



Local Government and Planning (Scotland) Act 1982

1982 CHAPTER 43

PART IV

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

57 Liability of water authorities etc. for damage caused by escapes of water onto agricultural or forestry land.

In section 10 of the Water (Scotland) Act 1980 (which among other things provides that compensation is to be made by a water authority to a person sustaining damage by reason of their exercise of certain statutory powers)—

(a) after subsection (1) there shall be inserted the following subsection—

“(1A) The escape of water, however caused, onto agricultural land or forestry land from one of a water authority’s or as the case may be water development board’s communication pipes or mains shall for the purposes of subsection (1) above be taken to have been brought about by the exercise by them of powers under this Act.” ; and

(b) after subsection (4) there shall be inserted the following subsections—

“(5) Without prejudice to any right to compensation other than under subsection (1) above, in that subsection “person” does not, as regards compensation payable under that subsection by virtue of subsection (1A) above, include—

(a) statutory undertakers as defined in section 275(1) of the Town and Country Planning (Scotland) Act 1972 ;

(b) highway authorities as defined in section 50(1) of the Roads (Scotland) Act 1970 ;

Changes to legislation: There are currently no known outstanding effects for the Local Government and Planning (Scotland) Act 1982, Section 57. (See end of Document for details)

- (c) bridge authorities or managers as defined in section 39(1) of the Public Utilities Street Works Act 1950 ;
 - (d) street authorities or managers as defined in the said section 39(1) ; or
 - (e) persons on whom a right to compensation under section 26 of the said Act of 1950 is conferred.
- (6) In subsection (1A) above, the expressions “agricultural land” and “forestry land” mean land (but not any building) used, respectively, for agriculture or for forestry which is so used for the purposes of a trade or business and in the foregoing provisions of this subsection “agriculture” has the meaning assigned to it by section 86(3) of the Agriculture (Scotland) Act 1948 and “forestry” means the growing of woods and forests for the production of timber and other forest products and the growing of trees for planting in such woods and forests.”.

Modifications etc. (not altering text)

- C1** The text of s. 5(1), 6, 7, 9(2), 10–13, 20, 21, 22(a)–(c) 23, 31, 36–50, 56–59, 60(1)(a)(b)(2), 66, Sch. 1 Pt. II, Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Changes to legislation:

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