respects trade premises)—
 - (a) in subsection (1)—
 - (i) for “their” substitute “ its ”,
 - (ii) for “the authority” substitute “ it ”,
 - (b) in subsection (3), for “the authority” substitute “ it ”,
 - (c) in subsection (5)(c), for “their” substitute “ its ”.
- 33 In section 37A (register for purposes of Part II)—
 - (a) in subsection (2), for “their” in each place where it occurs substitute “ its ”,
 - (b) in subsection (3), for “them” in each place where it occurs substitute “ it ”.
- 34 In section 38 (power to extend Part II to other effluents), in subsection (3), for “and such sewerage authorities” substitute “ , Scottish Water and such ”.
- 35 In section 39 (sewerage authority to have right to sewage)—
 - (a) for “their” substitute “ its ”,
 - (b) for “them” substitute “ it ”.
- 36 In section 41 (breaking open of roads etc.)—
 - (a) for “a sewerage authority or” substitute “ Scottish Water or any ”,
 - (b) in the proviso, for “they” substitute “ Scottish Water or, as the case may be, that person ”.
- 37 In section 42(1) (execution of works by sewerage authorities for other persons)—
 - (a) for “the sewerage authority concerned” substitute “ Scottish Water ”,

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- (b) for “their” substitute “ its ”.
- 38 In section 44 (power of sewerage authorities to require information as to ownership etc. of premises)—
- (a) for “them” in each place where it occurs substitute “ it ”,
- (b) for “their” substitute “ its ”.
- 39 In section 48(1) (powers of entry)—
- (a) in paragraph (d), for “them” substitute “ it ”,
- (b) in paragraph (dd), for “section 98(1)(b) of the Local Government etc. (Scotland) Act 1994” substitute “ section 46(1)(b)(ii) of the Water Industry (Scotland) Act 2002 (asp 3) ”,
- (c) in paragraph (e), for “their” substitute “ its ”,
- (d) in paragraph (f)(ii), for “section 98(1)(b)” substitute “ section 46(1)(b)(ii) ”.
- 40 In section 55(2) (application of Act to Crown), for the words from “the sewerage” to “situated” substitute “ Scottish Water ”.
- 41 In section 59(interpretation)—
- (a) for the definition of “area” substitute—
- ““area”, in relation to Scottish Water, means the area comprising all of the local government areas established by virtue of section 1 of the Local Government etc. (Scotland) Act 1994 (c.39);”,
- (b) in the definitions of—
- (i) “private sewage treatment works”,
- (ii) “public drain”,
- (iii) “public sewage treatment works”, and
- (iv) “public sewer”,
- for “a sewerage authority” substitute “ Scottish Water ”,
- (c) the definition of “sewerage authority” is repealed.

SCHEDULE 6

(introduced by section 71)

MODIFICATIONS OF WATER (SCOTLAND) ACT 1980

- 1 The Water (Scotland) Act 1980 (c.45) is amended as follows.
- 2 In section 1 (general duties of Scottish Ministers and of water authorities), for “the water authorities” substitute “ Scottish Water ”.
- 3 (1) Section 6 (duty of authority to provide supply) is amended as follows.
- (2) In subsection (1)—
- (a) for “every water authority” substitute “ Scottish Water ”,
- (b) for “their” substitute “ its ”.
- (3) In subsection (2)—
- (a) for “every water authority” substitute “ Scottish Water ”,
- (b) for “their” in both places where it occurs substitute “ its ”,
- (c) for “a water authority” substitute “ Scottish Water ”.

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- (4) In subsection (3)—
- (a) for “the water authority concerned” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- (5) In subsection (4)—
- (a) for “Every water authority” substitute “ Scottish Water ”,
 - (b) for “them” in each place where it occurs substitute “ it ”,
 - (c) for “they think” substitute “ it thinks ”,
 - (d) for “they consider” substitute “ it considers ”,
 - (e) for “their” substitute “ its ”.
- 4 In section 8 (water supplied for domestic purposes to be wholesome)—
- (a) for “Every water authority” substitute “ Scottish Water ”,
 - (b) for “their” in both places where it occurs substitute “ its ”.
- 5 (1) Section 9 (supply of water for non-domestic purposes) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”,
 - (c) for “them” substitute “ it ”.
- (3) In subsection (2)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”.
- (4) In subsection (3)—
- (a) for “The water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”,
 - (c) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”.
- (5) In subsection (4), for “the authority are” substitute “ Scottish Water is ”.
- (6) In subsection (5)—
- (a) for “a water authority are” substitute “ Scottish Water is ”,
 - (b) for “the authority” substitute “ Scottish Water ”,
 - (c) for “them” substitute “ it ”.
- 6 In section 9A (no charge for supply of water for extinguishing fires etc.), for “a water authority” substitute “ Scottish Water ”.
- 7 In section 10 (compensation for damage resulting from exercise of powers)—
- (a) in subsection (1)—
 - (i) for “water authority” substitute “ Scottish Water ”,
 - (ii) after “them” insert “ or it ”,
 - (iii) after “their” insert “ or its ”,
 - (b) in subsection (1A)—
 - (i) for “a water authority’s” substitute “ Scottish Water’s ”,
 - (ii) for “them” substitute “ it ”.

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- 8 (1) Section 11 (power of Scottish Ministers on default of authority) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority have” substitute “ Scottish Water has ”,
 - (b) for “they are” substitute “ it is ”,
 - (c) for “their limits of supply, or have” substitute “ its limits of supply, or has ”,
 - (d) for “they have” substitute “ it has ”,
 - (e) for “their” in the second place where it occurs substitute “ its ”,
 - (f) for “any authority have” substitute “ Scottish Water has ”.
- (3) In subsection (2)—
- (a) for “the authority in question” substitute “ Scottish Water ”,
 - (b) for “them” in both places where it occurs substitute “ it ”,
 - (c) for “their” in both places where it occurs substitute “ its ”.
- (4) In subsection (3)—
- (a) for the words from “the authority” to “fail” substitute “ Scottish Water fails ”,
 - (b) for “that order” substitute “ an order made under subsection (2) ”,
 - (c) paragraph (a) and the following “and” are repealed.
- (5) Subsections (4) to (7) are repealed.
- 9 Section 12(supply of water to premises outwith limits of supply) is repealed.
- 10 (1) Section 13 (supply of water in bulk) is amended as follows.
- (2) In subsection (1)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) the words “whether a water authority or not” are repealed,
 - (c) for “the authority” substitute “ Scottish Water ”,
 - (d) the words from “and, where” to the end are repealed.
- (3) Subsection (2) is repealed.
- (4) In subsection (3)—
- (a) the words “or order” are repealed,
 - (b) for “a water authority” substitute “ Scottish Water ”,
 - (c) the words “either within or outside their limits of supply” are repealed,
 - (d) for “them” substitute “ it ”.
- (5) Subsections (4) and (5) are repealed.
- (6) In subsection (6), for “a water authority” substitute “ Scottish Water ”.
- 11 In section 13A (supply of water for use outwith Scotland)—
- (a) in subsection (1)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they are” substitute “ it is ”,
 - (iii) for “them” in both places where it occurs substitute “ it ”,
 - (iv) for “their” substitute “ its ”,
 - (v) for “they think” substitute “ it thinks ”,
 - (b) in subsection (2)—

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- (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) the words “either within or outwith their limits of supply” are repealed,
 - (iii) for “them” substitute “ it ”.
- 12 In section 14 (power of water authority to give guarantee for supply of water)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 13 (1) Section 16 (powers of survey and search for water on land) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Scottish Ministers may, on application made to them by Scottish Water, authorise it to survey, in accordance with this section—
- (a) any land which it proposes to acquire for the purposes of its water undertaking or proposed water undertaking; or
 - (b) any land in, on or over which it is proposed to lay a water main.”
- (3) In subsection (2), for “the authority” substitute “ Scottish Water ”.
- (4) In subsection (3)—
- (a) for “an authority are” substitute “ Scottish Water is ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- (5) In subsection (8)—
- (a) for “the authority on whose behalf the works were carried out” substitute “ Scottish Water ”,
 - (b) for “they” substitute “ it ”.
- 14 (1) Section 17 (acquisition of water rights) is amended as follows.
- (2) In subsection (1), for “A water authority” substitute “ Scottish Water ”.
- (3) In subsection (2)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”,
 - (c) for “the authority” substitute “ Scottish Water ”.
- (4) In subsection (3)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (c) in subsection (4), for “a water authority” substitute “ Scottish Water ”.
- 15 In section 18(1) (compulsory acquisition of land for water works)—
- (a) for “an authority to which that section applies” substitute “ Scottish Water ”,
 - (b) for “an authority” in the second place where the expression occurs substitute “ Scottish Water ”,
 - (c) for “section 99 of the Local Government etc. (Scotland) Act 1994” substitute “ section 47 of the Water Industry (Scotland) Act 2002 (asp 3) ”.
- 16 In section 21 (power to carry out works)—
- (a) for “they” substitute “ it ”,

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- (b) for “a water authority” in the first place where the expression occurs substitute “ Scottish Water ”,
 - (c) in paragraph (b), the words “other than a water authority” are repealed,
 - (d) in paragraph (c), for “the authority” substitute “ Scottish Water ”,
 - (e) in paragraph (e)—
 - (i) for “them” substitute “ it ”,
 - (ii) for “their” substitute “ its ”.
- 17 In section 22 (power to break open roads)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “they are” substitute “ it is ”.
- 18 (1) Section 23 (power to lay mains etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”.
- (3) After subsection (1) insert—
- “(1ZA) Section 192 of the Local Government (Scotland) Act 1973 (c.65) (service of notices) shall apply to notices served by Scottish Water under subsection (1) above relating to land as it applies to notices served by a local authority relating to premises.”
- (4) In subsection (1A)—
- (a) for “the water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- (5) In subsection (2)—
- (a) for “an authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”,
 - (c) for “they” substitute “ it ”.
- (6) In subsection (3)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”.
- 19 (1) Section 24A (keeping of map showing water mains etc.) is amended as follows.
- (2) In subsection (1)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”,
 - (c) for “them” substitute “ it ”,
 - (d) for “Part II of the Local Government etc. (Scotland) Act 1994” substitute “ the Water Industry (Scotland) Act 2002 (asp 3) ”,
 - (e) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”.
- (3) In subsection (2)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “their” in each place where it occurs substitute “ its ”,
 - (c) for “they consider” substitute “ it considers ”,

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- (d) for “the authority” substitute “ Scottish Water ”,
 - (e) for “they do” substitute “ it does ”.
- (4) In subsection (3), for “the water authority” substitute “ Scottish Water ”.
- 20 In section 25(1) (power of authority to provide public wells)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “their” in the second place where it occurs substitute “ its ”.
- 21 In section 26 (power to close, or restrict use of, wells)—
- (a) for “or a water authority are” substitute “ are or Scottish Water is ”,
 - (b) in paragraph (a)—
 - (i) for “their” in the second place where it occurs substitute “ its ”,
 - (ii) after “them” insert “ or, as the case may be, it ”,
 - (iii) after “they” insert “ or, as the case may be, it ”.
- 22 In section 28 (water works code)—
- (a) in subsection (1), for “a water authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “the water authority” substitute “ Scottish Water ”.
- 23 In section 29 (applications of enactments by order)—
- (a) in subsection (1), the words “13 or” are repealed,
 - (b) in subsection (2), for “any water authority” substitute “ Scottish Water ”,
 - (c) in subsection (3), for “the authority concerned” substitute “ Scottish Water ”.
- 24 In section 31(1) (consultation with authorities in England)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “that water authority” substitute “ Scottish Water ”,
 - (c) for “the water authority” substitute “ Scottish Water ”,
 - (d) for “they consider” substitute “ it considers ”.
- 25 In section 32(1) (power of water undertakers to supply water to water authorities), for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 26 (1) Section 33 (temporary discharge of water into watercourses) is amended as follows.
- (2) In subsection (1)—
- (a) for the words “a water authority who are carrying out or are” substitute “ where Scottish Water is carrying out or is ”,
 - (b) for “their” in the first place where it occurs substitute “ its ”,
 - (c) after “undertaking” insert “ , it ”,
 - (d) the words “whether within or outside their limits of supply” are repealed,
 - (e) for “the authority” substitute “ Scottish Water ”.
- (3) In subsection (3)—
- (a) for “the water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”,
 - (c) for “them” substitute “ it ”.
- (4) In subsection (4)—
- (a) for “the authority propose” substitute “ Scottish Water proposes ”,

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- (b) for “them” in each place where it occurs substitute “ it ”.
- (5) In subsection (6)(b), for “the authority” substitute “ Scottish Water ”.
- (6) In subsection (7)—
 - (a) for “the authority are” substitute “ Scottish Water is ”,
 - (b) for “the authority” in the second and third places where the expression occurs substitute “ Scottish Water ”,
 - (c) for “them” substitute “ it ”,
 - (d) for “they are” substitute “ it is ”.
- (7) In subsection (8)—
 - (a) for “the authority discharge” substitute “ Scottish Water discharges ”,
 - (b) for “they” substitute “ it ”.
- (8) In subsection (9)—
 - (a) for “The authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”.
- (9) In subsection (11), for “the authority” substitute “ Scottish Water ”.
- 27 In section 34 (persons supplying water to supply to authority)—
 - (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “that authority” substitute “ Scottish Water ”,
 - (c) for “they” where it first occurs substitute “ it ”,
 - (d) for “the authority” substitute “ Scottish Water ”.
- 28 In section 35 (power to supply water fittings)—
 - (a) in subsection (1)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they supply or propose” substitute “ it supplies or proposes ”,
 - (iii) for “their” substitute “ its ”,
 - (iv) for “them” substitute “ it ”,
 - (v) for “The authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “the authority” in each place where the expression occurs substitute “ Scottish Water ”,
 - (c) in subsection (5)—
 - (i) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (ii) for “the water authority” substitute “ Scottish Water ”.
- 29 In section 36 (power to execute work on behalf of owner or occupier), for “A water authority” substitute “ Scottish Water ”.
- 30 In section 38(1) (entry of premises)—
 - (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” in each place where the expression occurs substitute “ Scottish Water ”,
 - (c) for paragraph (a) substitute—
 - “(aa) where the conditions set out in subsection (2) of section 24B are satisfied in relation to the premises, for the purpose of carrying out any survey or tests to determine—

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- (i) whether the carrying out of any works by virtue of paragraph (a) or (b) of subsection (4) of that section is practicable,
 - (ii) whether it is necessary or expedient for any purpose connected with the carrying out of any works by virtue of either of those paragraphs for any other works to be carried out, or
 - (iii) how any works specified in that subsection should be carried out;
 - (ab) for the purpose of inspecting, examining or testing—
 - (i) any meter which is on the premises and which is used by Scottish Water for measuring the quantity of water supplied, or
 - (ii) any pipes or apparatus installed in the course of any works which were carried out for any purpose which is connected with the installation, connection, testing, maintenance or repair of any such meter;
 - (ac) for the purpose of ascertaining from any such meter the quantity of water supplied to the premises;”.
- 31 In section 41A (supply of water by meter)—
- (a) in paragraph (a), for “the authority” substitute “ Scottish Water ”,
 - (b) in paragraph (b), for “the water authority” substitute “ Scottish Water ”.
- 32 (1) Section 50 (power to require supply by meter) is amended as follows.
- (2) The existing provision becomes subsection (1).
 - (3) In that subsection—
 - (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) the word “or” following paragraph (c) is repealed.
 - (4) At the end of that subsection insert “; or
 - (e) any other premises specified, or of a description specified, in an order made by the Scottish Ministers.
 - (2) Before making an order under subsection (1)(e) the Scottish Ministers shall consult such persons as they think fit.
 - (3) The power to make such an order shall be exercisable by statutory instrument; and a statutory instrument containing such an order shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.”
- 33 In section 51 (power to require supplies for refrigerating apparatus etc. to be taken by meter)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 34 In section 52 (power to require supply for hose pipe to be taken by meter)—
- (a) for “a water authority supply” substitute “ Scottish Water supplies ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 35 In section 53(1) (provision as to supply to tents, vans, sheds, etc.)—

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- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) in paragraph (a)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “them” in each place where it occurs substitute “ it ”,
 - (c) in paragraph (b), for “the authority” substitute “ Scottish Water ”.
- 36 In section 54 (register of meter to be evidence)—
- (a) in subsection (1), for “a water authority supply” substitute “ Scottish Water supplies ”,
 - (b) in subsection (3), for “the authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 37 (1) Section 55 (charges for water supplied by meter) is amended as follows.
- (2) In subsection (1)—
 - (a) for “Every water authority” substitute “ Scottish Water ”,
 - (b) for “they are” substitute “ it is ”,
 - (c) for “the authority” substitute “ Scottish Water ”.
 - (3) In subsection (2)—
 - (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”.
 - (4) Subsections (3) and (4) are repealed.
- 38 In section 56 (provision as to supply of water to agricultural subjects)—
- (a) in subsection (1)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “they” substitute “ it ”,
 - (iii) for “their” substitute “ its ”,
 - (b) in subsection (2)—
 - (i) for “a water authority supply” substitute “ Scottish Water supplies ”,
 - (ii) for “supply” in the second place where it occurs substitute “ supplies ”,
 - (iii) for “the authority” substitute “ Scottish Water ”.
- 39 (1) Section 58 (termination of right to supply of water on special terms) is amended as follows.
- (2) In subsection (1)—
 - (a) for “a water authority are” substitute “ Scottish Water is ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
 - (3) In subsection (2), for “the water authority” substitute “ Scottish Water ”.
 - (4) In subsection (4)—
 - (a) for “any water authority” substitute “ Scottish Water ”,
 - (b) the words “or a water authority” are repealed.
 - (5) In subsection (5), for “The water authority” substitute “ Scottish Water ”.
 - (6) Subsection (6) is repealed.
 - (7) In subsection (7), for “a water authority” substitute “ Scottish Water ”.

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- 40 In section 59 (limitation of liability of water authority to supply water on special terms), for “a water authority” substitute “ Scottish Water ”.
- 41 In section 63 (provision of water supply for new buildings and houses)—
- (a) in subsection (1A), for the words from “the water” to the end substitute “ Scottish Water ”,
 - (b) in subsection (2)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (iii) for “their” substitute “ its ”.
- 42 In section 68(1) (agreements as to drainage)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “the authority consider” substitute “ Scottish Water considers ”,
 - (c) for “they are” substitute “ it is ”,
 - (d) for “the authority” substitute “ Scottish Water ”.
- 43 In section 69 (power to restrict use of hose pipes)—
- (a) in subsection (1)—
 - (i) for “a water authority are” substitute “ Scottish Water is ”,
 - (ii) for “them” in both places where it occurs substitute “ it ”,
 - (iii) for “they” in the first place where it occurs substitute “ it ”,
 - (iv) for “they think” substitute “ it thinks ”,
 - (v) for “their” substitute “ its ”,
 - (b) in subsection (2)—
 - (i) for “The authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ it ”.
- 44 (1) Section 70 (byelaws for preventing misuse of water) is amended as follows.
- (2) In subsection (1)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”.
- (3) In subsection (2)—
- (a) for “the authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”.
- (4) In subsection (3), for “the authority” substitute “ Scottish Water ”.
- (5) In subsection (4)—
- (a) for “a water authority consider” substitute “ Scottish Water considers ”,
 - (b) for “them” substitute “ it ”,
 - (c) for “they” substitute “ it ”,
 - (d) for “the authority” substitute “ Scottish Water ”.
- 45 (1) Section 71 (byelaws for preventing pollution of water) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”,
 - (c) for “they are” substitute “ it is ”,

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- (d) for “they” in the second place where it occurs substitute “ it ”,
 - (e) for “they deem” substitute “ it deems ”.
- (3) In subsection (2)—
- (a) for “the water authority” substitute “ Scottish Water ”,
 - (b) for “they consider” substitute “ it considers ”,
 - (c) for “their” substitute “ its ”.
- (4) In subsection (3)—
- (a) for “The water authority” substitute “ Scottish Water ”,
 - (b) for “the local authority” in both places where that expression occurs substitute “ Scottish Water ”.
- (5) In subsection (4)—
- (a) for “the local authority” in both places where that expression occurs substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”.
- (6) Subsection (5) is repealed.
- (7) In subsection (6), for “the authorities” substitute “ Scottish Water ”.
- 46 In section 72(2) (general provision as to byelaws)—
- (a) for the words from “a water” to “those” in the first place where it occurs substitute “ Scottish Water to enforce such ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 47 In section 73 (power of Scottish Ministers to require the making of byelaws)—
- (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority do” substitute “ Scottish Water does ”,
 - (b) in subsection (2)—
 - (i) for “an authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (ii) for “the authority” in the first place where the expression occurs substitute “ Scottish Water ”,
 - (iii) for “the authority do” substitute “ Scottish Water does ”,
 - (c) in subsection (3), for “the authority concerned” substitute “ Scottish Water ”.
- 48 (1) Section 76 (acquisition of land for protection of water) is amended as follows.
- (2) In subsection (1)—
- (a) for the words “Local Government etc. (Scotland) Act 1994” substitute “ Water Industry (Scotland) Act 2002 (asp 3) ”,
 - (b) for “a water authority” substitute “ Scottish Water ”,
 - (c) for “their” substitute “ its ”,
 - (d) for “the authority” substitute “ Scottish Water ”,
 - (e) for “they are” substitute “ it is ”.
- (3) In subsection (2)—
- (a) for “A water authority” substitute “ Scottish Water ”,
 - (b) for “them” substitute “ it ”,

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- (c) for “they have” substitute “ it has ”,
 - (d) for “the authority” in each place where the expression occurs substitute “ Scottish Water ”,
 - (e) for “they are” substitute “ it is ”.
- (4) In subsection (3)—
- (a) for “A water authority proposing” substitute “ Where Scottish Water proposes ”,
 - (b) after “(2)” insert “ it ”,
 - (c) the words “whether within or outside their limits of supply” are repealed,
 - (d) for “the authority” substitute “ Scottish Water ”,
 - (e) for “any authority” substitute “ Scottish Water ”,
 - (f) for “that authority” substitute “ Scottish Water ”.
- 49 (1) Section 76A (duties of water authorities with respect to water quality) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “that authority” substitute “ Scottish Water ”.
- (3) In subsection (2)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority’s” substitute “ Scottish Water’s ”.
- (4) In subsection (3)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority’s” in both places where the expression occurs substitute “ Scottish Water’s ”,
 - (c) for “the authority” substitute “ Scottish Water ”.
- (5) In subsection (4)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 50 (1) Section 76B (regulations for preserving water quality) is amended as follows.
- (2) In subsection (1)—
- (a) for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (b) for “that authority” in each place where the expression occurs substitute “ Scottish Water ”.
- (3) In subsection (2)—
- (a) for “water authorities” in each place where the expression occurs substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”.
- (4) In subsection (3)—
- (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “that authority” substitute “ Scottish Water ”.
- (5) In subsection (4)—

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- (a) for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 51 In section 76C (offence of supplying water unfit for human consumption)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “the water authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 52 In section 76D (provision of water where piped supplies insufficient or unwholesome)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (iii) for “the water authority” in each place where the expression occurs substitute “ Scottish Water ”,
 - (b) in subsection (2)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the water authority” substitute “ Scottish Water ”.
- 53 In section 76E (enforcement of sections 76A to 76D)—
 - (a) in subsection (1), for “water authorities” substitute “ Scottish Water ”,
 - (b) in subsection (4)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the water authority have” substitute “ Scottish Water has ”,
 - (iii) for “are” in the third place where it occurs substitute “ is ”,
 - (iv) for “them” substitute “ it ”.
- 54 In section 76F (general functions of local authorities in relation to water quality)—
 - (a) in subsection (2)—
 - (i) for “any water authority” substitute “ Scottish Water and the Drinking Water Quality Regulator for Scotland ”,
 - (ii) for “that water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (b) in subsection (3)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the water authority” substitute “ Scottish Water, to notify the Drinking Water Quality Regulator for Scotland of that fact and ”.
- 55 In section 76G(6)(a) (remedial powers of local authorities in relation to private supplies), for “a water authority” substitute “ Scottish Water ”.
- 56 In section 76H(5)(b) (effect, confirmation and variation of notice under section 76G)—
 - (a) for “a water authority” substitute “ Scottish Water ”,
 - (b) for “their” substitute “ its ”.
- 57 In section 76I(2) (incidental powers of local authorities), for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”.

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- 58 In section 76L (interpretation etc. of Part VIA), in the definition of “private supply”, for “a water authority” substitute “ Scottish Water ”.
- 59 In section 100(2) (orders), for the words from “all” to the end substitute “ Scottish Water ”.
- 60 In section 103 (notices to be in writing), for “water authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 61 In section 107 (repeal, amendment and adaptation of local enactments)—
- (a) in subsection (1)(b)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) in sub-paragraph (i), for “the applicant” substitute “ Scottish Water ”,
 - (iii) sub-paragraph (ii) is repealed,
 - (b) in subsection (5), for “a water authority” substitute “ Scottish Water ”.
- 62 In section 109 (interpretation)—
- (a) in subsection (1)—
 - (i) for the definition of “area” substitute—

““area”, in relation to Scottish Water, means the area comprising all of the local government areas established by virtue of section 1 of the Local Government etc. (Scotland) Act 1994 (c.39);”,
 - (ii) for the definition of “limits of supply” substitute—

““limits of supply”, in relation to Scottish Water, means the area of Scottish Water;”,
 - (iii) the definition of “water authority” is repealed,
 - (iv) in the definition of “supply of water in bulk” for “the water authority taking the supply” substitute “ Scottish Water ”,
 - (b) in subsection (3), for “the water authority” substitute “ Scottish Water ”.
- 63 In section 110(2) (further provisions as to communication pipes etc.)—
- (a) for “the water authority” substitute “ Scottish Water ”,
 - (b) for “the authority” substitute “ Scottish Water ”.
- 64 (1) Schedule 1 (procedure for making orders and making and confirming byelaws) is amended as follows.
- (2) In paragraph 1—
 - (a) for “Applicants” substitute “ Where Scottish Water proposes to apply ”,
 - (b) after “applies” insert “ it ”,
 - (c) for “they desire” substitute “ it desires ”.
 - (3) In paragraph 2—
 - (a) for “the applicants” substitute “ Scottish Water ”,
 - (b) in sub-paragraph (i), the words “water authority and” are repealed,
 - (c) in sub-paragraph (ii), for “the applicants” substitute “ Scottish Water ”.
 - (4) In paragraph 3—
 - (a) for “The applicants” substitute “ Scottish Water ”,
 - (b) for “they are” substitute “ it is ”,

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- (c) the words from “naming” to “order” in the second place where it occurs are repealed.
- (5) In paragraph 4—
 - (a) for “The applicants” substitute “ Scottish Water ”,
 - (b) for “they think” substitute “ it thinks ”.
- (6) In paragraph 5, for “the applicants” in both places where the expression occurs substitute “ Scottish Water ”.
- (7) In paragraph 8—
 - (a) for “the applicants” substitute “ Scottish Water ”,
 - (b) the words from “and the” to the end are repealed.
- (8) In paragraph 11, in sub-paragraph (i), for “the water authority and” substitute “ Scottish Water and on the ”.
- (9) In paragraph 12, the words from “naming” to “order” in the second place where it occurs are repealed.
- (10) In paragraph 14, for the words “the authority to whom the order relates” substitute “ Scottish Water ”.
- (11) In paragraph 15, after “from” in the second place where it occurs insert “ Scottish Water or ”.
- (12) In paragraph 17, for the words from “the authority” to the end substitute “ Scottish Water ”.
- (13) In paragraph 19—
 - (a) for “A water authority who propose” substitute “ Where Scottish Water proposes ”,
 - (b) after “applies” insert “ it ”,
 - (c) for “their” substitute “ its ”,
 - (d) the words “water authority and” are repealed,
 - (e) for “the water authority” in the second place where that expression occurs substitute “ Scottish Water ”.
- (14) In paragraph 20—
 - (a) for “The water authority” substitute “ Scottish Water ”,
 - (b) for “they propose” substitute “ it proposes ”.
- (15) In paragraph 23, for the words from “the authority” to the end substitute “ Scottish Water ”.
- (16) In paragraph 24, the words from “shall be” to “and” are repealed.
- (17) In paragraph 26, for “the water authority” substitute “ Scottish Water ”.
- (18) In paragraph 27—
 - (a) for “The water authority” substitute “ Scottish Water ”,
 - (b) for “they” substitute “ it ”.
- (19) In paragraph 30—
 - (a) for “the water authority” substitute “ Scottish Water ”,

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Changes to legislation: Water Industry (Scotland) Act 2002 is up to date with all changes known to be in force on or before 24 February 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)

- (b) for “the authority” substitute “ Scottish Water ”.
- (20) In paragraph 31, for “the authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 65 In Schedule 2 (orders under section 17 authorising compulsory acquisition of land)
-
- (a) in paragraph 4—
- (i) for “the water authority” substitute “ Scottish Water ”,
- (ii) for “they” substitute “ it ”,
- (b) in paragraph 6, for “the water authority” in both places where the expression occurs substitute “ Scottish Water ”.
- 66 (1) Schedule 3 (provisions as to breaking open roads and laying communication and supply pipes) is amended as follows.
- (2) In paragraph 1—
- (a) for “a water authority” substitute “ Scottish Water ”,
- (b) in the proviso, for “they” substitute “ it ”.
- (3) In paragraph 2(2)—
- (a) for “the authority propose” substitute “ Scottish Water proposes ”,
- (b) for “they” substitute “ it ”,
- (c) for “the authority” substitute “ Scottish Water ”.
- (4) In paragraph 4—
- (a) in sub-paragraph (1)—
- (i) for “A water authority” substitute “ Scottish Water ”,
- (ii) for “they deem” substitute “ it deems ”,
- (iii) in the proviso, for “the authority” substitute “ Scottish Water ”,
- (b) in sub-paragraph (2), for “the authority” substitute “ Scottish Water ”.
- (5) In paragraph 5—
- (a) for “any water authority” substitute “ Scottish Water ”,
- (b) for “the authority” substitute “ Scottish Water ”.
- (6) In paragraph 6—
- (a) in sub-paragraph (1)—
- (i) for “the authority” substitute “ Scottish Water ”,
- (ii) for “they” in the first place where it occurs substitute “ it ”,
- (iii) for “they think” substitute “ it thinks ”,
- (b) in sub-paragraph (2)—
- (i) for “the water authority” substitute “ Scottish Water ”,
- (ii) for “the authority” in the first place where the expression occurs substitute “ Scottish Water ”,
- (iii) for “they are” substitute “ it is ”,
- (iv) for “them” in each place where it occurs substitute “ it ”,
- (v) for “the authority lay” substitute “ Scottish Water lays ”,
- (c) in sub-paragraph (3)—

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- (i) for “an authority to whom such a notice as aforesaid is given”, substitute “ where such a notice as aforesaid is given to Scottish Water, it ”,
- (ii) for “them” in both places where it occurs substitute “ it ”,
- (iii) for “their” in both places where it occurs substitute “ its ”,
- (iv) for “they make” substitute “ it makes ”,
- (v) for “the authority” substitute “ Scottish Water ”,
- (vi) for “they” in the second and third places where it occurs substitute “ it ”.

(7) In paragraph 7—

- (a) in sub-paragraph (1)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “them” substitute “ it ”,
- (b) in sub-paragraph (2)—
 - (i) for “the authority give” substitute “ Scottish Water gives ”,
 - (ii) for “three months” substitute “ such period of not less than three months as the notice shall specify ”,
 - (iii) for “the authority” in the second place where the expression occurs substitute “ Scottish Water ”,
- (c) in sub-paragraph (3)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “themselves” substitute “ itself ”,
- (d) in sub-paragraph (4)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “they are” in both places where the expression occurs substitute “ it is ”,
 - (iii) for “them” in both places where it occurs substitute “ it ”,
- (e) in sub-paragraph (5)—
 - (i) for “the authority” in the first place where the expression occurs substitute “ Scottish Water ”,
 - (ii) for “the authority have” substitute “ Scottish Water has ”.

(8) In paragraph 9—

- (a) in sub-paragraph (1), for “the authority” in both places where the expression occurs substitute “ Scottish Water ”,
- (b) in sub-paragraph (2), for “the authority deem” substitute “ Scottish Water deems ”.

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SCHEDULE 7
(introduced by section 71)

MODIFICATIONS OF OTHER ENACTMENTS

Fire Services Act 1947 (c.41)

F71

Textual Amendments
F7 Sch. 7 para. 1 repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), s. 90, sch. 4 (with s. 77); S.S.I. 2005/392, art. 2(k)

Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)

- 2 In section 35(1) (interpretation) of the Rivers (Prevention of Pollution) (Scotland) Act 1951—
 - (a) the definition of “sewerage authority” is repealed, and
 - (b) in the definition of “stream”, in paragraph (b), for “a sewerage authority” substitute “ Scottish Water ”.

Flood Prevention (Scotland) Act 1961 (c.41)

F83

Textual Amendments
F8 Sch. 7 para. 3 repealed (24.12.2010) by Flood Risk Management (Scotland) Act 2009 (asp 6), s. 97(1), sch. 3 para. 13 (with s. 91); S.S.I. 2010/401, art. 3(h)

Local Government (Scotland) Act 1966 (c.51)

- 4 In section 46(1) (general interpretation) of the Local Government (Scotland) Act 1966, in the definition of “water undertaking”, for “a local water authority” substitute “ Scottish Water ”.

PROSPECTIVE

Countryside (Scotland) Act 1967 (c.86)

- 5 (1) The Countryside (Scotland) Act 1967 is amended as follows.
 - (2) In section 61 (improvement of waterways for purposes of open-air recreation)—
 - (a) in subsection (5), for “every water authority having” substitute “ Scottish Water so far as it has ”,
 - (b) in subsection (6)—
 - (i) for “any water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,

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- (c) in subsection (8), for “to every water authority which has refused its consent” substitute “, where it has refused its consent, to Scottish Water”.
- (3) In section 63 (provision of recreational facilities by water authorities)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “them” substitute “ it ”,
 - (iii) for “the authority have” substitute “ Scottish Water has ”,
 - (b) in subsection (2)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority have” substitute “ Scottish Water has ”,
 - (iii) for “they do” substitute “ it does ”,
 - (iv) for “the authority are” substitute “ Scottish Water is ”,
 - (c) in subsection (4)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they” substitute “ it ”,
 - (iii) for “the authority” substitute “ Scottish Water ”,
 - (d) in subsection (5)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they think” substitute “ it thinks ”,
 - (iii) for “them” substitute “ it ”,
 - (iv) for “the authority” substitute “ it ”,
 - (e) in subsection (6), for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (f) in subsection (7)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (g) in subsection (8)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (h) in subsection (9)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they consider” substitute “ it considers ”,
 - (iii) for “them” substitute “ it ”,
 - (i) in subsection (11)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “they have” substitute “ it has ”.
- (4) In section 78(1)(interpretation), the definition of “water authority” is repealed.

Local Government (Scotland) Act 1973 (c.65)

- 6 (1) The Local Government (Scotland) Act 1973 is amended as follows.
- (2) In section 170A(5)(c) (production and supply of heat and electricity etc. by local authorities), for “a water authority” substitute “ Scottish Water ”.
- (3) In section 170B(2) (provision supplementary to section 170A)—

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- (a) for “water authorities” substitute “ Scottish Water ”,
- (b) for “a water authority” substitute “ Scottish Water ”.
- (c) in paragraph (a), for “paragraph (a)” substitute “ paragraphs (aa) to (ac) ”.

Reservoirs Act 1975 (c.23)

- 7 In section 1(4)(a) (definition of “undertakers”) of the Reservoirs Act 1975, for the words “a water authority, that authority” substitute “ Scottish Water, that body ”.

House of Commons Disqualification Act 1975 (c.24)

- 8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified for membership of the House of Commons), the entries for the East of Scotland Water Authority, the North of Scotland Water Authority and the West of Scotland Water Authority are repealed.

Race Relations Act 1976 (c.74)

- 9 In Schedule 1A (bodies and other persons subject to general statutory duty) to the Race Relations Act 1976, paragraph 23 is repealed.

Competition Act 1980 (c.21)

- 10 Section 11(3)(cc)(reference of public bodies and certain other persons to the Commission) of the Competition Act 1980 is repealed.

Wildlife and Countryside Act 1981 (c.69)

- 11 (1) The Wildlife and Countryside Act 1981 is amended as follows.
(2) In section 27(1) (interpretation of Part I), the definition of “water authority” is repealed.

^{F9}(3)

Textual Amendments

F9 Sch. 7 para. 11(3) repealed (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), s. 168(1), sch. 4 para. 9 (with s. 162); S.S.I. 2010/230, art. 2(h)

Local Government and Planning (Scotland) Act 1982 (c.43)

- 12 In section 14 (local authority’s duties in relation to the provision of recreational, sporting, cultural and social facilities and activities)—
- (a) in subsection (2), for the words “a water authority” substitute “ Scottish Water ”, and
 - (b) subsection (3) is repealed.

Civic Government (Scotland) Act 1982 (c.45)

- 13 In section 54 (playing of instruments, singing, playing radios etc.) of the Civic Government (Scotland) Act 1982, in subsection (3)—

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- (a) in paragraph (a), for “a water authority” substitute “ Scottish Water ”, and
- (b) the words from “In this subsection” to the end are repealed.

Roads (Scotland) Act 1984 (c.54)

14 (1) The Roads (Scotland) Act 1984 is amended as follows.

^{F10}(2)

^{F10}(3)

- (4) In section 135 (restriction of powers of sewerage authorities)—
 - (a) in subsection (1), for “any sewerage authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “a sewerage authority” substitute “ Scottish Water ”.
- (5) In section 151(1)(interpretation), the definitions of “sewerage authority” and “water authority” are repealed.
- (6) In Schedule 1 (procedure for making or confirming certain orders and schemes)—
 - (a) in Part I, in paragraph 3, in the Table, in entry (ii), in the second column—
 - (i) the words “or water authority” are repealed,
 - (ii) at the end insert “ and Scottish Water ”,
 - (b) in Part II, in paragraph 10(b)—
 - (i) after “on” insert “ (i) ”,
 - (ii) the words “or water authority” are repealed,
 - (iii) at the end insert “, and
(ii) Scottish Water.”

Textual Amendments

F10 Sch. 7 para. 14(2)(3) repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), [sch. 3](#); S.S.I. 2007/516, art. 2; S.S.I. 2007/516, art. 2

Modifications etc. (not altering text)

C1 Sch. 7 para. 14(2)(3) savings for effects of 2007 asp 8 sch. 3 (28.12.2007) by [The Transport and Works \(Scotland\) Act 2007 \(Consequential and Transitional Provisions\) Order 2007 \(S.S.I. 2007/517\)](#), arts. 1(1), [4\(2\)-\(4\)](#)

Water (Fluoridation) Act 1985 (c.63)

- 15 In section 5(1) (interpretation) of the Water (Fluoridation) Act 1985—
- (a) in the definition of “statutory water undertaker”, for “a water authority” substitute “ Scottish Water ”, and
 - (b) the definition of “water authority” is repealed.

Bankruptcy (Scotland) Act 1985 (c.66)

- 16 In section 70 (supplies by utilities) of the Bankruptcy (Scotland) Act 1985, in subsection (4)(c), for the words from “a water” to the end substitute “ Scottish Water ”.

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Debtors (Scotland) Act 1987 (c.18)

- 17 (1) The Debtors (Scotland) Act 1987 is amended as follows.
- (2) In each of sections 1(5)(e) (competence of time to pay direction) and 5(4)(e) (competence of time to pay order), after sub-paragraph (iia) insert—
- “(iib) a local authority (within the meaning of section 70 of the Water Industry (Scotland) Act 2002 (asp 3)) in respect of any charges payable to them by virtue of section 37 of that Act;”.
- (3) In section 106 (interpretation), in the definition of “summary warrant”, after paragraph (cc) insert—
- “(cca) paragraph 2 of schedule 4 to the Water Industry (Scotland) Act 2002 (asp 3);”.

Housing (Scotland) Act 1987 (c.26)

- 18 (1) The Housing (Scotland) Act 1987 is amended as follows.
- (2) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)(a), for paragraph (iia) substitute—
- “(iia) Scottish Water;”,
- (b) in subsection (11)(l)—
- (i) for “a water authority or sewerage authority in Scotland” substitute “ Scottish Water ”,
- (ii) after “of” insert “ Scottish Water and ”.
- (3) In section 212(4) (rent increase notices), for paragraph (e) substitute—
- “(e) Scottish Water”.
- (4) In section 233(3) (power of local authority to assist in provision of separate service water pipes for houses)—
- (a) for “a water authority” substitute “ Scottish Water ”, and
- (b) for “the water authority” substitute “ Scottish Water ”.
- (5) In section 300(1)(a) (meaning of “public sector authority”), for “a water authority” substitute “ Scottish Water ”.
- (6) In section 338(1) (interpretation), the definitions of “sewerage authority” and “water authority” are repealed.

Food Safety Act 1990 (c.16)

- 19 In section 56(1) (water supply: Scotland) of the Food Safety Act 1990—
- (a) for the words from “a water” to “1980)” substitute “ Scottish Water ”,
- (b) for “that Act” substitute “ the Water (Scotland) Act 1980 ”.

Environmental Protection Act 1990 (c.43)

- 20 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 45 (collection of controlled waste)—

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- (a) in subsection (10), for “a sewerage authority” in each place where it occurs substitute “ Scottish Water ”,
- (b) after subsection (10), insert—

“(10A) Where a waste collection authority, in the exercise of its powers under subsection (7)(a) above, proposes to execute works outside its area, it shall, in addition to any notice served under section 3(2) of the Sewerage (Scotland) Act 1968 as applied by virtue of subsection (10) above, serve notice of its intention on the waste collection authority within whose area it is proposed to execute the works together with a description of the proposed works and if, within two months after the service of the notice, the waste collection authority on whom it was served objects to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent aftermentioned but may refer the matter for the determination of the Scottish Ministers who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as they think just, or who may withhold their consent, and their decision on the matter shall be final.”

- (3) In section 53 (duty of authorities as respects disposal of controlled waste: Scotland)

- (a) in subsection (2), for “and (10)” substitute “ , (10) and (10A) ”,
- (b) in subsections (4) and (5), for “the sewerage authority” wherever it occurs substitute “ Scottish Water ”,
- (c) in subsection (5), for “a sewerage authority” substitute “ Scottish Water ”,
- (d) subsection (5A) is repealed.

New Roads and Street Works Act 1991 (c.22)

- 21 (1) The New Roads and Street Works Act 1922 is amended as follows.
- (2) In section 108(6)(a) (the road works authority and other relevant authorities), for the words from “a sewer” to the end substitute “ a public sewer, Scottish Water; ”.
- (3) In section 109(6)(a) (permission to execute works), for the words from “a sewer” to the end substitute “ a public sewer, Scottish Water; ”.
- (4) In section 117(3)(a) (restriction on works following substantial works carried out for roads purposes)—
 - (a) for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (b) for “that authority” substitute “ Scottish Water ”.
- (5) In section 148 (sewers)—
 - (a) in subsection (1)—
 - (i) for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (ii) for “that authority” substitute “ Scottish Water ”,
 - (b) in subsection (3)(a)—
 - (i) for “a sewerage authority” substitute “ Scottish Water ”,

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- (ii) for “authority” in the second place where it occurs substitute “ body ”,
- (c) in subsection (4), for “a sewer vested in a sewerage authority” substitute “ a public sewer ”.
- (6) In section 149(4)(a) (provision as to reinstatement of sewers, drains or tunnels), for the words from “a sewer” to “that authority” substitute “ a public sewer, Scottish Water ”.
- (7) In section 164(1) (minor definitions)—
 - (a) after the definition of “in” insert—
 - ““public sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;”,
 - (b) the definition of “sewerage authority” is repealed.
- (8) In Schedule 6 (roads with special engineering difficulties)—
 - (a) in paragraph 7(3)(b), for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (b) in paragraph 9—
 - (i) for “A sewerage authority in whom a sewer is vested” substitute “ Scottish Water ”,
 - (ii) for “their sewer” substitute “ a public sewer ”.

Natural Heritage (Scotland) Act 1991 (c.28)

- 22 (1) The Natural Heritage (Scotland) Act 1991 is amended as follows.
- (2) In section 20 (drought orders)—
 - (a) in subsection (3), for “a water authority” substitute “ Scottish Water ”,
 - (b) in subsection (5), for “the water authority” in both places where it occurs substitute “ Scottish Water ”,
 - (c) in subsection (6)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (d) in subsection (7)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “water authorities generally” substitute “ Scottish Water ”.
 - (3) In section 22(1) (interpretation), in the definition of “compensation water”—
 - (a) for “a water authority” substitute “ Scottish Water ”, and
 - (b) for “their” substitute “ its ”.
 - (4) In section 24 (rights of entry and inspection under Parts II and III)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”, and
 - (ii) in paragraph (a), for “the authority” substitute “ Scottish Water ”,
 - (b) in subsection (9)—
 - (i) for “a water authority” substitute “ Scottish Water ”, and
 - (ii) in paragraph (a), for “the authority” substitute “ Scottish Water ”.

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- (5) In Schedule 7 (further provisions regarding drought orders)—
- (a) in paragraph 3, for “a water authority” substitute “ Scottish Water ”,
 - (b) in paragraph 3(b)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “they think” in both places where the expression occurs substitute “ it thinks ”,
 - (iii) in sub-sub-paragraph (i), for “the authority’s” substitute “ its ”,
 - (c) in paragraph 5—
 - (i) in sub-paragraph (1), for “a water authority” and “that authority” substitute “ Scottish Water ”,
 - (ii) in sub-paragraph (2), for “a water authority” substitute “ Scottish Water ”,
 - (iii) in sub-paragraph (3), for “a water authority” and “the authority” substitute “ Scottish Water ”,
 - (d) in paragraph 6, for “a water authority” substitute “ Scottish Water ”,
 - (e) in paragraph 7—
 - (i) for the words from the beginning to “order” substitute “ Where powers have been conferred on Scottish Water by a drought order, the Scottish Ministers may require it ”,
 - (ii) for “them” substitute “ it ”.
- (6) In Schedule 8 (procedure for making drought orders), in paragraph 1(3), in the Table, in the second column of the first entry, paragraph (b) is repealed.
- (7) In Schedule 9 (compensation in respect of drought orders), in paragraph 1, for “a water authority” substitute “ Scottish Water ”.

Local Government etc. (Scotland) Act 1994 (c.39)

- 23 In the Local Government etc. (Scotland) Act 1994, the following provisions are repealed—
- (a) sections 62 to 64 (new water and sewerage authorities and their areas),
 - (b) section 65(2) (general duties of Scottish Ministers and of water authorities),
 - (c) section 66 (codes of practice for new water and sewerage authorities),
 - (d) sections 67A to 100 (Water Industry Commissioner and other provisions about new authorities),
 - (e) sections 116 to 126 (miscellaneous provisions about new authorities),
 - (f) Schedules 7 (constitution etc. of new authorities), 8 (water and sewerage areas) and 9A to 11 (Water Industry Commissioner, recovery by diligence of water charges and water and sewerage transfer schemes), and
 - (g) in Schedule 13 (modifications of enactments)—
 - (i) paragraph 38(8)(b) and (c),
 - (ii) paragraph 56(5),
 - (iii) paragraph 66(3),
 - (iv) paragraph 72(7)(a) and (9)(b),
 - (v) paragraph 75(2)(a) and (c), (3), (4)(a), (5), (6), (7)(a)(ii), (b)(ii) and (c)(ii), (8)(b), (9) to (11), (13)(c), (15), (17)(a) and (c), (18)(a), (19)(a), (21), (22), (25)(a), (27) and (28)(a), (c), (e) and (f),

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Changes to legislation: Water Industry (Scotland) Act 2002 is up to date with all changes known to be in force on or before 24 February 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)

- (vi) paragraph 92(55)(b),
- (vii) paragraph 119(6)(d) and (e), (7)(b), (11)(b), (31)(c), (38)(e), (53)(a) (ii), (iii) and (v),
- (viii) paragraph 128(3)(c),
- (ix) paragraph 133(3),
- (x) paragraph 135(8) and (10)(a)(iv) and (v),
- (xi) paragraph 137(2)(b) and (6)(b) and (c),
- (xii) paragraph 152(2)(c) and (7)(b) and (c),
- (xiii) paragraph 167(8)(c),
- (xiv) paragraph 168(2), (3), (4)(a) and (6),
- (xv) paragraph 181(b).

Commencement Information

II Sch. 7 para. 23 wholly in force at 1.4.2002; Sch. 7 para. 23 not in force at Royal Assent, see s. 72(1) and wholly in force (1.4.2002) by [S.S.I. 2002/118](#), [art. 2](#) (subject to [art. 3](#))

Environment Act 1995 (c.25)

- 24 (1) The Environment Act 1995 is amended as follows.
- ^{F11}(2)
- (3) In Part II of Schedule 21 (application of certain enactments to the Crown), paragraph 6 is repealed.

Textual Amendments

F11 Sch. 7 para. 24(2) repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 15](#); [S.S.I. 2014/160](#), [art. 2\(1\)\(2\)](#), [sch.](#)

Planning (Consequential Provisions) (Scotland) Act 1997 (c.11)

- 25 Paragraph 58 of Schedule 2 (consequential amendments) to the Planning (Consequential Provisions) (Scotland) Act 1997 is repealed.

Water Industry Act 1999 (c.9)

- 26 (1) The Water Industry Act 1999 is amended as follows.
- (2) The following provisions are repealed—
- (a) in section 12 (Water Industry Commissioner for Scotland), subsections (1), (2) and (4),
 - (b) section 13 (Commissioner’s advice on charges),
 - (c) Schedule 2 (Water Industry Commissioner and consultative committees), and
 - (d) in Part II of Schedule 3 (minor and consequential amendments), paragraphs 7 to 15.

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Public Finance and Accountability (Scotland) Act 2000 (asp 1)

- 27 (1) The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- (2) In section 23(7) (economy, efficiency and effectiveness examinations), for the words from “a new” to “1994 (c.39)” substitute “ Scottish Water ”.
- (3) The following provisions are repealed—
- (a) in schedule 1 (capital expenditure of and borrowing by certain statutory bodies), paragraph 6, and
 - (b) in schedule 4 (modifications of enactments relating to Part 2), paragraph 12(2) and (4).

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 28 In schedule 3(devolved public bodies) to the Ethical Standards in Public Life etc. (Scotland) Act 2000—
- (a) the entries for the East of Scotland Water Authority, the North of Scotland Water Authority and the West of Scotland Water Authority are repealed, and
 - (b) at the appropriate place, the following entry is inserted—
“Scottish Water”

Status:

Point in time view as at 30/06/2014.

Changes to legislation:

Water Industry (Scotland) Act 2002 is up to date with all changes known to be in force on or before 24 February 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.