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SCHEDULES

SCHEDULE 5

AMENDMENT OF THE WATER (SCOTLAND) ACTS 1946 AND 1949

PART III

AMENDMENT HAVING EFFECT AS FROM THE SECOND APPOINTED DAY

The Water (Scotland) Act 1946 c. 42

26 For section 18, there shall be substituted the following section—

“18 Supply of water by regional water board to premises outside their region.

- (1) A regional water board, with the consent of the Secretary of State, may give a supply of water to premises situated outside their region.
- (2) The Secretary of State shall not give his consent under the last foregoing subsection unless he is satisfied that the regional water board of the region in which the premises are situated are unable to give a supply to those premises.
- (3) Nothing in subsection (1) of this section shall affect the giving by a regional water board of a supply of water where that supply was being given immediately before the coming into effect of this section.
- (4) Where a regional water board are supplying water to premises outside their region, whether by virtue of subsection (1) of this section or otherwise, the regional water board of the region in which those premises are situated may at any time give not less than three months' notice to the board giving the supply that they are able and intend to give a supply of water to all the premises in that part of their region in which the premises in question are situated.
- (5) When, after the expiration of a notice given under the last foregoing subsection, the board in whose region the premises are situated commence to supply water to the part of their region in which those premises are situated, the board previously giving the supply shall, except for the purpose of recovering any charges or expenses recoverable by them, and of removing any pipes, plant or apparatus belonging to them, cease to have any functions in respect of a supply to those premises.
- (6) The board previously giving the supply shall not remove any pipes, plant or apparatus which they are required by the board in whose region the premises are situated to leave in position, and any such pipes, plant or apparatus shall vest in the second-mentioned board.

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- (7) The board in whose region the premises are situated shall pay to the board previously giving the supply such portion of any expenses reasonably incurred by them for the purpose of giving a supply to those premises, and such sum, in respect of any pipes, plant and apparatus vested in the board in whose region the premises are situated, by the last foregoing subsection, as may be agreed, or in default of agreement, determined by arbitration.”
- 27 In section 21(2), after the words " purposes of the order " there shall be inserted the words " and such provisions may (but without prejudice to the generality of this subsection) include provisions enabling the board to carry on any business or trade ancillary to the taking of water ".
- 28 After section 21. there shall be inserted the following section—

“21A Transfer of part of water undertaking of one board to another board.

- (1) Where the Secretary of State, whether on the application of a board or not, considers that such a transfer would be in the public interest, he may by order authorise the transfer of a part of the undertaking of one board to another board.
- (2) Where an order is made under the foregoing subsection, the board, to which a part of another board's undertaking is so transferred, shall make to that other board such payment by way of consideration as, failing agreement between them, may be settled by arbitration.
- (3) An order made under this section shall provide for the transfer of all rights to take water, which are exercised for the purposes of the part of the undertaking transferred by the order, and, on the coming into force of that order, those rights shall be transferred to, and vest in, the board to which the part of the undertaking is transferred.
- (4) An order under this section may for the purposes of the order contain any such provision as an order made under section 5 of the Water (Scotland) Act 1967.
- (5) The provisions of Part I of the First Schedule to this Act shall apply to an order made, under subsection (1) of this section, on the application of a board concerned, and the provisions of Part II of the said Schedule shall apply to an order so made without any such application.
- (6) In this section " board" means a regional water board or a water development board.”
- 29 In section 84(1), after the definition of " reasonably practicable ", there shall be inserted the following definition—
“" river purification authority " has the meaning assigned to it by section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951.”
- 30 In Schedule 1, in paragraph 11(ii), for the words from " execution " to " proposed to be executed " there shall be substituted the words " transfer of rights to take water, on the fishery district board of any fishery district, and on any navigation authority and any river purification authority exercising functions in relation to any watercourse, from which water is taken under the rights transferred

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The Water (Scotland) Act 1949 c. 31

- 31 In section 4, in subsections (1), (2) and (4), for the words " local authority" there shall be substituted the words " regional water board providing a supply of water to the premises " .
- 32 In section 19, at the end there shall be added the following subsection—
- “(7) Nothing in the provisions of subsection (1) or (3) of (this section shall be construed as continuing any exemption conferred by either of these subsections from the payment in whole or in part of domestic water rate, where the regional water board have ceased to be under the obligation which gave rise to that exemption.”
- 33 In section 23, in subsection (1), for the words from " section sixteen " to " as the case may be " there shall be substituted the words " section 21 of the principal Act (authorisation of acquisition of water rights) may authorise a board to which that section applies to acquire compulsorily such land as may be necessary for the purposes of the order " ; and in subsection (2), for the words from " said section sixteen" to the word " forty-two" there shall be substituted the words " said section 21 " .
- 34 Section 38 shall cease to have effect.