



Water (Scotland) Act 1980

1980 CHAPTER 45

^{F1} PART VIA

QUALITY OF WATER

76I Incidental powers of local authorities.

- (1) Subject to [^{F1}subsections (5) and (6)] below, a local authority may serve on any person a notice requiring him to furnish that authority, within a period or at times specified in the notice and in a form and manner so specified, with such information as is reasonably required by that authority for the purpose of exercising or performing any power or duty conferred or imposed on that authority by or under any of sections 76F to 76H above.
- (2) [^{F2}Subject to subsection (6) below,] any person designated in writing for the purpose by any local authority may—
 - (a) enter any premises for the purpose, in relation to any private supply, of—
 - (i) determining whether, and if so in what manner, any power or duty conferred or imposed on that authority by or under any of sections 76F to 76H above should be exercised or performed; or
 - (ii) exercising any such power or performing any such duty;
 - (b) enter any premises to which a supply of water is provided by [^{F3}Scottish Water] for the purpose, in relation to a supply so provided, of determining whether, and if so in what manner, such a power should be exercised or such a duty performed or of exercising such a power or performing such a duty; or
 - (c) carry out such inspections, measurements and tests on premises entered by that person or of articles found on any such premises, and take away such samples of water or of any land or articles, as the local authority—
 - (i) consider appropriate for the purposes of any such power or duty; and
 - (ii) have authorised that person to carry out or take away,and the provisions of subsections (3) to (7) of section 38 shall apply to the right of entry given by this subsection to any person designated by a local authority as they apply to the right of entry of an authorised officer of [^{F4}Scottish Water].

Changes to legislation: Water (Scotland) Act 1980, Section 76I is up to date with all changes known to be in force on or before 19 May 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

- (3) Entry into any premises shall not be demanded as of right by virtue of this section except—
- (a) in an emergency, or
 - (b) at a reasonable time and after 24 hours' notice of the intended entry has been given to the occupier of the premises.
- (4) The Secretary of State may by regulations make provision for restricting the information which may be required under subsection (1) above and for determining the form in which the information is to be so required.
- (5) A person who fails to comply with the requirements of a notice served on him under subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale; and it shall be a defence for a person charged with an offence under this subsection to show that he had a reasonable excuse.
- [^{F5}(6) The foregoing provisions of this section do not apply as respects, but are without prejudice to the exercise of, a power conferred by section 76H(5)(b) above.]

Textual Amendments

- F1** Words in s. 76I(1) substituted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(44)(a)**; S.I. 1994/2850, **art. 3(c)**
- F2** Words in s. 76I(2) inserted (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(44)(b)**; S.I. 1994/2850, **art. 3(c)**
- F3** Words in s. 76I(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 57** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F4** Words in s. 76I(2) substituted (1.4.2002) by Water Industry (Scotland) Act 2002 (asp 3), s. 71(1), **Sch. 6 para. 57** (with s. 67); S.S.I. 2002/118, **art. 2(3)**
- F5** S. 76I(6) added (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(44)(c)**; S.I. 1994/2850, **art. 3(c)**

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](#)