



Water (Scotland) Act 1967

1967 CHAPTER 78

An Act to provide for the establishment of regional water boards and a Central Scotland Water Development Board, and the transfer to those boards of functions in relation to water supply in Scotland previously exercisable by local water authorities, to confer on the Central Scotland Water Development Board functions in relation to the bulk supply of water to their constituent regional water boards, to enable other regional water boards and water development boards to be established by order of the Secretary of State, to amend the Water (Scotland) Acts 1946 and 1949; and for purposes connected with the matters aforesaid. [27th May 1967]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

REGIONAL WATER BOARDS AND WATER DEVELOPMENT BOARDS

1 Establishment of regional water boards

- (1) The Secretary of State shall, as soon as practicable after the passing of this Act, by order establish boards to be called " regional water boards ".
- (2) The names of the regional water boards established by virtue of this section shall be those specified in the second column of Part I of Schedule 1 to this Act; and the area for which each such regional water board are so established shall comprise the limits of supply of the local water authorities in so far as those limits are specified in relation to that board in the third column of the said Part I, and as they existed on 1st January 1967.
- (3) The area of a regional water board shall be called a " region ".

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- (4) A regional water board established by virtue of this section—
- (a) shall come into existence on the first appointed day, being the day appointed in relation to that board by an order made by the Secretary of State for the purposes of this paragraph, and
 - (b) on and after the second appointed day, being the day (subsequent to the first appointed day) appointed in relation to that board by an order made by the Secretary of State for the purposes of this paragraph, shall perform the functions assigned or transferred to them by or under this Act.

2 Transfer to regional water boards of functions of local water authorities

- (1) Subject to the provisions of this Act, as from the second appointed day, the functions of a local water authority, any part of whose limits of supply is specified as aforesaid in relation to the region of a regional water board, shall be transferred to that board in accordance with the following provisions of this subsection:—
- (a) in the case where the said limits of supply are wholly comprised in that region, all the functions of that authority; and
 - (b) in the case where a part only of those limits of supply is comprised in that region, all the functions of that authority relating to that part,
- and on the said day any local water authority, being a joint water board, whose functions are so transferred shall cease to exist.
- (2) For the purposes of the foregoing subsection the provisions of Schedule 2 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

3 Central Scotland Water Development Board

- (1) There shall be established a water development board to be called the Central Scotland Water Development Board (in this Act referred to as " the Central Board ") which shall come into existence on the first appointed day, being such day as may be appointed by an order made by the Secretary of State for the purposes of this subsection.
- (2) The area for which the Central Board are established shall comprise the regions specified in Part II of Schedule 1 to this Act.
- (3) On and after the second appointed day, being such day (subsequent to the first appointed day) as may be appointed by an order made by the Secretary of State for the purposes of this subsection, the Central Board shall perform the functions assigned or transferred to them by or under this Act.

4 Transfer to Central Board of functions of certain joint water boards, and other functions of the Board

- (1) Subject to the provisions of this Act, on the second appointed day there shall be transferred to the Central Board the functions of any joint water board (other than a joint water board which is mentioned in the third column of Part I of Schedule 1 to this Act) whose limits of supply are comprised in their area and whose principal function is the supply of water in bulk to the constituent authorities of that board, and on that day such a joint water board shall cease to exist.

- (2) There shall be assigned to the Central Board the function of developing new sources of water supply for the purposes of giving a supply of water in bulk to two or more of the regional water boards of the regions comprised in their area.
- (3) For the purposes of this section the provisions of Schedule 2 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

5 Establishment of new regional water boards and water development boards, and alteration of regions and areas

- (1) Subject to the provisions of this section, the Secretary of State may at any time, by order—
 - (a) designate a new region (consisting of any part of Scotland, whether wholly or partly comprised in one or more than one existing region) and establish a new regional water board for the region so designated; or
 - (b) designate an area for the purpose of establishing a new water development board (consisting of any part of Scotland, whether wholly or partly comprised in such an area already existing or not) and establish such a board; or
 - (c) alter any region, or the area of any water development board, specified or designated by virtue of this Act.
- (2) Any order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient for the purposes of the order, including (but without prejudice to the generality of this subsection) such provisions as he considers necessary or expedient with respect to the transfer of functions, assets and liabilities, the amendment, adaptation or repeal of local enactments, or the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Parts III and IV of this Act or any regulations made for the purposes of the said Part III.
- (3) Where a new regional water board or a new water development board are established by an order under this section, they shall have, in addition to any other functions assigned or transferred to them by the order, the like functions as a regional water board established under section 1 of this Act or, as the case may be, as the Central Board.
- (4) The provisions of Schedule 3 to this Act shall have effect in relation to the making of an order under this section.

6 Maps of regions

- (1) The Secretary of State shall, as soon as practicable after each regional water board established by virtue of section 1 of this Act come into existence, send to the board a map of their region and shall, as soon as practicable after an order under section 5 of this Act relating to the region of a regional water board comes into operation, send to the board a map of the region as altered or, as the case may be, designated by the order.
- (2) Any map sent to a regional water board under this section, except a map which has been superseded by a subsequent map sent thereunder, shall be kept at the principal office of the board; and the board shall provide reasonable facilities for the inspection of the map by any person wishing to inspect it, and for the taking of copies of, and extracts from the map.

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- (3) Any map sent as aforesaid shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as applied to the Secretary of State for Scotland.

7 Duty of regional water boards and water development boards to consult together and to collaborate

- (1) Regional water boards and water development boards shall, in matters of common interest in relation to the performance of their functions, consult together and collaborate.
- (2) Where a regional water board or a water development board propose to investigate a potential new source of water supply, they shall give notice thereof as early as possible to any regional water board or water development board likely to be interested so that the consultation required by the foregoing subsection may begin as soon as possible.

8 Constitution of regional water boards

- (1) A regional water board shall consist of such number of members, being not less than ten and not more than twenty-five, as the Secretary of State may by order specify, or such greater number as he may so specify, if he is satisfied that that greater number is necessary in view of special circumstances relating to a particular region.
- (2) Subject to the following provisions of this section the members of a regional water board shall be appointed from and by the constituent councils of which they are members.
- (3) The number of members of a regional water board to be appointed by each constituent council shall be such number as the Secretary of State may by order specify, and in determining that number the Secretary of State shall have regard to the rateable valuation of the district of each constituent council, and to the population of that district; and in this subsection—
- (a) a reference to a district means, in a case where a part only of a district is comprised in a region of a board, that part of the district; and
 - (b) the expression "rateable valuation" has the meaning assigned to it by section 43(1) of the Valuation and Rating (Scotland) Act 1956.
- (4) Where, in the case of two or more constituent councils, the Secretary of State, having regard to the considerations mentioned in the last foregoing subsection, considers that any member of a regional water board should be appointed jointly by those councils, he may by order provide accordingly.
- (5) Where, in accordance with the last foregoing subsection, an order provides for the joint appointment of any member, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member in question shall be appointed by the Secretary of State on behalf of those councils.
- (6) In this Act, "constituent council", in relation to a regional water board, means a local authority any part of whose district is comprised in the region of that board.
- (7) The provisions of Schedule 4 to this Act shall have effect in relation to regional water boards.

9 Constitution of water development boards

- (1) The members of a water development board shall be appointed from and by the constituent boards of which they are members.
- (2) The number of members of a water development board to be appointed by each constituent board shall be two or such greater number as the Secretary of State may by order specify in relation to any constituent board where he is satisfied that the greater number is necessary in view of special circumstances relating to that board or their region.
- (3) In this Act, " constituent board ", in relation to a water development board, means a regional water board any part of whose region is comprised in the area of that water development board.
- (4) The provisions of Schedule 4 to this Act shall have effect in relation to water development boards.

PART II

FINANCIAL PROVISIONS

10 Accounts and audit

- (1) Subject to the following provisions of this section, all sums received by a regional water board or by a water development board shall be credited to and form part of the general fund of the board, and all expenditure of the board shall be defrayed out of that fund.
- (2) The general fund of each such board shall comprise a capital account and a revenue account, and such other accounts as they may require.
- (3) Each such board shall have the like power to establish either a capital fund or a renewal and repair fund or both as have a local authority by virtue of section 8 of the Local Government (Development and Finance) (Scotland) Act 1964, and the provisions of that section and of sections 9 and 10 of the said Act (provisions dealing with capital funds and renewal and repair funds) shall, so far as applicable, have effect in relation to any fund so established as they have effect in relation to a like fund established by a local authority.
- (4) For the purpose of applying Part X of the Local Government (Scotland) Act 1947 to the audit of the accounts of each such board, section 206 of that Act (audit of accounts of joint committees and boards) shall have the like effect in relation to those accounts as it has in relation to the accounts of a joint board.
- (5) For the purposes of this and the next following section, the provisions of the said Act of 1947 mentioned in this subsection shall apply with any necessary modifications to a regional water board and to a water development board as they apply to a county council, that is to say.—
 - (a) section 178(2) and (3) (keeping of bank accounts),
 - (b) section 189 (accounts to be made up yearly), and
 - (c) section 190 (audited accounts to be laid before local authority for approval).

11 Estimates and requisitions

- (1) Before, or as soon as may be after, the commencement of each financial year, each regional water board and water development board shall cause to be prepared estimates in respect of that year of income and of expenditure.
- (2) Each such board shall consider before, or as soon as may be after, the commencement of each financial year the estimates for that year, and shall, where appropriate, revise such estimates, approve the estimates revised or unrevised, as the case may be, authorise the expenditure included therein, and fix for that year the aggregate amount required to be requisitioned by the board under this Part of this Act from their contributing authorities.
- (3) Subject to the provisions of the next following subsection, each such board shall—
 - (a) in the case of a regional water board, on a date not later than 1st July in any year, and
 - (b) in the case of a water development board, on a date not later than 1st June in any year,cause a requisition in respect of the financial year commencing in that year to be sent to their contributing authorities requiring each of them to pay such sum as may be apportioned to each under the subsequent provisions of this Part of this Act, and each of those authorities shall, at such intervals and by such instalments as they and the board agree and failing agreement as the Secretary of State may determine, pay over to the board the sum so requisitioned.
- (4) The Secretary of State may, for either of the first two financial years of a board in respect of each such year, either vary the date specified in relation to a requisition by the board by the last foregoing subsection, or waive the requirement imposed by that subsection on the board to cause a requisition to be sent.
- (5) The provisions of Part XI of the Local Government (Scotland) Act 1947 relating to requisitions by local authorities shall apply to any requisition under this section subject to such adaptations and modifications as may be prescribed.
- (6) For the purposes of this Part of this Act—
 - (a) the financial year of every board shall be the year commencing on the sixteenth day of May in any year and ending on the fifteenth day of May in the year immediately following thereon; and
 - (b) "contributing authority" means—
 - (i) in relation to a regional water board, a constituent council and any other local authority in whose district water is supplied to premises by the board; and
 - (ii) in relation to a water development board, a constituent board.

12 Calculation of amount to be requisitioned by regional water boards

- (1) For the purposes of a requisition referred to in section 11(2) of this Act, the aggregate amount required to be raised from their contributing authorities by a regional water board for any financial year, shall be the sum by which their estimated expenditure chargeable to the revenue account of their general fund exceeds the estimated income of that account, and there shall be added to, or as the case may be, deducted from, that sum any sum required to be brought forward, either as a debit or as a credit, from a previous financial year.

- (2) Subject to the provisions of subsection (5) of this section, in respect of one third of the aggregate amount calculated under the foregoing subsection, the sum to be requisitioned from each contributing authority of a regional water board shall bear to that third the same proportion as the rate product of the relevant part of the district of that authority bears to the aggregate of the rate products of the relevant parts of the districts of all such authorities, and—
- (a) for the purposes of this subsection "rate product" means the product of a rate of one penny in the pound or the standard penny rate product, whichever is the higher for the relevant financial year, and the expressions " product of a rate of one penny in the pound " and " standard penny rate product " have the meanings assigned to them by section 9 of the Local Government (Financial Provisions) (Scotland) Act 1963 ;
 - (b) for the purposes of this and the next following subsection, " relevant financial year " means the financial year of the contributing authority preceding the financial year of that authority in respect of which the requisition is made on the authority, and " relevant part of a district " means—
 - (i) in relation to the district of a constituent council, that district, or, where only part of the district is within the region of the board, that part, exclusive of any premises to which a supply of water is given by another board, but inclusive of any premises, outside the region of the board, to which a supply of water is given by the board and
 - (ii) in relation to the district of any other contributing authority, any premises in their district to which a supply of water is given by the board.
- (3) Subject to the following provisions of this section, in respect of the remainder of the said aggregate amount, the sum to be requisitioned from each contributing authority of a regional water board shall bear to that remainder the same proportion as the product of a domestic water rate of one penny in the pound for the relevant financial year, levied on the relevant part of the district of that authority, bears to the aggregate of the products of such a rate levied on the relevant parts of the districts of all such authorities for the relevant financial year.
- (4) In relation to the reference in the foregoing subsection to the product of a domestic water rate of one penny in the pound for the relevant financial year levied for the relevant part of a district, section 9(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 shall apply, as it applies to the references in Part I of that Act to the product of the rate of one penny in the pound, with the substitution for the words " that area " of the words " that part"; and for the purposes of the said section 9(1), as so applied, subsection (2) of that section shall also apply.
- (5) Where, in the case of any regional water board, the Secretary of State considers, having regard to all the circumstances, that it would be unreasonable or inequitable that the methods of calculating the sums to be requisitioned, as required by subsections (2) and (3) of this section should apply, he may by order modify the requirements of either or both of the said subsections or specify a different method of calculation and, in either event, may so specify the financial years during which the provisions of the said order are to operate, and in relation to that board in respect of those years the provisions of those subsections as so modified, or, where the said order specifies a different method of calculation, the provisions of that order, shall have effect for the purposes of this section.

- (6) For the purpose of making any calculation required by this section, section 12 of the Local Government (Scotland) Act 1966 (apportionments, allocations etc. relating to local authorities) shall apply as that section applies to section 7(1) of the Local Government (Financial Provisions) (Scotland) Act 1963 with the modification that in subsections (1) and (2) after the words "rate product" there shall be inserted the words "and the product of a domestic water rate of one penny in the pound".

13 Calculation of amount to be requisitioned by water development boards

For the purposes of a requisition referred to in section 11(2) of this Act, the aggregate amount required to be raised from their constituent boards by a water development board for any financial year shall be apportioned in accordance with a scheme prepared and approved in accordance with the provisions of this Part of this Act and referred to as an "apportionment scheme"; and for the purposes of ascertaining the said aggregate amount section 12(1) of this Act shall apply as it applies to the aggregate amount required to be raised by a regional water board.

14 Apportionment schemes

- (1) By such a date as the Secretary of State may specify, a water development board shall prepare and submit to him a scheme for his approval as an apportionment scheme.
- (2) Such a scheme as aforesaid shall provide for an apportionment between the constituent boards of a water development board of the aggregate amount to be requisitioned from those boards and shall have regard to the general principle that the amount to be requisitioned from each constituent board is to be proportionate to the quantities of water supplied and expected to be supplied to that board by the water development board.
- (3) When such a scheme as aforesaid has been approved, with or without modifications, by the Secretary of State as an apportionment scheme, it shall come into operation on such a date and for such a period (if any) as may be specified in the apportionment scheme, and, where any period is so specified, the Secretary of State may approve an application for an extension of that period.

15 Revision of apportionment schemes

- (1) Where an apportionment scheme is for the time being in force in respect of a water development board, the board may apply to the Secretary of State for a revision of that scheme, and any such application shall include the submission for his approval of a new apportionment scheme prepared by the board either by way of variation of, or substitution for, the apportionment scheme in force at the time of the application,
- (2) The Secretary of State may require a water development board to make, by such a date as he may specify, such an application as aforesaid.
- (3) Section 14(2) and (3) of this Act shall apply to a new apportionment scheme as it does to an apportionment scheme.
- (4) The reference in section 13 of this Act to an apportionment scheme in relation to any water development board shall be construed as a reference to an apportionment scheme which is for the time being in force in respect of requisitions made by that board.

16 Default by water development board on apportionment scheme

In the event of a water development board failing to submit an apportionment scheme, or, as the case may be, a new apportionment scheme, for approval by the date by which it is due, the Secretary of State shall, after consultation with the water development board and their constituent boards, make on behalf of that board an apportionment scheme or a new apportionment scheme (whichever is appropriate) and the scheme so made shall be binding on the water development board and their constituent boards.

17 Borrowing powers

A regional water board and a water development board shall have power to borrow; and for this purpose Part XII of the Local Government (Scotland) Act 1947 (other than section 258(1)(d)(e)(f) and (g)) shall apply, with any necessary modifications, to any such board as it applies to a county council.

PART III

TRANSFER OF UNDERTAKINGS OF LOCAL WATER AUTHORITIES

18 General provisions for transfer of assets and liabilities

- (1) The provisions of this section, and of the four next following sections, shall have effect in the case of any local water authority (in those provisions referred to as " the authority ") whose functions are transferred on the second appointed day to a board, being a regional water board or the Central Board (in those provisions referred to as " the board ").
- (2) All property, rights, liabilities and obligations which, immediately before the second appointed day, were property, rights, liabilities and obligations of the authority shall on that day, by virtue of this Act, be transferred to, and vest in, the board.
- (3) Subject to the following provisions of this section, every agreement to which the authority were a party immediately before the second appointed day, whether in writing or not and whether or not of such a nature that rights, liabilities and obligations thereunder could be assigned by the authority, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the second appointed day as if—
 - (a) the board had been a party to the agreement;
 - (b) for any reference (however worded and whether express or implied) to the authority there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to the board ; and
 - (c) for any reference (however worded and whether express or implied) to any member or officer of the authority there were substituted, in relation to anything falling to be done on or after the second appointed day, a reference to such person as the board may appoint, or, in default of appointment, to the member or officer of the board who corresponds as nearly as may be to the member or officer of the authority.
- (4) Other documents which refer, whether specifically or generally, to the authority shall be construed in accordance with the provisions of the last foregoing subsection, so far as applicable.

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- (5) The last foregoing subsection does not apply to enactments, orders, schemes, regulations, awards or byelaws in relation to which the provisions of Schedule 2 to this Act have effect.
- (6) Without prejudice to the generality of the foregoing provisions of this section, where, by the operation of any of those provisions any right, liability or obligation vests in the board, the board and all other persons shall, as from the second appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal or other proceedings) for ascertaining, completing or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of the board.
- (7) Any legal or other proceedings to which the authority are a party and which are pending on the second appointed day may be continued on and after that day as if the board instead of the authority had been a party thereto.

19 Supplementary provisions as to transfer of assets and liabilities

- (1) The Secretary of State may make regulations providing for the registration of the title of the board to assets vesting in them by virtue of the last foregoing section, being assets of a kind subject to provisions for the registration of title thereto, for the completion of the title of the board to heritable property vesting in them as aforesaid, and for any other matters for which provision appears to the Secretary of State to be necessary or expedient for the purpose of securing the effective transfer of any assets vesting in the board by virtue of that section.
- (2) Where any liability in respect of moneys borrowed by, or on behalf of, the authority is transferred by virtue of the last foregoing section, that liability shall be secured in like manner as moneys which may be borrowed by the board under section 17 of this Act.
- (3) Where it is impracticable that a liability of a local authority, in respect of their functions as a local water authority, should be transferred as aforesaid, by reason of the borrowing arrangements of that authority or otherwise, the board shall, in lieu of payments in respect of that liability, make such payments to the local authority as may be agreed.
- (4) Where the limits of supply of the authority are comprised in two or more regions, the property, rights, liabilities and obligations of that authority shall be allocated among the regional water boards of those regions in such a manner as relates that allocation to the functions transferred to each of those boards, and the provisions of this section and of the last foregoing section shall apply accordingly.
- (5) Where the authority being a local authority have on or after 1st January 1967 used or have had available for use property of the local authority that property shall for the purposes of section 18(2) of this Act be dealt with in accordance with arrangements made between the board and the local authority.
- (6) Property vested in the board by virtue of the last foregoing section shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895.

20 Disposal of assets due to be transferred

Where, on or after 1st January 1967, the authority have disposed of any property which would, but for that disposal, have been transferred to the board on the second

appointed day, and the liabilities which are so transferred have not been reduced by an amount equal to the full market value of that property as at the date of its disposal, then, unless either the board or the Secretary of State determine otherwise, that authority shall indemnify the board accordingly, and in this section any reference to the disposal of property includes, in the case of a local water authority being a local authority, a reference to the transfer of property from the local authority in their capacity as a local water authority to themselves in any other capacity.

21 Transfer of officers and servants

- (1) Where all the functions of the authority have been transferred to one board, that board shall take over and employ, as from the second appointed day, any person, who immediately before that day was employed by the authority solely in connection with those functions, where that person is willing to enter the employment of the board on terms and conditions which, so far as practicable, are not less favourable than those on which he was employed by the authority immediately before that day.
- (2) Where the functions of the authority have been transferred to more than one board, any person employed by the authority solely in connection with the functions transferred to one of those boards immediately before the second appointed day shall be taken over and employed by that board where that person is willing to enter the employment of that board on such terms and conditions as aforesaid.

22 Determination of disputes

Any dispute arising from the operation of the foregoing provisions of this Part of this Act shall be determined by the Secretary of State or by an arbiter appointed by him.

23 Superannuation

- (1) As from the first appointed day—
 - (a) a regional water board and a water development board shall be included among the local authorities specified in Part I of Schedule 1 to the Local Government Superannuation (Scotland) Act 1937 (which enumerates local authorities whose whole-time officers are compulsorily superannuable); and
 - (b) the Secretary of State shall, for the purposes of that Act in relation to the employees, being contributory employees or local Act contributors, of each such board, by order designate as the superannuation fund in relation to such employees of a board—
 - (i) in the case of a regional water board, the fund (whether a superannuation fund maintained under Part I of that Act or a fund maintained under a local Act) of the constituent council which he may consider to be the most appropriate ; and
 - (ii) in the case of a water development board, the fund so designated for a constituent board, which he may consider to be the most appropriate;and in the said Act in Schedule 1, at the end of Part I, there shall be added the words " a regional water board and a water development board ".
- (2) For the purposes of the foregoing subsection in relation to such employees as aforesaid.—
 - (a) section 4 of the said Act of 1937 shall not apply, and

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- (b) where the fund designated in relation to them is maintained by a local Act authority, they shall be deemed to be the employees of the local Act authority, and section 3 of that Act shall not apply.
- (3) An order under this section may provide for the extending, with such modifications as may be specified in the order, of the provisions of the Local Government Superannuation (Scotland) Acts 1937 to 1953, or any local Act scheme within the meaning of those Acts, to such employees as aforesaid who have entered the employment of the board by virtue of section 21 of this Act, or for modifying, in respect of such employees as may be so specified, the provisions of the said Acts or any such scheme.

24 Saving for acts of local water authorities

- (1) Neither the transfer of functions of a local water authority nor the dissolution of a local water authority by or under this Act shall invalidate any order, regulation, byelaw, appointment, direction, instruction, approval, consent, resolution, requisition, charge, requirement or authorisation made, given, passed, issued or raised or other thing done in the performance of the functions of the local water authority before the second appointed day.
- (2) Subject and without prejudice to the foregoing provisions of this Part of this Act, every such thing as is mentioned in the foregoing subsection, in so far as it could have been done by the board to whom the functions of the local water authority are transferred by section 2 or section 4 of this Act shall be deemed to have been so done, and shall, as from the second appointed day, continue to have the same effect, within the former limits of supply of that local water authority, as it had immediately before that day.

PART IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

25 Compensation of officers and servants

For the provision of compensation to, or in respect of, persons who suffer loss of employment or loss or diminution of emoluments by reason of the operation of this Act, in the Water Officers Compensation Act 1960, in section 1(1), there shall be inserted the following paragraphs.—

- “(e) section 2 or 4 of the Water (Scotland) Act 1967; or
- (f) an order made by the Secretary of State under section 5 of the said Act of 1967.”

26 Provision of services for the boards

For the performance of the functions assigned or transferred by virtue of this Act to any board, a local authority may provide a regional water board or a water development board with such services as any such board may request; and any regional water board or water development board may make such provision as aforesaid for any other such board.

27 Supplementary provisions relating to determination of disputes

- (1) Where, for the purposes of the Water (Scotland) Acts 1946 to 1967, the Secretary of State or an arbiter is required to determine a dispute, the following provisions of this section shall apply in relation to that determination.
- (2) Any such arbiter shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the examination of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission.
- (3) The arbiter may, and, if so directed by the Court of Session, shall, state a case for the opinion of that Court on any question of law arising in the proceedings.
- (4) Any award of the Secretary of State or, as the case may be, of an arbiter, under the said Acts may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

28 Agreements not to be entered into between first and second appointed days by the local water authority without the consent of the regional water board or of the water development board

- (1) Between the first and second appointed days it shall not be competent for a local water authority, without the previous consent of the regional water board or, as the case may be, the water development board concerned.—
 - (a) to enter into an agreement to give a supply of water; or
 - (b) to enter into any other agreement or incur any liability, other than an agreement or a liability necessary for, and entered into or incurred in, the ordinary course of carrying on their undertaking ; or
 - (c) to increase the remuneration, salaries, wages or other emoluments of any of their officers or servants employed for the performance of their functions, except in accordance with any contract of service or scale of remuneration or at the instance of any wage-negotiating body.
- (2) Nothing in any agreement made in contravention of this section shall impose any liability on the board.

29 Power of regional water boards and water development boards to promote or oppose private legislation

- (1) Subject to the provisions of this section, a regional water board or a water development board (in this section referred to as " a board ") may petition for the issue of a provisional order under the Private Legislation Procedure (Scotland) Act 1936 or oppose any private legislation in Parliament where they are satisfied that it is expedient so to do, and may defray the expenses incurred in relation thereto.
- (2) A board shall not petition for the issue of a provisional order as aforesaid without the consent of the Secretary of State, and the Secretary of State shall not give such a consent unless he is satisfied that the powers sought by the proposed order cannot be obtained by means of an order under the Water (Scotland) Acts 1946 to 1967.
- (3) An application for the consent of the Secretary of State for the purposes of this section shall be accompanied by a concise summary of the purposes of the proposed order.

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

- (4) In this section " private legislation in Parliament" includes a provisional order, and the confirmation Bill relating thereto under the said Act of 1936, and any local or personal Bill.

30 Regulations to prevent waste, misuse or contamination of water

- (1) The Secretary of State may make regulations for any of the purposes for which byelaws may be made under section 60 of the Water (Scotland) Act 1946 (byelaws for the prevention of waste, misuse or contamination of water); and any such regulations shall have effect in substitution for any such byelaws in force immediately before the coming into force of these regulations.
- (2) Any reference in the said Act of 1946 to a byelaw made under the said section 60 (other than a reference in section 62(1), (2) and (4) to byelaws) shall include a reference to a regulation made under this section.

31 Consultation with authorities in England

- (1) Where a region adjoins any part of England, and it appears to the regional water board that there may be water in watercourses or underground strata in that part of England, or in the region, which could be transferred from that part of England to the region, or from the region to that part of England, as the case may be, the regional water board shall, in so far as they consider it appropriate to do so, consult with the river authorities and other appropriate authorities in that part of England with a view to securing the best use of that water in the public interest.
- (2) In the foregoing subsection the reference to water in underground strata shall be construed as a reference to water contained in strata subjacent to the surface of any land otherwise than in a sewer, pipe, reservoir, tank or other underground works constructed in any such strata.

32 Repeal, amendment and adaptation of local enactments

- (1) If it appears to the Secretary of State that any local enactment passed or made before the second appointed day is inconsistent with any of the provisions of the Water (Scotland) Acts 1946 to 1967 or of any orders or regulations made thereunder, or requires to be amended or adapted, having regard to any of the provisions of those Acts or of any such order or regulation, he may by order repeal, amend or adapt that enactment to such extent, or in such manner, as he considers appropriate.
- (2) The power conferred on the Secretary of State by the foregoing subsection shall include power to consolidate any such local enactments as aforesaid, with or without amendments.
- (3) Any order under this section may include such transitional, incidental, supplementary and consequential provisions as the Secretary of State may consider necessary or expedient.
- (4) The provisions of this section shall have effect without prejudice to the exercise of any power to repeal, amend or adapt local enactments which is conferred by any other enactment, including any enactment contained in this Act.

33 Regulations and orders

- (1) Any power to make regulations under this Act shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Regulations made under section 30 of this Act may be made so as to apply in all parts of Scotland or to apply only in such part or parts as may be specified in the regulations, and may contain different provisions for different parts, or for different circumstances in any such part.
- (3) Any power to make orders under this Act shall be exercisable by statutory instrument.
- (4) Before making an order under this Act the Secretary of State shall consult all local authorities whose districts are affected by the order and all regional water boards and water development boards whose regions or areas are so affected; but nothing in this subsection shall require the Secretary of State to have such consultation as aforesaid—
 - (a) with a local authority, where the order relates only to a water development board or their area, unless the consultation takes place before the first appointed day relating to a regional water board in whose region the district, or any part of the district, of the local authority is to be comprised, or
 - (b) with a water development board, where the order relates only to any regional board or their region.
- (5) Any power conferred by this Act to make orders shall include a power, exercisable in the like manner and subject to the same conditions, to vary or revoke any such order.

34 Interpretation

- (1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - " apportionment scheme " has the meaning assigned to it by section 13 of this Act;
 - " Central Board " has the meaning assigned to it by section 3(1) of this Act;
 - " constituent board " has the meaning assigned to it by section 9(3) of this Act;
 - " constituent council " has the meaning assigned to it by section 8(6) of this Act;
 - " contributing authority " has the meaning assigned to it by section 11 (6) of this Act;
 - " first appointed day " means the day so named in an order made under section 1(4) (a) or 3(1) of this Act, as the case may be;
 - " local authority " means a county or town council;
 - " performance ", in relation to functions, includes the exercise of powers as well as the performance of duties, and " perform " shall be construed accordingly;
 - " region " has the meaning assigned to it by section 1 of this Act;
 - " regional water board " means a board established under section 1(1) or section 5(1)(a) of this Act;
 - " repeal ", in relation to a local enactment not contained in an Act, means revoke ;

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" second appointed day " means the day so named in an order made under section 1(4)(b) or 3(3) of this Act, as the case may be ;

" water development board " means a board established by virtue of section 5(1)(b) of this Act and includes the Central Board.

- (2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.
- (3) This Act shall be construed as one with the Water (Scotland) Acts 1946 and 1949 and, without prejudice to the generality of the foregoing provisions, references in those Acts to any provision of those Acts shall be construed as references to that provision as amended by this Act.

35 Amendment of the Water (Scotland) Acts 1946 and 1949, and repeals

- (1) Subject to the provisions of subsection (3) of this section, the Water (Scotland) Acts 1946 and 1949 shall have effect subject to the amendments set out in Schedule 5 to this Act.
- (2) Subject to the provisions of the next following subsection, the enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3)
 - (a) The amendments of the enactments specified in Part I of the said Schedule 5 shall not have effect until 16th May 1968 ;
 - (b) the repeal of the enactments specified in Part I of the said Schedule 6 shall not have effect until 16th May 1968.
- (4) In relation to any board established by virtue of this Act—
 - (a) the amendment of the enactment specified in Part II of the said Schedule 5 shall not have effect until the first appointed day;
 - (b) the amendments of the enactments specified in Part III of that Schedule shall not have effect until the second appointed day;
 - (c) the repeal of the enactments specified in Part II of the said Schedule 6 shall not have effect until the second appointed day.

36 Short title and extent

- (1) This Act may be cited as the Water (Scotland) Act 1967, and this Act and the Water (Scotland) Acts 1946 and 1949 may be cited together as the Water (Scotland) Acts 1946 to 1967.
- (2) This Act (except paragraph 16 of Schedule 2) shall extend to Scotland only.

SCHEDULES

SCHEDULE 1

Sections 1 and 3.

REGIONAL WATER BOARDS AND THEIR REGIONS, AND THE AREA
OF THE CENTRAL SCOTLAND WATER DEVELOPMENT BOARD

PART I

REGIONAL WATER BOARDS

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
1	The Argyll Water Board	Limits of supply of:— Argyll County Council Campbeltown Town Council Dunoon Town Council Inveraray Town Council Lochgilphead Town Council Oban Town Council Tobermory Town Council
2	The Ayrshire and Bute Water Board	Limits of supply of:— Ardrossan Town Council Ayr County Council Ayr Town Council Bute County Council Cumnock and Holmhead Town Council Darvel Town Council Galston Town Council Girvan Town Council Irvine and District Water Board Kilmarnock Town Council Largs Town Council Maybole Town Council Millport Town Council Newmilns and Greenholm Town Council

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

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
3	The East of Scotland Water Board	Prestwick Town Council Rothesay Town Council Stewarton Town Council Troon Town Council Limits of supply of:— Aberfeldy Town Council Abernethy Town Council Alyth Town Council Angus County Council Arbroath Town Council Auchterarder Town Council Blairgowrie, Rattray and District Water Board Brechin Town Council Callander Town Council Coupar Angus Town Council Crieff Town Council Doune Town Council Dunblane Town Council Dundee Corporation Forfar Town Council Inverbervie Town Council Kincardine County Council so far as lying to the south of a line running from a point (map reference NO 597777) on the boundary between the Counties of Kincardine and Angus along the southern boundary of the catchment area of the River Dee to the summit of Curlethney Hill (map reference NO 839919) and thence straight to Garron Point (map reference NO 894877) Kirriemuir Town Council

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
4	The Fife and Kinross Water Board	Laurencekirk Town Council Loch Lee Water Board Montrose Town Council Perth County Council Perth Town Council Pitlochry Town Council Stonehaven Town Council Limits of supply of:— Auchtermuchty Town Council Burntisland Town Council Cowdenbeath Town Council Cupar Town Council Dunfermline Town Council Elie, Earlsferry and St. Monance Joint Water Committee Elie and Earlsferry Town Council Falkland Town Council Fife County Council Inverkeithing Town Council Kilrenny, Anstruther Easter and Anstruther Wester Town Council Kinghorn Town Council Kinross County Council Kinross Town Council Kirkcaldy Town Council Leslie Town Council Leven Town Council Newburgh Town Council Pittenweem, Kilrenny and Anstruther Joint Water Committee Pittenweem Town Council St. Andrews Town Council St. Monance Town Council

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

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
5	The Inverness-shire Water Board	Limits of supply of:— Fort William Town Council Inverness County Council Inverness Town Council Kingussie Town Council
6	The Lanarkshire Water Board	Limits of supply of:— Airdrie, Coatbridge and District Water Board Biggar Town Council Daer Water Board Hamilton Town Council Lanark County Council, other than that part thereof lying within the burghs of Bishopbriggs and Rutherglen Lanark Town Council Motherwell and Wishaw Town Council
7	The Lower Clyde Water Board	Limits of supply of:— Clydebank and District Water Trust Cove and Kilcreggan Town Council Dumbarton Town Council Dunbarton County Council, other than that part thereof lying within the parishes of Cumbernauld and Kirkintilloch Glasgow Corporation Gourock Town Council Greenock Town Council Helensburgh Town Council Lanark County Council so far as lying within the burghs of Bishopbriggs and Rutherglen Milngavie Town Council Paisley Town Council

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
8	The Mid-Scotland Water Board	Port Glasgow Town Council Renfrew County Council Limits of supply of:— Alloa Town Council Alva Town Council Bridge of Allan Town Council Clackmannan County Council Denny and Dunipace Town Council Dollar Town Council Dunbarton County Council so far as lying within the parishes of Cumbernauld and Kirkintilloch Grangemouth Town Council Kilsyth Town Council Kirkintilloch Town Council Stirling County Council Stirling Town Council Stirlingshire and Falkirk Water Board Tillicoultry Town Council West Lothian Water Board so far as lying to the west of a line running from a point (map reference NS 976784) on the River Avon along the medium filum of the road from Kinneil Mills past Upper Kinneil to the junction (map reference NS 972802) of the road leading west to Nether Kinneil and thence straight to a point (map reference NS 969819) on the county boundary
9	The North of Scotland Water Board	Limits of supply of:—

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

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
10	The North-East of Scotland Water Board	Caithness County Council Dornoch Town Council Kirkwall Town Council Lerwick Town Council Orkney County Council Stromness Town Council Sutherland County Council Thurso Town Council Wick Town Council Zetland County Council Limits of supply of:— Aberchirder Town Council Aberdeen Corporation Aberdeen County Council Aberlour Town Council Ballater Town Council Banchory Town Council Banff County Council Banff Town Council Buckie Town Council Buckie and Portknockie Joint Water Committee Cullen Town Council Dufftown Town Council Ellon Town Council Findochty Town Council Forres Town Council Fraserburgh Town Council Grantown-on-Spey Town Council Huntly Town Council Inverurie Town Council Keith Town Council Kincardine County Council so far as lying to the north of a line running from a point (map reference NO 597777) on the boundary between the Counties of Kincardine and Angus along the southern boundary of

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
		<p>the catchment area of the River Dee to the summit of Curlethney Hill (map reference NO 839919) and thence straight to Garron Point (map reference NO 894877)</p> <p>Kintore Town Council Laich of Moray Water Board Lower Deveron Water Board Macduff Town Council Moray County Council Nairn County Council Nairn Joint Water Board Nairn Town Council Oldmeldrum Town Council Peterhead Town Council Portknockie Town Council Portsoy Town Council Rosehearty Town Council Rothes Town Council Turriff Town Council</p>
11	The Ross and Cromarty Water Board	<p>Limits of supply of:—</p> <p>Cromarty Town Council Dingwall Town Council Fortrose Town Council Invergordon Town Council Ross and Cromarty County Council Stornoway Town Council Tain Town Council</p>
12	The South-East of Scotland Water Board	<p>Limits of supply of:—</p> <p>Berwick County Council Bo'ness Town Council Coldstream Town Council Duns Town Council East Lothian Water Board</p>

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

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
13	The South-West of Scotland Water Board	<p>Edinburgh Corporation Eyemouth Town Council Galashiels Town Council Hawick Town Council Innerleithen Town Council Jedburgh Town Council Kelso Town Council Lauder Town Council Melrose Town Council Peebles County Council Peebles Town Council Roxburgh County Council Selkirk County Council Selkirk Town Council West Lothian Water Board other than that part thereof lying to the west of a line running from a point (map reference NS 976784) on the River Avon along the medium filum of the road from Kinneil Mills past Upper Kinneil to the junction (map reference NS 972802) of the road leading west to Nether Kinneil and thence straight to a point (map reference NS 969819) on the county boundary.</p> <p>Limits of supply of:— Annan Town Council Castle Douglas Town Council Dalbeaththe Town Council Dumfries County Council Dumfries Town Council Gatehouse Town Council Kirkcudbright County Council</p>

<i>No.</i>	<i>Names of regional water boards</i>	<i>Regions</i>
		Kirkcudbright Town Council Langholm Town Council Lochmaben Town Council Lockerbie Town Council Moffat Town Council New Galloway Town Council Newton Stewart Town Council Sanquhar Town Council Stranraer Town Council Whithorn Town Council Wigtown County Council Wigtown Town Council

PART II

THE AREA OF THE CENTRAL SCOTLAND WATER DEVELOPMENT BOARD

Regions of:—

- The Ayrshire and Bute Water Board
- The East of Scotland Water Board
- The Fife and Kinross Water Board
- The Lanarkshire Water Board
- The Lower Clyde Water Board
- The Mid-Scotland Water Board
- The South-East of Scotland Water Board

SCHEDULE 2

Sections 2 and 4.

ADAPTATION OF STATUTORY PROVISIONS AND ENACTMENTS
IN CONSEQUENCE OF TRANSFER OF FUNCTIONS**PART I***Introductory*

- 1 The provisions of this Schedule shall have effect as from the second appointed day.

PART II

General Adaptation of Statutory Provisions

- 2 Subject to the following provisions of this Schedule, all enactments, orders, schemes, regulations, awards and byelaws passed or made before the second appointed day, whether before or after the passing of this Act, shall have effect subject to the following adaptations—
- (a) general references to a local water authority or to the limits of supply or to the area or district of such an authority shall be construed respectively as references to a regional water board or the region of such a board ;
 - (b) any such general references as aforesaid in any of the following provisions of the Water (Scotland) Acts 1946 and 1949, that is to say.—
 - (i) sections 12, 19, 20, 21, 22, 25, 26, 38, 44, 50, 58, 60, 61, 62, 63, 65, 72, 78, and 84(3), of, and Schedule 1 and Part I of Schedule 3 to the Water (Scotland) Act 1946, and
 - (ii) sections 23 and 24 of, and Schedule 1 to, the Water (Scotland) Act 1949,
 shall be construed as including a reference to a water development board or the area of such a board ;
 - (c) any general reference in sections 1, 24 and 43 of, and Schedule 1 to, the said Act of 1946 and in section 31 of the said Act of 1949 to a local authority or their district, in relation to a supply of water, shall be construed as a reference to a regional water board or their region;
 - (d) any such general reference as aforesaid in the said sections and the said Schedule shall be construed as including a reference to a water development board or the area of such a board;
 - (e) any reference in the Water (Scotland) Acts 1946 and 1949 to a supply of water shall, in relation to a water development board, be construed as a reference to a supply of water in bulk to one or more regional water boards or to another water development board, and the expression " consumer " shall be construed accordingly;
 - (f) references to a particular local water authority or to the limits of supply of a particular local water authority shall be construed as references to the appropriate regional water board or the appropriate region of such a board, as the case maybe.
- 3 In the foregoing paragraph " appropriate regional water board " in relation to a local water authority means the regional water board in relation to which the limits of supply of that authority are specified in the third column of Schedule 1 to this Act, and " the appropriate region " shall be construed accordingly.
- 4 The provisions of sub-paragraph (f) of paragraph 2 of this Schedule shall apply in relation to the Central Board and their area as they apply to a regional water board and their region subject to the following modifications—
- (a) for any reference to a local water authority there shall be substituted a reference to a joint water board whose functions are transferred to the Central Board under this Act; and
 - (b) for any reference to the appropriate regional water board or to the appropriate region of such a board there shall be substituted a reference to the Central Board and to their area.

PART III*Specific Adaptations of the Water (Scotland) 1946 c. 42*

- 5 In section 2.—
- (a) for the words " local water authority " and " water authority " there shall be substituted the words " regional water board or water development board ",
 - (b) in paragraph (a), for the words from " the area where " to " supply water " there shall be substituted the words " their area ",
 - (c) at the end of the section there shall be added the following subsection—
 - “(2) For the purposes of this section the expression " area", in relation to a regional water board, means their region.”
- 6 In section 8, for any reference to a local authority there shall be substituted a reference to a regional water board, and for any reference to the district of a local authority there shall be substituted a reference to a region.
- 7 In section 13.—
- (a) for any reference to a local authority or a local water authority there shall be substituted a reference to a regional water board and a water development board ; and
 - (b) in subsection (1)(b), the words from " supplying " to " enactment " shall be omitted.
- 8 In section 24.—
- (a) in subsection (1)(b) for the words from " whether " to " not" there shall be substituted the words " not being a regional water board or a water development board "; and
 - (b) in subsection (2) the words " whether a local water authority or not " shall be Omitted.
- 9 In section 29(1), after the words " local authority " there shall be inserted the words " or a regional water board ", and after the word " district", there shall be inserted the words " or, as the case may be, their region " .
- 10 In section 30, after the words " local authority " there shall be inserted the words " or a regional water board ", and after the word " district", there shall be inserted the words " or, as the case may be, their region " .
- 11 In section 44, in subsection (1), for the words from " sixteen " to "forty-two" there shall be substituted the words " 19 or section 21 " ; and in subsection (2) the words " supplying water under a local enactment " , and the proviso shall be omitted.
- 12 In section 46, for the words "a local authority supplying or authorised to supply water under this Act" there shall be substituted the words " a regional water board or a water development board " .
- 13 Notwithstanding the provisions of paragraphs 2(c) and (d) of this Schedule, paragraphs 2, 11 and 19 of Schedule 1 shall continue to have effect as if any notice, required by the provisions of those paragraphs to be served on a local authority, continued to be so required.

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Specific Adaptations of Other Enactments

- 14 In the Rural Water Supplies and Sewerage Act 1944, local authorities, for the purposes of section 1, shall, in relation to sewerage or the disposal of sewage, be those specified in subsection (6) of that section, as read with section 7, and in relation to the provision of a water supply, shall be the regional water boards.
- 15 In the New Towns Act 1946—
- (a) in section 9 as read with section 25(11)—
 - (i) in subsection (1), the word " water " shall be omitted, and
 - (ii) in subsections (2), (3) and (4), after the words " local authority " wherever occurring there shall be inserted the words " or, as the case may be, the regional water board ",
 - (b) in section 25(23), after the expression " local authority " where first occurring there shall be inserted the words " or, as the case may be, a regional water board " , and
 - (c) in section 26(1), there shall be inserted the following definition—

“" regional water board " has the meaning assigned to it by section 34(1) of the Water (Scotland) Act 1967.”
- 16 In the Water Resources Act 1963, in section 127—
- (a) in subsection (1), for the words "local water authorities" there shall be substituted the words " regional water boards "; and
 - (b) in subsection (2), for the words from " " local water authority " " to " 1946 " there shall be substituted the words

“" regional water board " and " river purification authority " have the meanings assigned to them respectively by section 34(1) of the Water (Scotland) Act 1967”.
- 17 In the Local Government (Scotland) Act 1966, any reference to a water undertaking or a local water authority or their limits of supply shall include a reference to a water development board or their area, and water supplied by such a board in bulk shall, for the purposes of Schedule 2 to that Act, be deemed to be supplied for distribution or use outside the area of that board.
- 18 For the purposes of Part II of Schedule 2 to the said Act of 1966, any transfer, in whole or in part, under the Water (Scotland) Acts 1946 to 1967, of the undertaking of a local water authority, or of a regional water board or of a water development board to such a board shall be deemed to be an amalgamation of water undertakings.

SCHEDULE 3

Section 5.

PROCEDURE FOR MAKING AN ORDER UNDER SECTION 5

- 1 Before making an order under section 5 of this Act the Secretary of State shall prepare a draft order, and shall cause a notice to be published in the Edinburgh Gazette and in such other manner as he thinks best for the purpose of the informing of persons affected by the order—
- (a) stating the general effect of the order;
 - (b) specifying the places where copies of the draft order, and any map relating thereto, may be inspected by any person free of charge at all reasonable

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- times during a period of not less than twenty-eight days beginning with the date on which the notice is published as aforesaid ; and
- (c) stating that any person affected by the order may within that period, by notice in writing to the Secretary of State, object to the making of the order.
- 2 The Secretary of State shall cause a copy of a notice published in pursuance of the foregoing paragraph to be served on every local authority and board which he has consulted in pursuance of section 33(4) of this Act.
- 3 If no objection is duly made under paragraph 1 of this Schedule or if all objections so made are withdrawn, the Secretary of State may proceed to make the order either in the form of the draft order or, subject to paragraph 5 of this Schedule, as amended by him.
- 4 If any objection duly made as aforesaid is not withdrawn, and the Secretary of State does not sustain the objection, the order shall not be made unless approved by a resolution of each House of Parliament.
- 5 The Secretary of State shall not make an amended order unless an amended draft order has been prepared by him and the provisions of paragraphs 1 to 4 of this Schedule shall apply to the amended draft order as they apply to a draft order.

SCHEDULE 4

Sections 8 and 9.

PROVISIONS AS TO REGIONAL WATER BOARDS AND WATER DEVELOPMENT BOARDS

Corporate status of boards

- 1 A board shall be a body corporate with perpetual succession and a common seal.

Terms of office of members of boards

- 2 (1) The first members of a board shall come into office on the day on which the board come into existence, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.
- (2) Any other member shall come into office on the day following that on which the member he replaces vacates office, or, in the case of such a member for any reason appointed after that day, on the day on which the appointment is made.
- (3) Subject to the following provisions of this Schedule, a member shall vacate office at the end of—
- (a) June in the case of a regional water board, or
- (b) July in the case of a water development board—
- in the year in which the election of county councillors next takes place.
- (4) Where the constitution of a board is varied by order any members who are required by or under the order to vacate their office shall do so notwithstanding the foregoing provisions of this paragraph.

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Vacation of office by members of boards

3 A member of a board may resign his office at any time by notice in writing signed by him and delivered to the clerk of the board and the resignation shall take effect on such date as may be stated in the notice, or, if no date is so stated, three weeks after the delivery of the notice.

4 A member of a board shall vacate his office if he—

- (a) ceases to be a member of the constituent council or the constituent board from which he was appointed in pursuance of section 8 or 9 of this Act, or
- (b) has, for a period of twelve consecutive months, been absent from meetings of the board, otherwise than by reason of illness or some other cause approved during that period by the board:

Provided that for the purposes of head (b) of this paragraph, the attendance of a member at a meeting of any committee of the board shall be treated as attendance at a meeting of the board.

Appointments to fill casual vacancies

5 (1) Where, for any reason whatsoever, the place of a member of a board becomes vacant before the end of his term of office, the vacancy shall be filled by the appointment under this paragraph of a new member.

(2) Subject to the next following sub-paragraph, an appointment made under this paragraph in respect of any vacancy shall be made by the constituent council or constituent board by whom the vacating member was appointed, or, if the vacating member was appointed jointly by any constituent councils and they are unable to agree on an appointment, by the Secretary of State on behalf of those councils.

(3) Where the vacating member was appointed by the Secretary of State on behalf of any constituent councils, the new member shall be appointed by the councils in question jointly, or, if those councils are unable to agree on an appointment, by the Secretary of State on their behalf.

Disqualification for, and re-appointment to, membership of boards

6 (1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a board if he is a paid officer or servant of the board.

(2) For the purposes of the foregoing sub-paragraph, a person shall not be regarded as a paid officer or servant of a board by reason only that expenses incurred by him in the performance of his duties are defrayed by the board.

7 Subject to the provisions of this Act, a vacating member of a board shall be eligible for re-appointment.

First meetings of boards

8 The first meeting of a board shall be held on such day, and at such time and place, and shall be convened by such person, as may be determined by the Secretary of State.

Chairman

- 9 The chairman of a board shall be elected by the board from the members of the board.
- 10 The election of the chairman shall be the first business transacted at the first meeting of the board and, thereafter, at the first meeting of the board held after each triennial reconstitution of the board, and at any such meeting until the chairman is elected, the person by whom under paragraph 8 of this Schedule the meeting was convened, or the clerk of the board, as the case may be, shall preside.

Appointment of committees

- 11 (1) A board may appoint from their number such committees for any such purpose as the board consider necessary or desirable.
- (2) A board may delegate to a committee appointed under this paragraph, with or without restrictions or conditions, as they think fit, any of the functions of the board.

Members of committees

- 12 The number of members of a committee appointed under this Schedule, and the terms of office of the members thereof, shall be fixed by the board.

Proceedings of boards and committees

- 13 The proceedings of a board, or of any committee appointed under this Schedule, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or the qualification for appointment, of any person as a member, or as chairman or vice-chairman, of the board or committee.
- 14 (1) A board may make standing orders with respect to—
- (a) the proceedings and conduct (including quorum, place of meeting and notices to be given of meetings) of the board or any committee appointed by the board under this Schedule ; and
 - (b) subject to paragraphs 9 and 10 of this Schedule, the appointment of a chairman and a vice-chairman of the board or any such committee.
- (2) Subject to standing orders made under this paragraph, the proceedings of any committee appointed under this Schedule shall be such as the committee may determine.

- 15 At any meeting of a board or of a committee appointed under this Schedule, each member shall have one vote:

Provided that in the event of an equality of votes—

- (a) as to the appointment of the chairman of a board or the appointment of a member of a regional water board to be a member of a water development board, the matter shall be decided by lot, and
 - (b) in regard to any other matter, the chairman or other member presiding at the meeting shall have a casting vote as well as a deliberative vote.
- 16 The provisions of section 73 of the Local Government (Scotland) Act 1947 (disability of members of local authority for voting on account of interest in contract) shall apply in relation to members of a board, or of any committee appointed under this Schedule, as those provisions apply in relation to members of

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local authorities, as if, for the references therein to the local authority, there were substituted references to the board.

- 17 (1) Subject to the next following sub-paragraph, the minutes of proceedings of meetings of a board shall be open to the inspection of any local government elector in any part of the board's area on payment of a fee not exceeding one shilling, and any such local government elector may make a copy of, or extracts from, any such minutes.
- (2) The last foregoing sub-paragraph does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under the Water (Scotland) Acts 1946 to 1967.

Authentication of documents

- 18 The provisions of section 342 of the Local Government (Scotland) Act 1947 (execution of deeds by local authority and use of seal) shall apply to a board as those provisions apply to a county council as if for references therein to a county council there were substituted references to the board.
- 19 (1) Any notice or other document which a board are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the board by their clerk or by any other officer authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document; and any document purporting to bear the signature of the clerk of the board, or of a person expressed to be duly authorised by them to sign such a document, or that particular document, shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the board.
- (2) In this paragraph the expression "signature" includes a facsimile of a signature by whatever process reproduced.

Officers and servants

- 20 A board shall appoint, subject to the approval of the Secretary of State in the case of appointments made within the period of three years after the board come into existence, an engineer who shall, unless the Secretary of State otherwise approves, be employed whole-time by the board in that capacity.
- 21 A board shall appoint a clerk, a treasurer and such other officers and servants as the board think fit, but the office of treasurer shall not be held by the engineer or except with the approval of the Secretary of State by the clerk.
- 22 A board may pay to the officers and servants appointed by them such reasonable remuneration as the board may determine.
- 23 All such officers and servants as aforesaid shall hold office during the pleasure of the board but the engineer, the clerk and the treasurer shall not be removed from office except by a resolution of the board passed by not less than two-thirds of the members present at a meeting of the board the notice of which specifies the consideration of the removal from office of the engineer, the clerk, or the treasurer, as the case may be, as an item of business.
- 24 The provisions of section 97 (local authority may regulate duties of officers, etc.), section 98 (security to be given by officers), section 100 (notice of termination of appointments held during pleasure), section 101 (member of local authority not to be appointed officer of board), section 102 (disclosure by officers of interest in

contracts), and section 103 (protection of officers acting in execution of duty) of the Local Government (Scotland) Act 1947 shall apply in relation to officers of a board and other persons as those provisions apply in relation to officers of a local authority and other persons, as if for any reference therein to the local authority there were substituted a reference to the board.

Expenses, subscriptions and contributions

25 A board shall be a body to which Part VI of the Local Government Act 1948 applies, and section 119(1) in that Part shall apply to a board as it applies to a county council.

26 A board may defray—

(a) any expenses incurred in the reception and entertainment by way of official courtesy of—

(i) distinguished persons residing in the area of the board, or visiting that area or any works outside the area operated by the board, or

(ii) persons representative of, or connected with, other boards or similar services, whether inside or outside the United Kingdom,

or in the supply of information to any such persons ;

(b) any reasonable expenses incurred in connection with ceremonies connected with the performance by the board of any of their functions.

27 A board may pay reasonable subscriptions, whether annually or otherwise, or contributions to the funds—

(a) of any association formed for the purpose of consultation as to the common interests of boards and the discussion of matters connected with the performance of functions of boards or similar services ;

(b) of associations of officers of boards or similar services, being associations formed for the purpose mentioned in the foregoing sub-paragraph,

and may make reasonable contributions for furthering research in matters with which boards and their officers are concerned.

General

28 The following provisions of Part XX of the Local Government (Scotland) Act 1947 shall apply to a board for the purposes of this Act as those provisions apply to a local authority for the purposes of that Act: section 336 (contracts and obligations), section 337 (protection of members and officers), section 345 (appearance in legal proceedings), section 346 (service of legal proceedings and notices), section 348 (claims in sequestrations and liquidations), section 349 (service of notices), section 350 (evidence of resolutions etc.), section 352 (misnomers), and subsection (1) of section 366 (provisions as to Sundays, etc.).

29 In this Schedule " board " means a regional water board or a water development board, and " area " means the region or the area, as the case may be, of such a board.

SCHEDULE 5

Section 35.

AMENDMENT OF THE WATER (SCOTLAND) ACTS 1946 AND 1949

PART I

AMENDMENTS HAVING EFFECT AS FROM 16TH MAY 1968

The Water (Scotland) Act 1946 c. 42

- 1 In section 9, the words " and in any local enactment relating to the supply of water " shall be omitted.
- 2 In section 11 (1A) (which empowers a local water authority to impose conditions on the giving of a supply of water), the words from " until the aggregate amount" to " or " shall be omitted, and for the words " whichever first " occurs " there shall be substituted the words " or such lesser period as may appear to the authority to be appropriate ".
- 3 In section 26(1), for the words from " within their limits of supply" to " outside those limits" there shall be substituted the words " for the purposes of their functions " ; and in subsection (1)(a), after the words " below any street" there shall be inserted the words " after giving reasonable notice to the persons having control or management of the street ".
- 4 Section 27 shall cease to have effect.
- 5 In section 28(1), the words " at the expense of the owner of the premises " shall be omitted.
- 6 In section 32(1), after the word " premises" there shall be inserted the words " , but there may, in respect of that supply, be a fixed minimum charge of such amount as from time to time may be determined by the regional water board. " ; and the proviso shall be omitted.
- 7 Section 34 shall cease to have effect.
- 8 In section 35, for the words " so used " there shall be substituted the words " so supplied " ; and the proviso shall be omitted.
- 9 In section 36—
 - (a) the words from " and the consumer" to " other than domestic " shall be omitted ; and
 - (b) for the words from " used by him " to " apparatus " there shall be substituted the words " so supplied ".
- 10 In section 38(1) and (2), for the word " consumed " there shall be substituted the word " supplied ".
- 11 Section 48 shall cease to have effect.
- 12 In section 50(1), after the word " street", there shall be inserted the words " or in any land not forming part of a street " ; and after that subsection there shall be inserted the following subsection—

“(1A) The power conferred by the foregoing subsection to lay and maintain discharge pipes and apparatus in land, other than land forming part of a street,

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shall not be exercised unless reasonable notice thereof has been given to the owner and the occupier of that land.”

13 In section 73(1), for the words " this section " there shall be substituted the words " subsections (2) to (9) of section 355 of the Local Government (Scotland) Act 1947 ".

14 In section 74(2), for the words " section seventy-three of this Act " there shall be substituted the words " section 355 of the Local Government (Scotland) Act 1947 ".

15 Section 85 shall cease to have effect.

16 In Schedule 1—

(a) for paragraph 7, there shall be substituted the following paragraph—

“7 After considering the report of any local inquiry under the last foregoing paragraph, and before making the order, the Secretary of State shall give to any person who has duly objected thereto, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”;

(b) for paragraph 16, there shall be substituted the following paragraph—

“16 After considering the report of any local inquiry under the last foregoing paragraph, and before making the order, the Secretary of State shall give to any person who has duly objected thereto, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”; and

(c) for paragraph 22, there shall be substituted the following paragraph.—

“22 After considering the report of any local inquiry under the last foregoing paragraph, and before making the order approving the agreement, the Secretary of State shall give to any person who has objected thereto under the said paragraph, and has not withdrawn his objection, notice as to the order which he proposes to make, and shall not make the order until the expiration of 28 days from the date of the notice and, if within that period that person gives notice to the Secretary of State that he objects to the proposed order and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.”

17 In Schedule 3, in paragraph 9(2), there shall be inserted, at the beginning, the words " The whole, or such part as the regional water board may think fit, of ".

18 In Schedule 4, in section 26, after subsection (1), there shall be inserted the following subsection—

“(1A) Where, in the case of any house—

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- (i) the erection of which was begun on or after the 16th May 1968, or
- (ii) to which a supply of piped water was given for the first time on or after that date, or
- (iii) in which water fittings likely to lead, in the opinion of the board, to an increase in the consumption of water were installed after that date,

the undertakers consider that, in order to provide for an adequate supply of water throughout any twenty-four hour period, a cistern requires to be fitted, they shall serve a notice on the owner of the house requiring that the house shall be provided with a cistern capable of providing an adequate supply of water as aforesaid to that house, and that a ball-tap and stopcock shall be fitted on the pipe conveying water to it; and that notice shall include an intimation that any person aggrieved by the notice may, within 28 days of the service thereof, appeal against it to the Secretary of State ; and, where such an appeal is made, the Secretary of State shall give such directions in the matter as may seem to him proper; and, subject to any such directions, the next following subsection shall have effect in relation to this subsection:

Provided that the undertakers shall not exercise any power conferred on them by that subsection until the determination by the Secretary of State of any appeal under this subsection.”.

The Water (Scotland) Act 1949 c. 31

- 19 In section 1(1) there shall be inserted after the words " local authority " the words "in meeting any requisition under Part II of the Water (Scotland) Act 1967 or "; and for the words from " not exceeding" to " determine," there shall be substituted the words " as may be determined under section 8(1) of this Act. "
- 20 In section 2—
- (a) after subsection (1), there shall be inserted the following subsection—
 - “(1A) The domestic water rate shall not be leviable in respect of any premises to which water is supplied wholly by meter.”; and
 - (b) in subsection (2), after the words " is comprised ; " there shall be inserted the following paragraph—
 - “(b) in the case of premises occupied by a regional water board or a water development board, a supply of water provided by some other such board is used within the premises ; and”.
- 21 In section 4(2), the words from "and if" to the end of the subsection shall be omitted.
- 22 Section 7 shall cease to have effect.
- 23 In section 8, for subsection (1) there shall be substituted the following subsection—
- “(1) In any year a local authority may defray, out of the county or, as the case may be, the burgh rate, such part, as they think fit, of the expenditure incurred by them in meeting any requisition under Part II of the Water (Scotland) Act 1967 or in reforming any of their functions under any enactment in relation to water supply in their district, to an amount which, unless the Secretary of State otherwise approves, shall not exceed the amount requisitioned from

them in respect of that year under subsection (2) of section 12 of that Act, or under that subsection as modified by virtue of subsection (5) of that section.”

24 Section 9 shall cease to have effect.

PART II

AMENDMENTS HAVING EFFECT AS FROM THE FIRST APPOINTED DAY

25 In the Water (Scotland) Act 1946, in section 24(1), after paragraph (d), there shall be inserted the following paragraph—

“(e) acquire by purchase, lease or otherwise premises to be used for the purposes of the board and maintain such premises.”.

PART III

AMENDMENT HAVING EFFECT AS FROM THE SECOND APPOINTED DAY

The Water (Scotland) Act 1946 c. 42

26 For section 18, there shall be substituted the following section—

“18 Supply of water by regional water board to premises outside their region.

- (1) A regional water board, with the consent of the Secretary of State, may give a supply of water to premises situated outside their region.
- (2) The Secretary of State shall not give his consent under the last foregoing subsection unless he is satisfied that the regional water board of the region in which the premises are situated are unable to give a supply to those premises.
- (3) Nothing in subsection (1) of this section shall affect the giving by a regional water board of a supply of water where that supply was being given immediately before the coming into effect of this section.
- (4) Where a regional water board are supplying water to premises outside their region, whether by virtue of subsection (1) of this section or otherwise, the regional water board of the region in which those premises are situated may at any time give not less than three months' notice to the board giving the supply that they are able and intend to give a supply of water to all the premises in that part of their region in which the premises in question are situated.
- (5) When, after the expiration of a notice given under the last foregoing subsection, the board in whose region the premises are situated commence to supply water to the part of their region in which those premises are situated, the board previously giving the supply shall, except for the purpose of recovering any charges or expenses recoverable by them, and of removing any pipes, plant or apparatus belonging to them, cease to have any functions in respect of a supply to those premises.
- (6) The board previously giving the supply shall not remove any pipes, plant or apparatus which they are required by the board in whose region the premises

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are situated to leave in position, and any such pipes, plant or apparatus shall vest in the second-mentioned board.

(7) The board in whose region the premises are situated shall pay to the board previously giving the supply such portion of any expenses reasonably incurred by them for the purpose of giving a supply to those premises, and such sum, in respect of any pipes, plant and apparatus vested in the board in whose region the premises are situated, by the last foregoing subsection, as may be agreed, or in default of agreement, determined by arbitration.”

27 In section 21(2), after the words " purposes of the order " there shall be inserted the words " and such provisions may (but without prejudice to the generality of this subsection) include provisions enabling the board to carry on any business or trade ancillary to the taking of water ".

28 After section 21. there shall be inserted the following section—

“21A Transfer of part of water undertaking of one board to another board.

(1) Where the Secretary of State, whether on the application of a board or not, considers that such a transfer would be in the public interest, he may by order authorise the transfer of a part of the undertaking of one board to another board.

(2) Where an order is made under the foregoing subsection, the board, to which a part of another board's undertaking is so transferred, shall make to that other board such payment by way of consideration as, failing agreement between them, may be settled by arbitration.

(3) An order made under this section shall provide for the transfer of all rights to take water, which are exercised for the purposes of the part of the undertaking transferred by the order, and, on the coming into force of that order, those rights shall be transferred to, and vest in, the board to which the part of the undertaking is transferred.

(4) An order under this section may for the purposes of the order contain any such provision as an order made under section 5 of the Water (Scotland) Act 1967.

(5) The provisions of Part I of the First Schedule to this Act shall apply to an order made, under subsection (1) of this section, on the application of a board concerned, and the provisions of Part II of the said Schedule shall apply to an order so made without any such application.

(6) In this section " board" means a regional water board or a water development board.”

29 In section 84(1), after the definition of " reasonably practicable ", there shall be inserted the following definition—

“" river purification authority " has the meaning assigned to it by section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951.”

30 In Schedule 1, in paragraph 11(ii), for the words from " execution " to " proposed to be executed " there shall be substituted the words " transfer of rights to take water, on the fishery district board of any fishery district, and on any navigation authority and any river purification authority exercising functions in relation to any watercourse, from which water is taken under the rights transferred

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The Water (Scotland) Act 1949 c. 31

- 31 In section 4, in subsections (1), (2) and (4), for the words " local authority" there shall be substituted the words " regional water board providing a supply of water to the premises ".
- 32 In section 19, at the end there shall be added the following subsection—
“(7) Nothing in the provisions of subsection (1) or (3) of (this section shall be construed as continuing any exemption conferred by either of these subsections from the payment in whole or in part of domestic water rate, where the regional water board have ceased to be under the obligation which gave rise to that exemption.”
- 33 In section 23, in subsection (1), for the words from " section sixteen " to " as the case may be " there shall be substituted the words " section 21 of the principal Act (authorisation of acquisition of water rights) may authorise a board to which that section applies to acquire compulsorily such land as may be necessary for the purposes of the order " ; and in subsection (2), for the words from " said section sixteen" to the word " forty-two" there shall be substituted the words " said section 21 ".
- 34 Section 38 shall cease to have effect.

SCHEDULE 6

Section 35.

ENACTMENTS REPEALED

PART I

Enactments repealed as from 16th May 1968

Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act 1946.	In section 9, the words " and in any local enactment relating to the supply of water " . Section 27. In section 28(1), the words " at the expense of the owner of the premises " . In section 32, in subsection (1), the proviso, and subsection (1A). Section 34. In section 35, the proviso.

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Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 6. c. 31.	The Water (Scotland) Act 1949.	<p>In section 36, the words from " and the consumer " to " other than domestic ".</p> <p>Section 48.</p> <p>Section 73(2) to (9).</p> <p>Section 85.</p> <p>In section 4(2), the words from " and if " to the end of the subsection.</p> <p>Section 7.</p> <p>Section 9.</p> <p>In section 36, in subsection (2), the words from "until the aggregate amount" to "or"; and subsection (6).</p>

PART II

Enactments repealed as from second appointed day

Chapter	Short Title	Extent of Repeal
7 & 8 Geo. 6. c. 26.	The Rural Water Supplies and Sewerage Act 1944.	<p>In section 1(6), as read with section 7, in paragraph (b), the words from "of the" to "or"; and in paragraph (c), the words from "of the" to "or".</p>
9 & 10 Geo. 6. c. 42.	The Water (Scotland) Act 1946.	<p>Sections 5 to 7.</p> <p>Section 8(5).</p> <p>In section 13(1)(b), the words from " supplying " to " enactment"</p> <p>Sections 14 to 17.</p> <p>Section 19(3).</p> <p>In section 24(2), the words " whether a local water authority or not".</p> <p>Section 42.</p> <p>In section 44(2), the words " supplying water under a local enactment ", and the proviso.</p>

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

Chapter	Short Title	Extent of Repeal
12 & 13 Geo. 6. c. 31.	The Water (Scotland) Act 1949.	Section 47. Section 72(8). Sections 79 to 81. In section 84(1), the definitions of "district"; "joint water board"; "limits of supply"; " local authority "; and " local water authority ". Section 88. In Schedule 1, in paragraph 2(ii), the words " the execution of works or ", the words " within which works are to be executed or ", and the words " which is affected by the works proposed to be executed or "; in paragraphs 9 and 18, the words " or proposed limits of supply ", and the words from " and also includes " to " those works ". Sections 10 to 13. In section 20(1), the words from " and any reference " to the end of the subsection. Section 22. Sections 32 and 33. Section 35(1). Section 36(1), (9), (10), (11) (d) and (12). Section 38.
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	In section 35(1), the definition of " local water authority ".
1966 c. 51.	The Local Government (Scotland) Act 1966.	In section 46(1), the definition of " local water authority ".