



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 3

#### SCOTTISH WATER

##### *General powers*

#### 25 General powers

(1) Scottish Water may engage in any activity (whether in Scotland or elsewhere) which it considers is not inconsistent with the economic, efficient and effective exercise of its core functions (within the meaning of section 70(2)).

[<sup>F1</sup>(1A) Subsection (1) extends to allowing Scottish Water to engage in any activity that it considers will assist in the development of the value of Scotland's water resources (as construed in accordance with section 1 of the Water Resources (Scotland) Act 2013).]

(2) Scottish Water may do anything (whether in Scotland or elsewhere) which it considers is necessary or expedient for the purpose of or in connection with its functions (including any activity in which it engages by virtue of subsection (1)).

(3) The power in subsection (2) includes, in particular, power to—

- form or promote (whether alone or with others) companies [<sup>F2</sup>under the Companies Act 2006],
- subscribe for share or loan capital of any person,
- guarantee the discharge of any obligation (whether financial or not) of any person,
- form partnerships, enter into arrangements or agreements and co-operate in any way with any person,
- enter into a contract with any person for the provision or making available of assets or services, or both (whether or not together with goods) whether by Scottish Water or by that person.

(4) Where—

- under subsection (2), Scottish Water enters into a contract such as is referred to in subsection (3)(e) (a “provision contract”), and

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*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Cross Heading: General powers. (See end of Document for details)*

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(b) in connection with the provision contract, a person (the “financier”) makes a loan to, or provides any other form of finance for, a party to the provision contract other than Scottish Water,

the power in subsection (2) also includes power to enter into a contract with the financier, or any insurer of or trustee for the financier, in connection with the provision contract.

(5) In subsection (3)(e), “assets” means assets of any description (whether tangible or intangible), including (in particular) land, buildings, roads, works, plant, machinery, vehicles, vessels, apparatus, equipment and computer software.

(6) This section is without prejudice to any power otherwise exercisable by Scottish Water but does not enable Scottish Water—

(a) to do anything in contravention of any express prohibition, restriction or limitation on its powers which is contained in any other enactment,

(b) to raise money (whether by borrowing or otherwise) in a manner which is not authorised apart from this section.

#### **Textual Amendments**

**F1** S. 25(1A) inserted (21.12.2013) by [Water Resources \(Scotland\) Act 2013 \(asp 5\)](#), **ss. 23**, 56(1)(2); [S.S.I. 2013/342](#), art. 2(a)

**F2** Words in s. 25(3)(a) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 200(2)** (with art. 10)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002,  
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