



# Water (Scotland) Act 1967

## 1967 CHAPTER 78

### 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 ".
- (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:—

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- (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

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- (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.
- (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

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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,

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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—

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- (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.
- (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
  - (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,

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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.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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### **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

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- 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 ;

" 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.

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- (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.