

SCHEDULE 2
DRINKING WATER QUALITY REGULATOR:
FURTHER PROVISION AS TO POWERS OF ENTRY ETC.

Compensation

- 6 (1) Where any person exercises any power conferred by the relevant provisions, the Scottish Ministers must make full compensation to any person who has sustained loss or damage by reason of—
- (a) the exercise by the person of that power or of any power to take any person or equipment on to the premises in relation to which the power is exercised, or
 - (b) the performance of, or failure of the person to perform, the duty imposed by paragraph 5.
- (2) Compensation is not payable by virtue of sub-paragraph (1) in respect of any loss or damage if the loss or damage—
- (a) is attributable to the default of the person who sustained it, or
 - (b) is loss or damage in respect of which compensation is payable by virtue of any other provision of this Act.
- (3) Any dispute as to a person's entitlement to compensation under this paragraph, or as to the amount of any such compensation, is to be referred to the arbitration of a single arbiter appointed by agreement between the Scottish Ministers and the person who claims to have sustained the loss or damage or, in default of agreement, by the President of the Lands Tribunal for Scotland.

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Paragraph 6.