



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3 **S**

SCOTTISH WATER

Land transactions

46 Acquisition of land by agreement **S**

- (1) Scottish Water may under this subsection—
 - (a) for the purposes of any of its functions, or
 - (b) for the purpose of the provision, by some person other than itself, of—
 - (i) a supply of water to the public, or
 - (ii) a system, to which the public is to have access, of drains, sewers^[F1], sustainable urban drainage systems] or sewage treatment works, acquire by agreement any land (other than water rights) wherever situated.
- (2) Subsection (3) applies in relation to any acquisition of land under subsection (1) for the purposes of any of the core functions of Scottish Water or for the purpose mentioned in paragraph (b) of that subsection.
- (3) In relation to any such acquisition of land, 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 Lands Clauses Consolidation (Scotland) Act 1845 (c.19)), and—
 - (a) in a case where the acquisition is—
 - (i) in relation to Scottish Water's functions under or by virtue of the 1968 Act, or
 - (ii) for the purpose of the provision of a system such as is mentioned in paragraph (b)(ii) of subsection (1) of this section, sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (c.33) (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923 (c.20)), and

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

- (b) in any other case, section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 (as referred to in paragraph (a)) and Part IV of Schedule 4 to the 1980 Act,

are hereby incorporated with this section; and, in construing those Acts for the purposes of that subsection, this section is to be taken to be the special Act and Scottish Water is to be taken to be the promoter of the undertaking or company as the case may require.

Textual Amendments

- F1** Words in s. 46(1)(b)(ii) inserted (30.11.2007) by [Water Environment and Water Services \(Scotland\) Act 2003 \(asp 3\)](#), s. 38(1), [sch. 3 para. 24](#); S.S.I. 2007/512, art. 2(c)

47 Compulsory acquisition of land **S**

- (1) Scottish Water may—
- (a) for the purposes of any of its core functions, or
 - (b) for the purpose specified in section 46(1)(b),
- be authorised by the Scottish Ministers to purchase compulsorily under this subsection land (other than water rights) situated in Scotland.
- (2) Subsection (1) is—
- (a) without prejudice to any order under section 17 (acquisition of water rights) of the 1980 Act, and
 - (b) subject to section 18 (authorisation of compulsory acquisition of land necessary for purposes of order under section 17) of that Act.
- (3) Scottish Water is, in respect of all of its core functions, a statutory undertaker for the purposes of section 120(1)(b) of the Local Government, Planning and Land Act 1980 (c.65) (persons to whose compulsory acquisition of an interest in land the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42) in certain circumstances applies).
- (4) Scottish Water may be authorised by the Scottish Ministers to purchase compulsorily, or may acquire by agreement, land in Scotland for giving in exchange for such land as is mentioned in section 1(2)(b) of that Act of 1947.
- (5) This section is subject to section 67(4).

48 Disposal of land **S**

- (1) Scottish Water may dispose of land held by it in any manner, to whomsoever and for whatever purpose it wishes.
- (2) But Scottish Water may not, except with the consent of the Scottish Ministers, dispose of land under subsection (1) for a consideration less than the best that could reasonably be expected to be obtained on the open market.

Changes to legislation:

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