

Status: This version of this schedule contains provisions that are prospective.

Changes to legislation: Water Industry (Scotland) Act 2002, SCHEDULE 7 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 7

(introduced by section 71)

MODIFICATIONS OF OTHER ENACTMENTS

Fire Services Act 1947 (c.41)

^{F1}1

Textual Amendments

F1 Sch. 7 para. 1 repealed (2.8.2005) by Fire (Scotland) Act 2005 (asp 5), s. 90, sch. 4 (with s. 77); S.S.I. 2005/392, art. 2(k)

Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)

- 2 In section 35(1) (interpretation) of the Rivers (Prevention of Pollution) (Scotland) Act 1951—
- (a) the definition of “sewerage authority” is repealed, and
 - (b) in the definition of “stream”, in paragraph (b), for “a sewerage authority” substitute “ Scottish Water ”.

Flood Prevention (Scotland) Act 1961 (c.41)

^{F2}3

Textual Amendments

F2 Sch. 7 para. 3 repealed (24.12.2010) by Flood Risk Management (Scotland) Act 2009 (asp 6), s. 97(1), sch. 3 para. 13 (with s. 91); S.S.I. 2010/401, art. 3(h)

Local Government (Scotland) Act 1966 (c.51)

- 4 In section 46(1) (general interpretation) of the Local Government (Scotland) Act 1966, in the definition of “water undertaking”, for “a local water authority” substitute “ Scottish Water ”.

PROSPECTIVE

Countryside (Scotland) Act 1967 (c.86)

- 5 (1) The Countryside (Scotland) Act 1967 is amended as follows.
- (2) In section 61 (improvement of waterways for purposes of open-air recreation)—
- (a) in subsection (5), for “every water authority having” substitute “ Scottish Water so far as it has ”,
 - (b) in subsection (6)—
 - (i) for “any water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,

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- (c) in subsection (8), for “to every water authority which has refused its consent” substitute “, where it has refused its consent, to Scottish Water”.
- (3) In section 63 (provision of recreational facilities by water authorities)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “them” substitute “ it ”,
 - (iii) for “the authority have” substitute “ Scottish Water has ”,
 - (b) in subsection (2)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority have” substitute “ Scottish Water has ”,
 - (iii) for “they do” substitute “ it does ”,
 - (iv) for “the authority are” substitute “ Scottish Water is ”,
 - (c) in subsection (4)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they” substitute “ it ”,
 - (iii) for “the authority” substitute “ Scottish Water ”,
 - (d) in subsection (5)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they think” substitute “ it thinks ”,
 - (iii) for “them” substitute “ it ”,
 - (iv) for “the authority” substitute “ it ”,
 - (e) in subsection (6), for “a water authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (f) in subsection (7)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (g) in subsection (8)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” substitute “ Scottish Water ”,
 - (h) in subsection (9)—
 - (i) for “A water authority” substitute “ Scottish Water ”,
 - (ii) for “they consider” substitute “ it considers ”,
 - (iii) for “them” substitute “ it ”,
 - (i) in subsection (11)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “they have” substitute “ it has ”.
- (4) In section 78(1)(interpretation), the definition of “water authority” is repealed.

Local Government (Scotland) Act 1973 (c.65)

- 6 (1) The Local Government (Scotland) Act 1973 is amended as follows.
- (2) In section 170A(5)(c) (production and supply of heat and electricity etc. by local authorities), for “a water authority” substitute “ Scottish Water ”.
- (3) In section 170B(2) (provision supplementary to section 170A)—

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- (a) for “water authorities” substitute “ Scottish Water ”,
- (b) for “a water authority” substitute “ Scottish Water ”.
- (c) in paragraph (a), for “paragraph (a)” substitute “ paragraphs (aa) to (ac) ”.

Reservoirs Act 1975 (c.23)

^{F3}7

Textual Amendments

F3 Sch. 7 para. 7 repealed (1.4.2016) by Reservoirs (Scotland) Act 2011 (asp 9), ss. 112(3), 116(1) (with s. 110); S.S.I. 2016/42, art. 2, sch. (with art. 3)

House of Commons Disqualification Act 1975 (c.24)

- 8 In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified for membership of the House of Commons), the entries for the East of Scotland Water Authority, the North of Scotland Water Authority and the West of Scotland Water Authority are repealed.

Race Relations Act 1976 (c.74)

- 9 In Schedule 1A (bodies and other persons subject to general statutory duty) to the Race Relations Act 1976, paragraph 23 is repealed.

Competition Act 1980 (c.21)

- 10 Section 11(3)(cc)(reference of public bodies and certain other persons to the Commission) of the Competition Act 1980 is repealed.

Wildlife and Countryside Act 1981 (c.69)

- 11 (1) The Wildlife and Countryside Act 1981 is amended as follows.
- (2) In section 27(1) (interpretation of Part I), the definition of “water authority” is repealed.

^{F4}(3)

Textual Amendments

F4 Sch. 7 para. 11(3) repealed (1.7.2010) by Marine (Scotland) Act 2010 (asp 5), s. 168(1), sch. 4 para. 9 (with s. 162); S.S.I. 2010/230, art. 2(h)

Local Government and Planning (Scotland) Act 1982 (c.43)

- 12 In section 14 (local authority’s duties in relation to the provision of recreational, sporting, cultural and social facilities and activities)—
- (a) in subsection (2), for the words “a water authority” substitute “ Scottish Water ”, and
 - (b) subsection (3) is repealed.

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Civic Government (Scotland) Act 1982 (c.45)

- 13 In section 54 (playing of instruments, singing, playing radios etc.) of the Civic Government (Scotland) Act 1982, in subsection (3)—
- (a) in paragraph (a), for “a water authority” substitute “ Scottish Water ”, and
 - (b) the words from “In this subsection” to the end are repealed.

Roads (Scotland) Act 1984 (c.54)

- 14 (1) The Roads (Scotland) Act 1984 is amended as follows.
- ^{F5}(2)
- ^{F5}(3)
- (4) In section 135 (restriction of powers of sewerage authorities)—
- (a) in subsection (1), for “any sewerage authority” substitute “ Scottish Water ”,
 - (b) in subsection (2), for “a sewerage authority” substitute “ Scottish Water ”.
- (5) In section 151(1)(interpretation), the definitions of “sewerage authority” and “water authority” are repealed.
- (6) In Schedule 1 (procedure for making or confirming certain orders and schemes)—
- (a) in Part I, in paragraph 3, in the Table, in entry (ii), in the second column—
 - (i) the words “or water authority” are repealed,
 - (ii) at the end insert “ and Scottish Water ”,
 - (b) in Part II, in paragraph 10(b)—
 - (i) after “on” insert “ (i) ”,
 - (ii) the words “or water authority” are repealed,
 - (iii) at the end insert “, and
 - (ii) Scottish Water.”

Textual Amendments

- F5** Sch. 7 para. 14(2)(3) repealed (28.12.2007) by [Transport and Works \(Scotland\) Act 2007 \(asp 8\)](#), s. 30(4), [sch. 3](#); [S.S.I. 2007/516](#), art. 2; [S.S.I. 2007/516](#), art. 2

Modifications etc. (not altering text)

- C1** Sch. 7 para. 14(2)(3) savings for effects of 2007 asp 8 sch. 3 (28.12.2007) by [The Transport and Works \(Scotland\) Act 2007 \(Consequential and Transitional Provisions\) Order 2007 \(S.S.I. 2007/517\)](#), arts. 1(1), [4\(2\)-\(4\)](#)

Water (Fluoridation) Act 1985 (c.63)

- 15 In section 5(1) (interpretation) of the Water (Fluoridation) Act 1985—
- (a) in the definition of “statutory water undertaker”, for “a water authority” substitute “ Scottish Water ”, and
 - (b) the definition of “water authority” is repealed.

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Bankruptcy (Scotland) Act 1985 (c.66)

^{F6}16

Textual Amendments

F6 Sch. 7 para. 16 repealed (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 9 Pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

Debtors (Scotland) Act 1987 (c.18)

- 17 (1) The Debtors (Scotland) Act 1987 is amended as follows.
- (2) In each of sections 1(5)(e) (competence of time to pay direction) and 5(4)(e) (competence of time to pay order), after sub-paragraph (iia) insert—
- “(iib) a local authority (within the meaning of section 70 of the Water Industry (Scotland) Act 2002 (asp 3)) in respect of any charges payable to them by virtue of section 37 of that Act;”.
- (3) In section 106 (interpretation), in the definition of “summary warrant”, after paragraph (cc) insert—
- “(cca) paragraph 2 of schedule 4 to the Water Industry (Scotland) Act 2002 (asp 3);”.

Housing (Scotland) Act 1987 (c.26)

- 18 (1) The Housing (Scotland) Act 1987 is amended as follows.
- (2) In section 61 (secure tenant’s right to purchase)—
- (a) in subsection (2)(a), for paragraph (iia) substitute—
- “(iia) Scottish Water;”,
- (b) in subsection (11)(l)—
- (i) for “a water authority or sewerage authority in Scotland” substitute “ Scottish Water ”,
- (ii) after “of” insert “ Scottish Water and ”.
- (3) In section 212(4) (rent increase notices), for paragraph (e) substitute—
- “(e) Scottish Water”.
- (4) In section 233(3) (power of local authority to assist in provision of separate service water pipes for houses)—
- (a) for “a water authority” substitute “ Scottish Water ”, and
- (b) for “the water authority” substitute “ Scottish Water ”.
- (5) In section 300(1)(a) (meaning of “public sector authority”), for “a water authority” substitute “ Scottish Water ”.
- (6) In section 338(1) (interpretation), the definitions of “sewerage authority” and “water authority” are repealed.

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Food Safety Act 1990 (c.16)

- 19 In section 56(1) (water supply: Scotland) of the Food Safety Act 1990—
- (a) for the words from “a water” to “1980” substitute “ Scottish Water ”,
 - (b) for “that Act” substitute “ the Water (Scotland) Act 1980 ”.

Environmental Protection Act 1990 (c.43)

- 20 (1) The Environmental Protection Act 1990 is amended as follows.
- (2) In section 45 (collection of controlled waste)—
- (a) in subsection (10), for “a sewerage authority” in each place where it occurs substitute “ Scottish Water ”,
 - (b) after subsection (10), insert—

“(10A) Where a waste collection authority, in the exercise of its powers under subsection (7)(a) above, proposes to execute works outside its area, it shall, in addition to any notice served under section 3(2) of the Sewerage (Scotland) Act 1968 as applied by virtue of subsection (10) above, serve notice of its intention on the waste collection authority within whose area it is proposed to execute the works together with a description of the proposed works and if, within two months after the service of the notice, the waste collection authority on whom it was served objects to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent aftermentioned but may refer the matter for the determination of the Scottish Ministers who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as they think just, or who may withhold their consent, and their decision on the matter shall be final.”
- (3) In section 53 (duty of authorities as respects disposal of controlled waste: Scotland)
- (a) in subsection (2), for “and (10)” substitute “ , (10) and (10A) ”,
 - (b) in subsections (4) and (5), for “the sewerage authority” wherever it occurs substitute “ Scottish Water ”,
 - (c) in subsection (5), for “a sewerage authority” substitute “ Scottish Water ”,
 - (d) subsection (5A) is repealed.

New Roads and Street Works Act 1991 (c.22)

- 21 (1) The New Roads and Street Works Act 1992 is amended as follows.
- (2) In section 108(6)(a) (the road works authority and other relevant authorities), for the words from “a sewer” to the end substitute “ a public sewer, Scottish Water; ”.
- (3) In section 109(6)(a) (permission to execute works), for the words from “a sewer” to the end substitute “ a public sewer, Scottish Water; ”.
- (4) In section 117(3)(a) (restriction on works following substantial works carried out for roads purposes)—
- (a) for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (b) for “that authority” substitute “ Scottish Water ”.

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- (5) In section 148 (sewers)—
 - (a) in subsection (1)—
 - (i) for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (ii) for “that authority” substitute “ Scottish Water ”,
 - (b) in subsection (3)(a)—
 - (i) for “a sewerage authority” substitute “ Scottish Water ”,
 - (ii) for “authority” in the second place where it occurs substitute “ body ”,
 - (c) in subsection (4), for “a sewer vested in a sewerage authority” substitute “ a public sewer ”.
- (6) In section 149(4)(a) (provision as to reinstatement of sewers, drains or tunnels), for the words from “a sewer” to “that authority” substitute “ a public sewer, Scottish Water ”.
- (7) In section 164(1) (minor definitions)—
 - (a) after the definition of “in” insert—

““public sewer” has the same meaning as in the Sewerage (Scotland) Act 1968;”,
 - (b) the definition of “sewerage authority” is repealed.
- (8) In Schedule 6 (roads with special engineering difficulties)—
 - (a) in paragraph 7(3)(b), for “a sewer vested in a sewerage authority” substitute “ a public sewer ”,
 - (b) in paragraph 9—
 - (i) for “A sewerage authority in whom a sewer is vested” substitute “ Scottish Water ”,
 - (ii) for “their sewer” substitute “ a public sewer ”.

Natural Heritage (Scotland) Act 1991 (c.28)

- 22 (1) The Natural Heritage (Scotland) Act 1991 is amended as follows.
- (2) In section 20 (drought orders)—
 - (a) in subsection (3), for “a water authority” substitute “ Scottish Water ”,
 - (b) in subsection (5), for “the water authority” in both places where it occurs substitute “ Scottish Water ”,
 - (c) in subsection (6)—
 - (i) for “a water authority” substitute “ Scottish Water ”,
 - (ii) for “the authority” in both places where the expression occurs substitute “ Scottish Water ”,
 - (d) in subsection (7)—
 - (i) for “the water authority” substitute “ Scottish Water ”,
 - (ii) for “water authorities generally” substitute “ Scottish Water ”.
 - (3) In section 22(1) (interpretation), in the definition of “compensation water”—
 - (a) for “a water authority” substitute “ Scottish Water ”, and
 - (b) for “their” substitute “ its ”.

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- (4) In section 24 (rights of entry and inspection under Parts II and III)—
 - (a) in subsection (1)—
 - (i) for “a water authority” substitute “ Scottish Water ”, and
 - (ii) in paragraph (a), for “the authority” substitute “ Scottish Water ”,
 - (b) in subsection (9)—
 - (i) for “a water authority” substitute “ Scottish Water ”, and
 - (ii) in paragraph (a), for “the authority” substitute “ Scottish Water ”.
- (5) In Schedule 7 (further provisions regarding drought orders)—
 - (a) in paragraph 3, for “a water authority” substitute “ Scottish Water ”,
 - (b) in paragraph 3(b)—
 - (i) for “the authority” substitute “ Scottish Water ”,
 - (ii) for “they think” in both places where the expression occurs substitute “ it thinks ”,
 - (iii) in sub-sub-paragraph (i), for “the authority’s” substitute “ its ”,
 - (c) in paragraph 5—
 - (i) in sub-paragraph (1), for “a water authority” and “that authority” substitute “ Scottish Water ”,
 - (ii) in sub-paragraph (2), for “a water authority” substitute “ Scottish Water ”,
 - (iii) in sub-paragraph (3), for “a water authority” and “the authority” substitute “ Scottish Water ”,
 - (d) in paragraph 6, for “a water authority” substitute “ Scottish Water ”,
 - (e) in paragraph 7—
 - (i) for the words from the beginning to “order” substitute “ Where powers have been conferred on Scottish Water by a drought order, the Scottish Ministers may require it ”,
 - (ii) for “them” substitute “ it ”.
- (6) In Schedule 8 (procedure for making drought orders), in paragraph 1(3), in the Table, in the second column of the first entry, paragraph (b) is repealed.
- (7) In Schedule 9 (compensation in respect of drought orders), in paragraph 1, for “a water authority” substitute “ Scottish Water ”.

Local Government etc. (Scotland) Act 1994 (c.39)

- 23 In the Local Government etc. (Scotland) Act 1994, the following provisions are repealed—
- (a) sections 62 to 64 (new water and sewerage authorities and their areas),
 - (b) section 65(2) (general duties of Scottish Ministers and of water authorities),
 - (c) section 66 (codes of practice for new water and sewerage authorities),
 - (d) sections 67A to 100 (Water Industry Commissioner and other provisions about new authorities),
 - (e) sections 116 to 126 (miscellaneous provisions about new authorities),
 - (f) Schedules 7 (constitution etc. of new authorities), 8 (water and sewerage areas) and 9A to 11 (Water Industry Commissioner, recovery by diligence of water charges and water and sewerage transfer schemes), and
 - (g) in Schedule 13 (modifications of enactments)—

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- (i) paragraph 38(8)(b) and (c),
- (ii) paragraph 56(5),
- (iii) paragraph 66(3),
- (iv) paragraph 72(7)(a) and (9)(b),
- (v) paragraph 75(2)(a) and (c), (3), (4)(a), (5), (6), (7)(a)(ii), (b)(ii) and (c)(ii), (8)(b), (9) to (11), (13)(c), (15), (17)(a) and (c), (18)(a), (19)(a), (21), (22), (25)(a), (27) and (28)(a), (c), (e) and (f),
- (vi) paragraph 92(55)(b),
- (vii) paragraph 119(6)(d) and (e), (7)(b), (11)(b), (31)(c), (38)(e), (53)(a)(ii), (iii) and (v),
- (viii) paragraph 128(3)(c),
- (ix) paragraph 133(3),
- (x) paragraph 135(8) and (10)(a)(iv) and (v),
- (xi) paragraph 137(2)(b) and (6)(b) and (c),
- (xii) paragraph 152(2)(c) and (7)(b) and (c),
- (xiii) paragraph 167(8)(c),
- (xiv) paragraph 168(2), (3), (4)(a) and (6),
- (xv) paragraph 181(b).

Commencement Information

- II** Sch. 7 para. 23 wholly in force at 1.4.2002; Sch. 7 para. 23 not in force at Royal Assent, see s. 72(1) and wholly in force (1.4.2002) by [S.S.I. 2002/118](#), [art. 2](#) (subject to [art. 3](#))

Environment Act 1995 (c.25)

- 24 (1) The Environment Act 1995 is amended as follows.

^{F7}(2)

- (3) In Part II of Schedule 21 (application of certain enactments to the Crown), paragraph 6 is repealed.

Textual Amendments

- F7** Sch. 7 para. 24(2) repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), [sch. 3 para. 15](#); [S.S.I. 2014/160](#), [art. 2\(1\)\(2\)](#), [sch.](#)

Planning (Consequential Provisions) (Scotland) Act 1997 (c.11)

- 25 Paragraph 58 of Schedule 2 (consequential amendments) to the Planning (Consequential Provisions) (Scotland) Act 1997 is repealed.

Water Industry Act 1999 (c.9)

- 26 (1) The Water Industry Act 1999 is amended as follows.

- (2) The following provisions are repealed—

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- (a) in section 12 (Water Industry Commissioner for Scotland), subsections (1), (2) and (4),
- (b) section 13 (Commissioner’s advice on charges),
- (c) Schedule 2 (Water Industry Commissioner and consultative committees), and
- (d) in Part II of Schedule 3 (minor and consequential amendments), paragraphs 7 to 15.

Public Finance and Accountability (Scotland) Act 2000 (asp 1)

- 27 (1) The Public Finance and Accountability (Scotland) Act 2000 is amended as follows.
- (2) In section 23(7) (economy, efficiency and effectiveness examinations), for the words from “a new” to “1994 (c.39))” substitute “ Scottish Water ”.
- (3) The following provisions are repealed—
- (a) in schedule 1 (capital expenditure of and borrowing by certain statutory bodies), paragraph 6, and
 - (b) in schedule 4 (modifications of enactments relating to Part 2), paragraph 12(2) and (4).

Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

- 28 In schedule 3(devolved public bodies) to the Ethical Standards in Public Life etc. (Scotland) Act 2000—
- (a) the entries for the East of Scotland Water Authority, the North of Scotland Water Authority and the West of Scotland Water Authority are repealed, and
 - (b) at the appropriate place, the following entry is inserted—
“Scottish Water”

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Changes and effects yet to be applied to :

- sch. 7 para. 18(5) repealed by [2014 asp 14 sch. 2 para. 11](#)