



# Water (Scotland) Act 1980

## 1980 CHAPTER 45

### PART IX

#### GENERAL

#### 109 Interpretation.

- (1) In this Act the following expressions shall subject to any express provision or anything in the context to the contrary have the meanings hereby respectively assigned to them, that is to say—

<sup>F1</sup> .....

<sup>F2</sup>“agricultural lands and heritages” means any lands and heritages used for agricultural or pastoral purposes only or as woodlands, market gardens, orchards, allotments or allotment gardens and any lands exceeding 1011.75 square metres used for the purpose of poultry farming, but does not include any lands occupied together with a house as a park, garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes]

<sup>F3</sup>“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);]

<sup>F1</sup> .....

<sup>F1</sup> .....

<sup>F4</sup> .....

<sup>F1</sup> .....

“communication pipe”, subject to section 110, means—

- (a) where the premises supplied with water abut on the part of the <sup>F5</sup>road] in which the main is laid and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the <sup>F5</sup>road] and has a stopcock placed in those premises and as near to the boundary of that <sup>F5</sup>road] as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;

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- (b) in any other case, so much of the service pipe as lies between the main and the boundary of the part of the [<sup>F5</sup>road] in which the main is laid; and includes the ferrule at the junction of the service pipe with the main, and also—
  - (i) where the communication pipe ends at a stopcock, that stopcock; and
  - (ii) any stopcock fitted on the communication pipe between the end thereof and the main;

F6 .....  
 F1 .....

“contravention” includes failure to comply, and “contravene” shall be construed accordingly;

F1 .....  
 F7 .....  
 F1 .....

“enactment” means any Act of Parliament, whether public general, local or private, any statutory order or any provision in an Act of Parliament or statutory order;

F8 .....

“fishery district” means a district for the purposes of the <sup>M1</sup>Salmon Fisheries (Scotland) Act 1862; and

“fishery district board” means the district board for a fishery district and for the purposes of this Act the Commissioners appointed under the <sup>M2</sup>Tweed Fisheries Act 1969 shall be deemed to be a fishery district board, and the river, as defined by the said Act of 1969, shall be deemed to be their fishery district;

“functions” includes powers and duties;

F9 .....

“house” means a dwelling-house, whether a private dwelling-house or not, and includes any part of a building if that part is occupied as a separate dwelling-house;

“land” includes land covered with water and any interest in land and any right or servitude in, to or over land and shall be interpreted accordingly for the purposes of any provisions of any Act incorporated with this Act;

[<sup>F10</sup>“limits of supply”, in relation to Scottish Water, means the area of Scottish Water;]

“local enactment” means any local Act of Parliament, any statutory order or any provision in any such Act of Parliament or statutory order;

“main” means a pipe laid for the purpose of giving a general supply of water as distinct from a supply to individual consumers, and includes any apparatus used in connection with such a pipe;

“navigation authority” means any persons or body of persons, whether incorporated or not, having powers under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

F1 .....

“occupier” means the tenant or sub-tenant or any person in the actual occupation of premises, but does not include a lodger or person in the occupation as tenant of a furnished house let for a period of less than a year, but includes the person by whom such a furnished house is let;

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“outer wall”, in relation to a building abutting on a street, does not include the outer wall of a cellar, or other structure, belonging to that building but situated beneath the street;

“owner” <sup>F11</sup> includes in relation to any land or other premises any person who under the Lands Clauses Acts would be enabled to sell and convey the land or other premises to the promoters of an undertaking;

<sup>F1</sup>

“performance”, in relation to functions, includes the exercise of powers as well as the performance of duties, and “perform” shall be construed accordingly;

“premises” includes land and also tents, vans, sheds and similar structures;

“prescribed” means prescribed by [<sup>F12</sup>or determined under] regulations made by the Secretary of State under this Act;

[<sup>F13</sup>“private road” and “public road” have the same meanings as in the Roads (Scotland) Act 1984;]

[<sup>F14</sup>“protection of the water environment” has the same meaning as in section 1(2) of the Water Environment and Water Services (Scotland) Act 2003 (asp 3)]

“reasonably practicable” means reasonably practicable in all the circumstances, including in any case where works are involved the expense involved in executing the works;

“repeal”, in relation to a local enactment not contained in an Act, means revoke;

<sup>F15</sup>

<sup>F15</sup>

[<sup>F16</sup>“road” has the same meaning as in the [<sup>F17</sup>Part IV of the New Roads and Street Works Act 1991];]

[<sup>F16</sup>“roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

“service pipe” means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

“statutory order” means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

“stream” includes a river, burn, spring or other running water;

<sup>F18</sup>

“a supply of water for domestic purposes” has the meaning assigned to it in section 7, and any reference to domestic purposes in relation to the supply of water shall be construed accordingly;

“supply of water in bulk” means a supply of water for distribution by [<sup>F19</sup>Scottish Water];

“supply pipe” means so much of any service pipe as is not a communication pipe;

<sup>F20</sup>

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices and passages through which water flows;

“water development board” means a board established by virtue of section 82(1) (a) and includes the Central Board;

[<sup>F21</sup>“the water environment” has the same meaning as in section 3 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3)]

“water fittings” includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, sinks, water-closets, soil-pans and other similar apparatus used in connection with the supply and use of water;

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“waterworks” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines and all machinery, lands, buildings and things for supplying, or used for supplying, water or used for protecting sources of water supply.

[<sup>F22</sup>“wholesome” and cognate expressions shall be construed subject to the provisions of any regulations made under section 76J]

<sup>F23</sup>(2) . . . . .

(3) In the construction of any enactment incorporated with this Act, the expressions “the promoters of the undertaking” or “the company”, and “the special Act”, shall be construed as meaning respectively the [<sup>F24</sup>Scottish Water]<sup>F25</sup> . . . , and this Act.

(4) In this Act, except where otherwise indicated—

- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and
- (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
- (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered.

<sup>F26</sup>(5) . . . . .

#### Textual Amendments

- F1** Definitions in s. 109(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(53)(a)(i), **Sch. 14**; S.I. 1996/323, art. 4(1)(c)(d), **Sch. 2**
- F2** Definition in s. 109(1) substituted (19.5.1997) by 1997 c. 29, s. 33(1), **Sch. 3 para. 16**; S.I. 1997/1097, **art. 3**
- F3** In s. 109(1) definition of “area” substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 62(a)(i)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F4** Definition repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1)(3), Sch. 9 para. 81(12)(a)(i), **Sch. 11**
- F5** Words substituted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(12)(a)(ii)**
- F6** S. 109(1): definition repealed (1.4.1993) by Local Government Finance Act 1992 (c. 14), s. 117(2), **Sch. 14** (with s. 118(1)(2)(4)); S.I. 1993/575, art. 2(d), **Sch.**
- F7** Definitions repealed by Abolition of Domestic Rates Etc. (Scotland) Act 1987 (c. 47, SIF 81:2, 103:2), s. 34, **Sch. 6**
- F8** Words in s. 109(1) repealed (1.4.2013) by Police and Fire Reform (Scotland) Act 2012 (asp 8), s. 129(2), **sch. 8 Pt. 2**; S.S.I. 2013/51, art. 2 (with transitional provisions and savings in S.S.I. 2013/121)
- F9** Definitions repealed by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1)(3), Sch. 9 para. 81(12)(a)(iii), **Sch. 11**
- F10** In s. 109(1) definition of “limits of supply” substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 62(a)(ii)** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F11** Words in definition in s. 109(1) repealed (4.1.1995) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(53)(a)(iv), **Sch. 14** (with s. 127); S.I. 1994/2850, art. 3(c)(d), **Sch. 3**
- F12** Words in definition of ‘prescribed’ in s. 109(1) inserted (6.3.1992) by Local Government Finance Act 1992 (c. 14), s. 107, **Sch. 11, Pt. IV, para. 38(f)** (with s. 118(1)(2)(4))
- F13** Definition inserted by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 156(1), **Sch. 9 para. 81(12)(a)(iv)**

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- F14** In s. 109(1) definition of "protection of the water environment" inserted (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), [art. 2](#), [Sch. Pt. IV](#) {para. 4(3)} (with Sch. Pt. III para. 6)
- F15** Definitions in s. 109(1) repealed (1.4.1996) by [1995 c. 25, s. 120](#), [Sch. 22 para. 34\(4\)](#); [S.I. 1996/186, art. 3](#)
- F16** Definitions inserted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(12\)\(a\)\(v\)](#)
- F17** Words in s. 109(1) in definition of 'road' substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8 para. 108\(6\)](#); [S.I. 1992/2990, art. 2\(2\)](#), [Sch. 2](#)
- F18** Definition repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), Sch. 9 para. 81(12)(a)(vi), [Sch. 11](#)
- F19** Words in s. 109(1) in definition of "supply of water in bulk" 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. 62\(a\)\(iv\)](#) (with s. 67); [S.S.I. 2002/118, art. 2\(3\)](#)
- F20** In s. 109(1) definition of "water authority" repealed (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 62\(a\)\(iii\)](#) (with s. 67); [S.S.I. 2002/118, art. 2\(3\)](#)
- F21** In s. 109(1) definition of "the water environment" inserted (1.4.2006) by virtue of [The Water Environment \(Consequential and Savings Provisions\) \(Scotland\) Order 2006 \(S.S.I. 2006/181\)](#), [art. 2](#), [Sch. Pt. IV](#) {para. 4(3)} (with Sch. Pt. III para. 6)
- F22** Definition in s. 109(1) added (4.1.1995) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 119\(53\)\(a\)\(vi\)](#)(with s. 127); [S.I. 1994/2850, art. 3\(c\)](#)
- F23** S. 109(2) repealed by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1)(3), Sch. 9 para. 81(12)(b), [Sch. 11](#)
- F24** Words in s. 109(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 62\(b\)](#) (with s. 67); [S.S.I. 2002/118, art. 2\(3\)](#)
- F25** Words in s. 109(3) repealed (1.4.1996) by [1994 c. 39, s. 180\(1\)\(2\)](#), Sch. 13 para. 119(53)(b), [Sch. 14](#); [S.I. 1996/323, art. 4\(1\)\(c\)\(d\)](#), [Sch. 2](#)
- F26** S. 109(5) repealed (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [sch. 5 para. 21\(4\)](#) (with s. 121, sch. 4 paras. 13, 16); [S.S.I. 2014/127, art. 2](#)

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**Modifications etc. (not altering text)**

- C1** S. 109: definitions applied (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1, 130\)](#), [s. 22\(1\)](#), [S.I. 1991/2187, art. 3, Sch.](#)

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**Marginal Citations**

- M1** 1862 c. 97.  
**M2** 1969 c. xxiv.

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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](#)