



Water Environment and Water Services (Scotland) Act 2003

2003 asp 3

PART 2

WATER AND SEWERAGE SERVICES

Duty to provide water and sewerage services

29 Duty to provide water and sewerage services

(1) Section 1 (duty of Scottish Water to provide for sewerage) of the Sewerage (Scotland) Act 1968 (c. 47) (“the 1968 Act”) is amended as follows.

(2) After subsection (3) insert—

“(3A) Subsection (3) shall not apply to such cases or descriptions of case as the Scottish Ministers may direct.

(3B) In determining what is a reasonable cost for the purpose of subsection (3) so far as relating to subsection (2)(a), the costs to be taken into account include the costs of—

- (a) constructing such other public sewers, public SUD systems and such public sewage treatment works, and
- (b) carrying out such other work,

as Scottish Water considers necessary in consequence of the connection referred to in subsection (2)(a).

(3C) Subject to subsection (3B), any question as to what is a reasonable cost for the purposes of this section shall be determined in accordance with regulations made by the Scottish Ministers.

(3D) Such regulations may, in particular, make provision as to—

- (a) the matters to be taken into, or left out of, account,
- (b) the criteria to be applied,
- (c) the method of calculation to be adopted,

Changes to legislation: Water Environment and Water Services (Scotland) Act 2003, Section 29 is up to date with all changes known to be in force on or before 04 April 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) View outstanding changes

in determining what is a reasonable cost for those purposes, and may make different provision for different cases and descriptions of case.”

(3) In subsection (4), after “whether” insert “ a reasonable cost has been properly determined in accordance with regulations made under subsection (3C) or ”.

(4) In subsection (6), for “subsection” substitute “ subsections (3C) and ”.

(5) Section 6 (duty of Scottish Water to provide water supply) of the Water (Scotland) Act 1980 (c. 45) (“the 1980 Act”) is amended as follows.

(6) In subsection (2), after “shall” in the second place where it occurs insert “ , subject to subsection (2A), ”.

(7) After subsection (2) insert—

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

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

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

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

(b) carrying out such other work,

as Scottish Water considers necessary in consequence of the connection referred to in that subsection.

(2D) Subject to subsection (2C), any question as to what is a reasonable cost for the purposes of this section shall be determined in accordance with regulations made by the Scottish Ministers.

(2E) Such regulations may, in particular, make provision as to—

(a) the matters to be taken into, or left out of, account,

(b) the criteria to be applied,

(c) the method of calculation to be adopted,

in determining what is a reasonable cost for those purposes, and may make different provision for different cases and descriptions of case.”

(8) In subsection (3), after the words “as to” insert—

“(za) whether a reasonable cost has been properly determined in accordance with regulations made under subsection (2D), or”.

Commencement Information

II S. 29 in force at 6.3.2006 by [S.S.I. 2006/55](#), [art. 2\(a\)](#)

Changes to legislation:

Water Environment and Water Services (Scotland) Act 2003, Section 29 is up to date with all changes known to be in force on or before 04 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 23(5) inserted by [2014 asp 3 sch. 3 para. 8\(6\)\(b\)](#)