

## SCHEDULES

### SCHEDULE 11

#### WATER AND SEWERAGE CHARGES: SCOTLAND

##### PART IV

###### AMENDMENTS TO THE 1980 ACT

- 28 The 1980 Act shall be amended in accordance with the following provisions of this Part.
- 29 In section 9A (which relates to the exemption from charges of water for fire fighting)—
- (a) for the words “community water charges” there shall be substituted the words “council water charge”; and
  - (b) for paragraphs (a) and (b) there shall be substituted the following paragraphs—
    - “(a) water taken for the purpose of extinguishing fires or taken by a fire authority for any other emergency purposes;
    - (b) water taken for the purpose of testing apparatus installed or equipment used for extinguishing fires or for the purpose of training persons for fire-fighting; or
    - (c) the availability of water for any purpose mentioned in paragraph (a) or (b) above:”.
- 30 In section 35 (which relates to the power to supply water fittings)—
- (a) in subsection (1) the words “by way either of sale or hire” shall cease to have effect;
  - (b) in subsection (2), for the words “let for hire” there shall be substituted the words “supplied otherwise than by sale”; and
  - (c) for subsection (5) there shall be substituted the following subsection—
    - “(5) If any person—
      - (a) so interferes with a meter used by the authority in determining the amount of any charges fixed in relation to any premises as intentionally or recklessly to prevent the meter from showing, or from accurately showing, the volume of water supplied to those premises; or
      - (b) carries out, without the consent of the water authority, any works which he knows are likely to affect the operation of such a meter or which require the disconnection of such a meter; or
      - (c) otherwise wilfully or negligently injures or suffers to be injured any water fitting belonging to the authority,

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he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

- 31 In section 40 (which provides for liability to the non-domestic water rate)—
- (a) in subsection (2)(a), for the words “the water authority” there shall be substituted the words “a water authority”; and
  - (b) in subsection (4), for the words “5 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987” there shall be substituted the words “ 11 to the 1992 Act”.

32 After section 41 there shall be inserted—

**“41A Supply of water by meter**

- (1) Where premises to which water is supplied are premises in respect of which there is an entry on the valuation roll, the occupier shall have the option of taking the supply by meter.
- (2) Where premises to which water is supplied constitute a dwelling within the meaning of section 72(2) of the 1992 Act—
  - (a) the owner of the dwelling; or
  - (b) the person or persons who, in terms of section 75 of that Act—
    - (i) are liable to pay council tax on the dwelling; or
    - (ii) would have been so liable had the building not been exempt from council tax under section 72(6) of that Act,
 shall have the option of taking the supply by meter.
- (3) Neither of the parties mentioned in paragraph (a) or (b) of subsection (2) above may exercise the option mentioned in that subsection without the consent of the other.
- (4) The exercise of the option mentioned in subsections (1) and (2) above is subject to—
  - (a) the payment by the person exercising the option of any reasonable charges made by the authority under section 35 of this Act; and
  - (b) the acceptance by him of such reasonable terms and conditions as may be published by the authority under section 55(1) of this Act, and any question as to whether any such charges or terms and conditions are reasonable shall, in default of agreement, be referred to the Secretary of State who may determine it himself or, if he thinks fit, refer it for arbitration.”

33 In section 46(2) (which relates to transport hereditaments), for the words “community water charge” there shall be substituted the words “council water charge”.

34 For section 49 (which relates to payment for water supplied by meter) there shall be substituted—

**“49 Payment for supplies by meter**

- (1) Subject to the provisions of this section, where water is supplied by meter by a water authority, they may make—

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- (a) such a standing charge as they may from time to time consider appropriate, irrespective of whether any water is consumed on the premises; and
  - (b) charges calculated on the amount of water, if any, actually so consumed.
- (2) Charges payable under this section shall be payable—
- (a) in the case of premises (other than premises constituting the residential part of part residential subjects) in respect of which there is an entry on the valuation roll, by the occupier of the premises in respect of which they are due; or
  - (b) in the case of a dwelling within the meaning of section 72(2) of the 1992 Act, by the person or persons who—
    - (i) are liable to pay council tax on the dwelling; or
    - (ii) would have been so liable had the building not been exempt from council tax under section 72(6) of that Act.
- (3) Charges payable under this section, including charges for any meter supplied by the authority, shall be recoverable in the manner in which non-domestic rates are recoverable.
- (4) No charges shall be made under this section in relation to any lands and heritages such as are mentioned in section 5 (rebates for institutions in Scotland for the disabled) of the Rating (Disabled Persons) Act 1978 during any rebate period (within the meaning of section 6(2) of that Act)”.  
35 After section 56 there shall be inserted—

**“56A Regulations as to meters**

The Secretary of State may make regulations under this Act as to the installation, connection, use, maintenance, authentication and testing of meters, and as to any related matters.”

- 36 In section 58(3) (which relates to the termination of the right to the supply of water on special terms), for the words “community water charge” there shall be substituted the words “council water charge”.
- 37 In section 61(1)(b) (which relates to the calculation of the amount to be requisitioned by water authorities), for the words “community water charges” there shall be substituted the words “the council water charge”.
- 38 In section 109(1) (which defines terms used in the Act)—
- (a) before the definition of “agricultural lands and heritages” there shall be inserted—

““the 1992 Act” means the Local Government Finance Act 1992;”
  - (b) in the definition of “apportionment note”, for the words “2 of Schedule 1 to the Abolition of Domestic Rates Etc. (Scotland) Act 1987” there shall be substituted the words “1 of Schedule 5 to the 1992 Act”;
  - (c) after the definition of “contributing authority” there shall be inserted—

““council water charge” shall be construed in accordance with the provisions of paragraph 6 of Schedule 11 to the 1992 Act.”;
  - (d) after the definition of “enactment” there shall be inserted—

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- ““fire authority” has the same meaning as in the Fire Services Act 1947;”;
- (e) in the definition of “part residential subjects” for the words from “section” to the end there shall be substituted the words “section 99 (interpretation of Part II etc.) of the 1992 Act;”;
  - (f) in the definition of “prescribed”, after “prescribed by” there shall be inserted the words “or determined under”.