
Status: This is the original version (as it was originally enacted).

SCHEDULE 4

(introduced by section 34)

MODIFICATIONS OF PART III OF THE 1980 ACT

- 1 In section 22 (power to break open streets) of the 1980 Act—
- (a) the existing provision becomes subsection (1),
 - (b) after that subsection insert—
 - “(2) Paragraph 1 of Schedule 3 has effect in relation to works carried out by any person—
 - (a) in pursuance of an authorisation under section 23A(1), or
 - (b) in connection with the management, maintenance or renewal of a main or communication pipe laid by that person in pursuance of such an authorisation and vested in that person,as it has in relation to works carried out by Scottish Water.”
- 2 In section 23 (power to lay mains etc.), after subsection (2) insert—
- “(2A) In relation to a main not vested in Scottish Water, Scottish Water may recover from the person in whom the main is vested any expenses reasonably incurred by Scottish Water under subsection (1) or (2) in connection with the inspection, repair, maintenance, alteration, renewal or removal of the main.
 - (2B) In relation to a main laid by any person in pursuance of an authorisation under section 23A(1), subsections (1) and (2) of this section, so far as relating to the inspection, repair, maintenance, alteration, renewal or removal of a main, apply to that person as they apply to Scottish Water.”
- 3 (1) Section 24 (communication and supply pipes) of the 1980 Act is amended as follows.
- (2) In subsection (1), for “the water authority providing the supply” substitute “Scottish Water”.
 - (3) After subsection (1) insert—
 - “(1A) Subsection (1) does not apply in relation to the laying of any part of a service pipe in respect of which an authorisation under section 23A(1) is in force.”
 - (4) In subsection (2), for “all water authorities” substitute “Scottish Water”.
 - (5) In subsection (3)—
 - (a) at the beginning insert “Subject to section 23A,”,
 - (b) for “the water authority and the authority” substitute “Scottish Water and Scottish Water”,
 - (c) for “their” in both places where it occurs substitute “its”.
 - (6) In subsection (4)—
 - (a) for “the water authority” substitute “Scottish Water”,
 - (b) for “them” in both places where it occurs substitute “it”.
- 4 (1) Part II of Schedule 3 (provisions as to laying communication and supply pipes etc.) is amended as follows.
- (2) In paragraph 4, after sub-paragraph (2) insert—

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“(3) In relation to a service pipe not vested in Scottish Water, Scottish Water may recover from the person in whom the service pipe is vested any expenses reasonably incurred by Scottish Water under sub-paragraph (1) or (2) of this paragraph in connection with the inspection, repair, alteration, renewal, removal or replacement of the service pipe.

(4) In relation to a communication pipe laid by any person in pursuance of an authorisation under section 23A(1) and vested in that person, sub-paragraphs (1) and (2) of this paragraph (except so far as conferring power to lay service pipes) apply to that person as they apply to Scottish Water.”

(3) In paragraph 6, after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply in relation to the laying of any part of a communication pipe in respect of which an authorisation under section 23A(1) is in force.”

5 In Schedule 4 (provisions to be incorporated in orders relating to water undertakings), in paragraph 34, after sub-paragraph (2) insert—

“(3) Scottish Water may, whether or not proceedings have been taken under this paragraph—

- (a) remove any pipe or apparatus attached without its consent to a pipe belonging to it or to a supply pipe,
- (b) carry out such works as it considers necessary in relation to any alteration made in, or apparatus attached to, a supply pipe without its consent,

and may recover from the person who attached the pipe or apparatus or, as the case may be, made the alteration any expenses reasonably incurred by it in doing so.”