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**Changes to legislation:** Roads (Scotland) Act 1984, Cross Heading: The Water (Scotland) Act 1980 (c. 45) is up to date with all changes known to be in force on or before 21 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

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## SCHEDULES

### SCHEDULE 9

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Water (Scotland) Act 1980 (c. 45)*

- 81 (1) The Water (Scotland) Act 1980 shall be amended in accordance with this paragraph.
- (2) In section 9(5) (powers of water authority as regards supply of water for non-domestic purposes), for the word “streets” there shall be substituted the word “roads”.
- (3) In section 10(5)  
(interpretation)—  
(a) for paragraph (b) there shall be substituted the following paragraph—  
“ (b) roads authorities as defined in section 151(1) of the Roads (Scotland) Act 1984;” ; and  
(b) for paragraph (d) there shall be substituted the following paragraph—  
“ (d) road managers as defined in section 2(5) of the said Act of 1950;” .
- (4) In each of sections 13(5) (accelerated procedure for supply of water in bulk) and 22 (power to break open streets), for the word “streets” there shall be substituted the word “roads”.
- (5) In section 23 (power to lay mains etc.)—  
(a) in subsection (1)—  
(i) in paragraph (a), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road” and for the words from “the persons” to “street” where it occurs for the third time there shall be substituted the words—  
“ (i) where the road is a public road, the roads authority; and  
(ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road;” ; and  
(ii) in paragraph (b), for the word “street” there shall be substituted the word “road”; and  
(b) in subsection (2), for the word “street” there shall be substituted the word “road”.
- (6) In section 24 (communication and supply pipes), in each of subsections (1) and (4) for the word “street” there shall be substituted the word “road”.
- (7) In section 25(2) (power of islands or district council to erect and maintain drinking fountain or trough)—

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- (a) for the word “street”, where it first occurs, there shall be substituted the word “road”; and
  - (b) for the words from “if” to “authority” where it occurs for the second time there shall be substituted the words “there shall be no such erection by the district council without the roads authority’s consent”.
- (8) In section 33 (temporary discharge of water into watercourse)—
- (a) in subsection (1), for the word “street”, in both places where it occurs, there shall be substituted the word “road” and for the word “streets” there shall be substituted the word “roads”;
  - (b) in subsection (2), for the word “street” there shall be substituted the word “road”; and
  - (c) in subsection (10), for the word “highway” there shall be substituted the words “public road”.
- (9) In section 75(2)(b) (saving as regards penalty for polluting water), for the words “highway, so long as the highway” there shall be substituted the words “public road, so long as the roads”.
- (10) In section 76(3) (carrying of drain etc. under, across or along any street)—
- (a) for the word “highway”, wherever it occurs, there shall be substituted the word “roads”;
  - (b) for the words “street”, where it first occurs, and “streets” there shall be substituted, respectively, the words “road” and “roads”; and
  - (c) for the words “street maintainable at the public expense” there shall be substituted the words “public road”.
- (11) In section 77(3)(c) (application of order relating to obtaining supplies of water to meet drought), for the word “streets” there shall be substituted the word “roads”.
- (12) In section 109 (interpretation)—
- (a) in subsection (1)—
    - (i) the definition of “bridge authority” shall cease to have effect;
    - (ii) in the definition of “communication pipe” for the word “street”, wherever it occurs, there shall be substituted the word “road”;
    - (iii) the definitions of “highway” and “highway authority” shall cease to have effect;
    - (iv) after the definition of “prescribed” there shall be inserted the following definitions—
      - ““private road” and “public road” have the same meaning as in the Roads (Scotland) Act 1984;”;
    - (v) after the definition of “river purification authority” there shall be inserted the following definitions—
      - ““road” has the same meaning as in the Public Utilities Street Works Act 1950;
      - “roads authority” has the same meaning as in the Roads (Scotland) Act 1984;”;
    - (vi) the definition of “street” shall cease to have effect; and
  - (b) subsection (2) shall cease to have effect.

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- (13) in section 110 (further provision as to communication pipes) in each of subsections (1) and (2), for the word “street”, wherever it occurs, there shall be substituted the word “road”.
- (14) In Schedule 3 (provisions as to breaking open streets and laying communication and supply pipes)—
- (a) in paragraph 1—
    - (i) for the words “the roadway and footpaths of any street and of any bridge carrying a street” there shall be substituted the words “a road”;
    - (ii) for the word “street” where it occurs for the third time there shall be substituted the word “road”; and
    - (iii) for the words “roadway or footpath”, in both places where they occur, there shall be substituted the word “road”;
  - (b) in paragraph 2—
    - (i) in sub-paragraph (1), for the words “the roadway or footpath of a street or bridge (not being a street or bridge maintainable at the public expense) which is” there shall be substituted the words “a private road”; and
    - (ii) in sub-paragraph (2), for the words “the roadway or footpath of any length of street” there shall be substituted the words “any length of road”;
  - (c) paragraph 3 shall cease to have effect;
  - (d) in paragraph 4—
    - (i) in sub-paragraph (1), for the word “street” where it occurs for the first and second times there shall in each case be substituted the word “road”, and in the proviso, for the words “the persons having control or management of the street” there shall be substituted the words—
      - “(i) where the road is a public road, the roads authority; and
      - (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road”;
    - (ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”;
  - (e) in each of paragraphs 5, 6(1), 7(2) and 8 for the word “street”, wherever it occurs, there shall be substituted the word “road”; and
  - (f) in paragraph 9, in the proviso to sub-paragraph (2)—
    - (i) for the word “street”, in both places where it occurs, there shall be substituted the word “road”; and
    - (ii) for the word “highway” there shall be substituted the word “roads”.
- (15) In Schedule 4 (provisions to be included in orders relating to water undertakings)—
- (a) in paragraph 2 for the word “street” in both places where it occurs, there shall be substituted the word “road”;
  - (b) in paragraph 22, for the word “street” there shall be substituted the word “road”;
  - (c) in paragraph 24—
    - (i) in sub-paragraph (1), for the word “streets” there shall be substituted the word “roads”; and

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- (ii) in sub-paragraph (2), for the word “highway” there shall be substituted the words “roads”;
  - (d) in paragraph 36, for the word “streets”, in both places where it occurs, there shall be substituted the word “roads” and for the word “street” there shall be substituted the word “road”;
  - (e) in paragraph 39—
    - (i) in the proviso to sub-paragraph (1) for the words “to the persons having the control or management of the street or other place where they propose to open the ground, and” there shall be substituted the following words—
      - “(a) where the ground is, or comprehends, part of—
        - (i) a public road, to the roads authority; or
        - (ii) any road, to the person responsible for the maintenance of that road, or, if no authority or person is so responsible, to the owners of the solum of that part; and
      - (b) where or in so far as the ground is not mentioned in head (a) above, to the person having the control or management of the ground;
- and the undertakers ”;
- and for the word “streets” there shall be substituted the word “roads”; and
- (ii) in sub-paragraph (2), for the word “street” there shall be substituted the word “road”.

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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. 152(3)(3ZA) substituted for s. 152(3) by [2019 asp 17 s. 124\(2\)](#)