



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

Land transactions

46 Acquisition of land by agreement

- (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(1) of this section,sections 6 and 70 to 78 of the Railways Clauses Consolidation (Scotland) Act 1845 (c.33) (as originally enacted and not as amended by section 15 of the Mines (Working Facilities and Support) Act 1923 (c.20)), and

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- (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)

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