



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

Land transactions

98 Acquisition of land by agreement.

- (1) A new water and sewerage authority may under this subsection, for the purposes of any of their functions under this or any other enactment or for the purpose of there being provided, by some person other than themselves—
- (a) a supply of water to the public; or
 - (b) a system, to which the public shall have access, of drains, sewers or sewage treatment works,
- acquire by agreement any land (other than water rights) whether situated inside or outside their water area or sewerage area.
- (2) In relation to any acquisition of land under subsection (1) above, the Lands Clauses Acts (except in so far as they relate to acquisition other than by agreement and to access to the special Act and except sections 120 to 125 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845), and—
- (a) in a case where the acquisition is in relation to the authority's functions as sewerage authority or for the purpose of the provision of a system such as is mentioned in paragraph (b) of that subsection, sections 6 and 70 to 78 of the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the ^{M3}Mines (Working Facilities and Support) Act 1923); and
 - (b) in any other case, the said section 6 and Part IV of Schedule 4 to the 1980 Act,

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Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: Land transactions. (See end of Document for details)

are hereby incorporated with this section; and, in construing those Acts for the purposes of that subsection, this section shall be deemed to be the special Act and the authority shall be deemed to be the promoters of the undertaking or company as the case may require.

Marginal Citations

- M1** 1845 c. 19.
M2 1845 c. 33.
M3 1923 c. 20.

99 Compulsory acquisition of land.

- (1) Without prejudice to the provisions of any order under section 17 of the 1980 Act (acquisition of water rights) and subject to section 18 of that Act (authorisation of compulsory acquisition of land necessary for purposes of order under section 17), a new water and sewerage authority may, for any of the purposes mentioned in subsection (1) of section 98 of this Act, be authorised by the Secretary of State to purchase compulsorily under this subsection such land as may, under that subsection, be acquired by them by agreement.
- (2) A new water and sewerage authority are a statutory undertaker for the purposes of subsection (1)(b) of section 120 of the ^{M4}Local Government, Planning and Land Act 1980 (persons to whose compulsory acquisition of an interest in land the ^{M5}Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in certain circumstances applies) not only (by virtue of the definition of “statutory undertaker” in subsection (3) (a) of that section) in respect of their functions as water authority but also in respect of their functions as sewerage authority.
- (3) A new water and sewerage authority may be authorised by the Secretary of State to purchase compulsorily, or may acquire by agreement, land for giving in exchange for such land as is mentioned in section 1(2)(b) of the said Act of 1947.

Marginal Citations

- M4** 1980 c. 65.
M5 1947 c. 42.

100 Disposal of land.

- (1) Subject to subsection (2) below, a new water and sewerage authority may dispose of land held by them in any manner, to whomsoever and for whatever purpose they wish.
- (2) Except with the consent of the Secretary of State, a new water and sewerage authority shall not dispose of land under subsection (1) above for a consideration less than the best that could reasonably be expected to be obtained on the open market.

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