



Water (Scotland) Act 1980

1980 CHAPTER 45

[^{F1}PART VIA

QUALITY OF WATER]

76C Offence of supplying water unfit for human consumption.

- (1) Subject to subsection (4) below, where [^{F1}Scottish Water] supplies water by means of pipes to any premises and that water is unfit for human consumption [^{F2}Scottish Water] shall be guilty of an offence and liable—
 - (a) on summary conviction to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (2) Where an offence under this section is proved to be attributable to any neglect on the part of an employee of [^{F3}Scottish Water], he as well as [^{F3}Scottish Water] shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (3) For the purposes of subsection (2) above, the penalty on conviction on indictment shall include imprisonment (in addition to or instead of a fine) for a term not exceeding two years.
- (4) In any proceedings for an offence under this section it shall be a defence to show that—
 - (a) there were no reasonable grounds for suspecting that the water would be used for human consumption; or
 - (b) all reasonable steps had been taken and all due diligence exercised for securing that the water was fit for human consumption on leaving the pipes or was not used for human consumption.

Textual Amendments

- F1** Words in s. 76C(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 51\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

Status: Point in time view as at 01/04/2002.

Changes to legislation: Water (Scotland) Act 1980, Section 76C is up to date with all changes known to be in force on or before 04 July 2023. 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)

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| <p>F2 Words in s. 76C(1) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 51(a)(ii) (with s. 67); S.S.I. 2002/118, art. 2(3)</p> <p>F3 Words in s. 76C(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), Sch. 6 para. 51(b) (with s. 67); S.S.I. 2002/118, art. 2(3)</p> |
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