



# Water (Scotland) Act 1980

## 1980 CHAPTER 45

### PART IV

#### FINANCE

**39** ..... <sup>F1</sup>

#### Textual Amendments

**F1** S. 39 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987](#) (c. 47, SIF 81:2, 103:2), s. 34, [Sch. 6](#)

<sup>F2</sup>**40** .....

#### Textual Amendments

**F2** S. 40 repealed (1.4.1996) by [1994 c. 39](#), s. 180(1)(2), [Sch. 13](#) para. 119(25), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)

<sup>F3</sup>**41** .....

#### Textual Amendments

**F3** S. 41 repealed (1.4.1996) by [1994 c. 39](#), s. 180(1)(2), [Sch. 13](#) para. 119(25), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)

**Changes to legislation:** Water (Scotland) Act 1980, Part IV is up to date with all changes known to be in force on or before 08 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

#### [<sup>F4</sup>41A Supply of water by meter.

The occupier of premises to which water is supplied shall have the option, provided that he has (if he is not himself the owner of the premises) the consent of the owner, of taking the supply by meter; but the exercise of that option shall be conditional upon—

- (a) the payment by the occupier of any reasonable charges made by [<sup>F5</sup>Scottish Water] under section 35 of this Act; and
- (b) the acceptance by him of such reasonable terms and conditions as may be published by [<sup>F6</sup>Scottish Water] under section 55(1) of this Act,

and any question as to whether any such charges or terms and conditions are reasonable shall, in default of agreement, be referred to the Secretary of State who may determine it himself or, if he thinks fit, refer it to arbitration.]

##### Textual Amendments

- F4** S. 41A substituted (1.4.1996) by 1994 c. 39, s. 112 (with s. 74(4)); S.I. 1996/323, art. 4(1)(c)
- F5** Words in s. 41A(a) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 31(a) (with s. 67); S.S.I. 2002/118, art. 2(3)
- F6** Words in s. 41A(b) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 31(b) (with s. 67); S.S.I. 2002/118, art. 2(3)

#### <sup>F7</sup>42 .....

##### Textual Amendments

- F7** S. 42 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(26), Sch. 14; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2

#### <sup>F8</sup>43 .....

##### Textual Amendments

- F8** S. 43 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(26), Sch. 14; S.I. 1996/323, art. 4(1)(c)(d), Sch. 2

#### 44, 45. .... <sup>F9</sup>

##### Textual Amendments

- F9** Ss. 44, 45 repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 34, Sch. 6; and ss. 44, 45 expressed to be repealed (1.4.1996) by 1994 c. 39, s. 180(2), Sch. 14; S.I. 1996/323, art. 4(1)(d), Sch. 2

#### <sup>F10</sup>46 .....

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### Textual Amendments

**F10** S. 46 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(26), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**

## 47 Domestic water rate in certain cases.

- [<sup>F11</sup>(1) Subject to section 41A of this Act, no charge shall be fixed, demanded or recovered for a supply of water to premises to which a water authority were, immediately before 16th May 1949, by virtue of any enactment or agreement, under an obligation to provide such a supply free of charge.]
- (2) Where by virtue of any local enactment in force immediately before 16th May 1949 the domestic water rate was [<sup>F12</sup>, for a period specified in that enactment, leviable in any area so specified] at an amount per pound determined by the local enactment (whether as an amount per pound [<sup>F12</sup>so specified] or as an amount per pound being a proportion so specified of the amount per pound at which the domestic water rate would otherwise be payable, or otherwise), [<sup>F13</sup>any charge payable in the area in question for a supply of water in any period commencing after 31st March 1996 (the “transfer date” for the purposes of Part II of the Local Government etc. (Scotland) Act 1994 and of this subsection) shall, during the period so specified, bear the same proportion to the charge which (but for this subsection) would be payable for that supply under a charges scheme, as the non-domestic water rate payable there as at the transfer date by virtue of the local enactment and of this subsection (as it had effect on the transfer date) bore to the non-domestic water rate which would otherwise have been payable.]
- (3) [<sup>F14</sup>Where, by virtue of any enactment or agreement in force immediately before 16th May 1949, a water authority were under an obligation to provide a supply of water to any premises] on terms more favourable to the person having the vested interest in the obligation than those which, apart from the obligation, would have been applicable under the enactments in force immediately before that date relating to the supply of water by the authority in the limits of supply in which the premises are situated, <sup>F15</sup>the supply shall continue to be provided on the following, and no other, terms, that is to say—
- (a) where immediately before 16th May 1949 there was leviable under such an enactment a rate other than a public water rate, on such terms as may be agreed between the authority and the person having the vested interest in the obligation;
  - (b) in any other case on the terms on which immediately before that date it was provided under the enactment or agreement.
- (4) In determining for the purposes of the foregoing provisions of this section whether a supply of water provided under any enactment or agreement in force immediately before 16th May 1949 was provided free of charge or was such a supply as is mentioned in subsection (3), or in determining the sum which by virtue of that subsection is to be paid in respect of such a supply, no account shall be taken of any public water rate levied under any such enactment in respect of the premises so supplied or of any undertaking (other than an undertaking to pay a rate or a charge) entered into by the person having the vested interest in the obligation in consideration of which the supply was provided.

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- (5) Any question arising under this section whether a water authority are required to provide a supply of water free of charge, or whether a supply is such a supply as is mentioned in subsection (3), or as to the terms on which a supply was provided immediately before 16th May 1949, or on which by virtue of this section a supply is to continue to be provided or otherwise, shall, in default of agreement, be referred to the Secretary of State, and the Secretary of State may determine it himself or, if he thinks fit, may refer it for determination by arbitration.
- (6) In this section the expression “public water rate” means in relation to any supply any rate called the public water rate in the local enactment by virtue of which the supply is provided on special terms.
- [<sup>F16</sup>(7) Nothing in subsection (1) shall be construed as continuing any exemption, and nothing in subsection (3) as continuing any advantage, where under the enactment or agreement in question the obligation which gives rise to the exemption or advantage ceases to exist.]

#### Textual Amendments

- F11** S. 47(1) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(27)(a)**; S.I. 1996/323, **art. 4(1)(c)**
- F12** Words in s. 47(2) substituted (1.4.1996) by 1996 c. 39, s. 180(1), **Sch. 13 para. 119(27)(b)(i)(ii)**; S.I. 1996/323, **art. 4(1)(c)**
- F13** Words in s. 47(2) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(27)(b)(iii)**; S.I. 1996/323, **art. 4(1)(c)**
- F14** Words in s. 47(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(27)(c)(i)**; S.I. 1996/323, **art. 4(1)(c)**
- F15** Word in s. 47(3) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(27)(c)(ii), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**
- F16** S. 47(7) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(27)(d)**; S.I. 1996/323, **art. 4(1)(c)**

<sup>F17</sup>**48** .....

#### Textual Amendments

- F17** S. 48 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(28), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**

<sup>F18</sup>**49** .....

#### Textual Amendments

- F18** S. 49 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(28), **Sch. 14**; S.I. 1996/323, **art. 4(1)(c)(d)**, **Sch. 2**

**50 Power to require supply by meter.**

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- [<sup>F19</sup>(1)] [<sup>F20</sup>Scottish Water] shall not be bound to supply with water otherwise than by meter—
- (a) any premises whereof part is used as a dwelling house and part for any business, trade or manufacturing purpose for which water is required;
  - (b) any public institution, hospital, asylum <sup>F21</sup> . . . , sanatorium, school, club, hostel, camp, assembly hall, place of public entertainment, hotel or restaurant or any licensed premises for which a licence is required under the Licensing (Scotland) Act [<sup>F22</sup>2005 (asp 16)];
  - [<sup>F23</sup>(bb) accommodation provided by a care home service (as defined by [<sup>F24</sup>paragraph 2 of schedule 12 to the Public Services Reform (Scotland) Act 2010] (asp 8);]
  - (c) any boarding-house capable of accommodating 12 or more persons, including the persons usually resident therein; <sup>F25</sup> . . .
  - (d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes only is required. [<sup>F26</sup>; 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.]

#### Textual Amendments

- F19** S. 50 renumbered as s. 50(1) (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), **Sch. 6 para. 32(2)** (with s. 67); [S.S.I. 2002/118](#), **art. 2(3)**
- F20** Words in s. 50(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), **Sch. 6 para. 32(3)(a)** (with s. 67); [S.S.I. 2002/118](#), **art. 2(3)**
- F21** Words in s. 50(b) repealed (1.4.2002) by [2001 asp 8](#), s. 79, **Sch. 3 para. 8(a)**; [S.S.I. 2002/162](#), arts. 1(1), **2(f)(h)**
- F22** Words in s. 50(1)(b) substituted (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), **sch. 6 para. 4** (with s. 143); [S.S.I. 2007/472](#), art. 3
- F23** S. 50(bb) inserted (1.4.2002) by [2001 asp 8](#), s. 79, **Sch. 3 para. 8(b)**; [S.S.I. 2002/162](#), arts. 1(1), **2(f)(h)**
- F24** Words in s. 50(1)(bb) substituted (1.4.2011) by [The Public Services Reform \(Scotland\) Act 2010 \(Consequential Modifications\) Order 2011 \(S.S.I. 2011/211\)](#), art. 1, **sch. 1 para. 4**
- F25** Word in s. 50(1) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), **Sch. 6 para. 32(3)(b)** (with s. 67); [S.S.I. 2002/118](#), **art. 2(3)**
- F26** S. 50(1)(e)(2)(3) and preceding word inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), **Sch. 6 para. 32(4)** (with s. 67); [S.S.I. 2002/118](#), **art. 2(3)**

## 51 Power to require supplies for refrigerating apparatus, etc., to be taken by meter.

Where a person who takes a supply of water for domestic purposes from [<sup>F27</sup>Scottish Water] otherwise than by meter desires to use any of the water so supplied—

- (a) for operating a water-cooled or refrigerating apparatus;
- (b) for operating any apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating the water; or

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- (c) for cleaning, regenerating or supplying motive power to an apparatus used for softening water,

[<sup>F28</sup>Scottish Water] may require that all water so supplied shall be taken by meter.

#### Textual Amendments

**F27** Words in s. 51 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 33(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

**F28** Words in s. 51 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 33(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

### 52 Power to require supply for hose pipe to be taken by meter.

Where water which [<sup>F29</sup>Scottish Water supplies] for domestic purposes is used by means of a hosepipe or similar apparatus for watering a garden or for horses, washing vehicles or other purposes in stables, garages or other premises where horses or vehicles are kept, [<sup>F30</sup>Scottish Water] may require that all water so supplied shall be taken by meter.

#### Textual Amendments

**F29** Words in s. 52 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 34(a)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

**F30** Words in s. 52 substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 34(b)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**

### 53 Provision as to supply to tents, vans, sheds, etc.

- (1) No person shall be entitled to demand or to continue to receive from [<sup>F31</sup>Scottish Water] a supply of water to any habitation to which this subsection applies unless he has—
- agreed with [<sup>F32</sup>Scottish Water] to take a supply of water by meter and to pay to [<sup>F33</sup>it] such minimum annual sum as will give [<sup>F33</sup>it] a reasonable return on the capital expenditure incurred by [<sup>F33</sup>it] in providing the required supply and will cover other standing charges incurred by [<sup>F33</sup>it] in order to meet the possible maximum demand for his habitation, and will yield a reasonable return on the cost of the water supplied; and
  - secured to the reasonable satisfaction of [<sup>F34</sup>Scottish Water] by way of deposit or otherwise, payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined, in default of agreement, by the sheriff, whose decision shall be final.

- (2) The habitations to which subsection (1) applies are tents, vans or other conveyances, whether on wheels or not, and sheds or similar structures.
- (3) ..... <sup>F35</sup>

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#### Textual Amendments

- F31** Words in s. 53(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 35\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F32** Words in s. 53(a) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 35\(b\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F33** Word in s. 53(1)(b) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 35\(b\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F34** Words in s. 53(1)(b) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 35\(c\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F35** S. 53(3) repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#)

## 54 Register of meter to be evidence.

- (1) Where [<sup>F36</sup>Scottish Water supplies] water by meter, the register of the meter shall be [<sup>F37</sup>sufficient] evidence of the quantity of water supplied
- <sup>F38</sup>(2) . . . . .
- (3) If the meter on being tested is proved to register incorrectly to any degree exceeding [<sup>F39</sup>five per cent][<sup>F39</sup>the relevant percentage]—
- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by [<sup>F40</sup>Scottish Water] , unless it is proved to have begun to register incorrectly on some later date; and
- (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by [<sup>F40</sup>Scottish Water] or paid by the consumer, as the case may be, <sup>F41</sup>.
- [<sup>F42</sup>(4) In subsection (3), “the relevant percentage” means—
- (a) in the case of a high flow rate, 2.5%,
- (b) in the case of a low flow rate, 6%.]
- [<sup>F42</sup>(5) The Scottish Ministers, by regulations—
- (a) must define “high flow rate” and “low flow rate” for the purpose of subsection (4),
- (b) may amend a percentage figure appearing in subsection (4).]

#### Textual Amendments

- F36** Words in s. 54(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 36\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F37** Word substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 43](#)
- F38** S. 54(2) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13 para. 119\(29\)\(a\)](#), [Sch. 14](#); S.I. 1996/323, [art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)
- F39** Words in s. 54(3) substituted (10.6.2013 for specified purposes) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), [ss. 29\(a\)](#), 56(1)(2); S.S.I. 2013/163, [art. 3](#), [sch.](#)
- F40** Word in s. 54(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 36\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)



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- F41** Words in s. 54(3)(b) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(29)(b), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F42** S. 54(4)(5) inserted (10.6.2013 for specified purposes) by Water Resources (Scotland) Act 2013 (asp 5), ss. 29(b), 56(1)(2); S.S.I. 2013/163, art. 3, sch.

## 55 Charges for water supplied by meter.

- (1) [<sup>F43</sup>Scottish Water] shall prepare and maintain a schedule of the terms and conditions [<sup>F44</sup>, other than as respects charges,] on which [<sup>F45</sup>it is] prepared in general to give a supply of water by meter or otherwise, and that schedule shall be published in such manner as in the opinion of [<sup>F46</sup>Scottish Water] will secure adequate publicity for it.
- (2) Nothing in the foregoing subsection shall be construed as prejudicing the rights or duties under section 9 of [<sup>F47</sup>Scottish Water] or of any person supplied or proposed to be supplied by [<sup>F48</sup>it] under that section.
- (3) <sup>F49</sup> .....
- (4) <sup>F49</sup> .....

### Textual Amendments

- F43** Words in s. 55(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(2)(a)** (with s. 67); S.S.I. 2002/118, art. 2(3)
- F44** Words in s. 55(1) inserted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(30)(a)**; S.I. 1996/323, art. 4(1)(c)
- F45** Words in s. 55(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(2)(b)** (with s. 67); S.S.I. 2002/118, art. 2(3)
- F46** Words in s. 55(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(2)(c)** (with s. 67); S.S.I. 2002/118, art. 2(3)
- F47** Words in s. 55(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(3)(a)** (with s. 67); S.S.I. 2002/118, art. 2(3)
- F48** Words in s. 55(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(3)(b)** (with s. 67); S.S.I. 2002/118, art. 2(3)
- F49** S. 55(3)(4) repealed (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 37(4)** (with s. 67); S.S.I. 2002/118, art. 2(3)

## 56 Provisions as to supply of water to agricultural subjects.

- (1) Where a supply of water for purposes other than domestic purposes is provided for premises being agricultural lands and heritages, [<sup>F50</sup>Scottish Water] shall require the supply to be taken either by meter or on other specified terms as [<sup>F51</sup>it] may from time to time in [<sup>F52</sup>its] discretion determine.
- (2) Where [<sup>F53</sup>Scottish Water supplies] water by meter for purposes other than domestic purposes to any premises being agricultural lands and heritages and also [<sup>F54</sup>supplies] water for domestic purposes to any dwelling house comprised in such premises, [<sup>F55</sup>Scottish Water] shall, if it is reasonably practicable so to do, provide the whole supply of water to such premises and dwelling house through a single meter.



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Textual Amendments

F50

Words in s. 56(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

F51

Word in s. 56(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(a\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

F52

Word in s. 56(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(a\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

F53

Words in s. 56(2) substituted (1.4.2002 subject to art. 3 of the commencing S.S.I.) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(b\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

F54

Word in s. 56(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(b\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

F55

Words in s. 56(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 38\(b\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

[<sup>F56</sup>**56A Regulations as to meters.**

The Secretary of State may make regulations under this Act as to the installation, connection, use, maintenance, authentication and testing of meters, and as to any related matters.]

Textual Amendments

F56

S. 56A inserted (1.4.1993) by [Local Government Finance Act 1992 \(c. 14\)](#), s. 107, [Sch. 11](#), Pt. IV, [para. 35](#) (with s. 118(1)(2)(4)); S.I. 1993/575, [art. 2\(b\)](#)

57 .....<sup>F57</sup>

Textual Amendments

F57

S. 57 repealed by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c.47, SIF 81:2, 103:2\)](#), s. 34, [Sch. 6](#)

**58 Termination of right to supply of water on special terms.**

- (1)

Where by virtue of any enactment including any enactment in this Act) or of any agreement [<sup>F58</sup>Scottish Water is] under an obligation to which this section applies, [<sup>F59</sup>Scottish Water] and the person having the vested interest in the obligation may<sup>F60</sup> . . . enter into an agreement to terminate the obligation on such terms and conditions as to compensation or otherwise as they may agree; and any such agreement shall be enforceable against any person deriving title from the person who entered into the agreement.
- (2)

The Secretary of State may, on the application of [<sup>F61</sup>Scottish Water] and after affording to the person having the vested interest in the obligation an opportunity of making representations to the Secretary of State, whether in writing or on being heard by a person appointed by the Secretary of State, by order provide for the termination compulsorily of an obligation to which this section applies on payment of compensation, the amount of which shall, in default of agreement, be determined

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in manner provided by the Lands Clauses Acts with references to the taking of lands otherwise than by agreement, and the order may contain such incidental, consequential and supplementary provisions, including provisions for the amendment and repeal of any local enactment, as the Secretary of State thinks necessary or expedient.

- (3) The amount of the compensation to be paid under subsection (2) shall be assessed by reference to the value of the rights secured under the obligation as at the date of the making of the order, and in assessing that value regard shall be had to <sup>F62</sup>the amount of any charge<sup>F63</sup> for a supply of water which may reasonably be expected to become payable as a result of the termination of the obligation.
- (4) This section applies to any obligation on the part of <sup>F64</sup>Scottish Water providing to any person other than a <sup>F65</sup>local authority]. . . a supply of water (whether for domestic purposes or for purposes other than domestic purposes) to provide that supply free of charge or on terms more favourable to the person having the vested interest in the obligation than those which apart from the obligation would be applicable.
- (5) <sup>F66</sup>Scottish Water shall <sup>F67</sup>— ]
  - <sup>F67</sup>(a) register in the Land Register of Scotland any agreement entered into, or order made, under the foregoing provisions of this section terminating an obligation to which this section applies if the obligation was itself registered in the Land Register, or]
  - <sup>F67</sup>(b) record in the Register of Sasines any such agreement or order if the obligation was itself recorded in the Register of Sasines. ]
- (6) <sup>F68</sup> . . . . .
- (7) An obligation to furnish a supply of water or to grant a wayleave for pipes or to give any other benefit or advantage to <sup>F69</sup>Scottish Water entered into in consideration of an obligation to which this section applies shall not be deemed to be terminated by reason only of the termination under this section of the last mentioned obligation.

<sup>F70</sup>(8) . . . . .

#### Textual Amendments

- F58** Words in s. 58(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(2\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F59** Words in s. 58(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(2\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F60** Words repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\)](#), [Sch. 2 para. 40](#), [Sch. 4](#)
- F61** Words in s. 58(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(3\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F62** Words substituted by [Abolition of Domestic Rates Etc. \(Scotland\) Act 1987 \(c. 47, SIF 81:2, 103:2\)](#), s. 25, [Sch. 5 Pt. IV para. 46](#)
- F63** Words in s. 58(3) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 119\(31\)\(a\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F64** Words in s. 58(4) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(4\)\(a\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F65** Words in s. 58(4) substituted (1.4.1996) by 1994 c. 39, s. 180(1), [Sch. 13 para. 119\(31\)\(b\)](#); S.I. 1996/323, [art. 4\(1\)\(c\)](#)
- F66** Words in s. 58(5) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(5\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

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- F67

Words in s. 58(5) substituted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 21\(2\)](#) (with s. 121, sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F68

S. 58(6) repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(6\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F69

Words in s. 58(7) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 39\(7\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F70

S. 58(8) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13 para. 119\(31\)\(d\)](#), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)

59      **Limitation of liability of water authority to supply water on special terms.**

- (1)

Notwithstanding anything in any such obligation as is mentioned in section 58(4) [<sup>F71</sup>Scottish Water] shall not be liable under the obligation to provide to any premises in any year a quantity of water greater than the quantity supplied thereto in the year immediately preceding 27th October 1948, or to provide to any premises not provided by them with a supply of water on that day a supply otherwise than on the terms on which the supply would, apart from the obligation, have been provided under the <sup>M1</sup>Water (Scotland) Act 1946 and the <sup>M2</sup>Water (Scotland) Act 1949.
- (2)

Any question arising under the foregoing subsection shall in case of dispute be determined by arbitration.

Textual Amendments

F71

Words in s. 59 substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 40](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

Marginal Citations

M1

[1946 c. 42.](#)

M2

[1949 c. 31.](#)

<sup>F72</sup>**60** .....

Textual Amendments

F72

S. 60 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13 para. 119\(32\)](#), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)

<sup>F73</sup>**61** .....

Textual Amendments

F73

S. 61 repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), [Sch. 13 para. 119\(32\)](#), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)

**62** ..... <sup>F74</sup>

**Changes to legislation:** *Water (Scotland) Act 1980, Part IV is up to date with all changes known to be in force on or before 08 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*

**Textual Amendments**

**F74** S. 62 repealed by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c.23, SIF 81:2\)](#), s. 41, [Sch. 4](#)

**Changes to legislation:**

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**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. 24(1A) inserted by [2003 asp 3 sch. 4 para. 3\(3\)](#)
- s. 110A certain functions transferred by [S.I. 1999/1750 art. 3Sch. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A inserted by [1995 c. 25 Sch. 21 para. 5](#)
- s. 110A(7) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A(8) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- Sch. 3 para. 4(3)(4) inserted by [2003 asp 3 sch. 4 para. 4\(2\)](#)
- Sch. 3 para. 6(1A) inserted by [2003 asp 3 sch. 4 para. 4\(3\)](#)
- Sch. 4 s. 34(3) inserted by [2003 asp 3 sch. 4 para. 5](#)