



Water (Scotland) Act 1967

1967 CHAPTER 78

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.

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.

Status: This is the original version (as it was originally enacted).

- (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 ;
 - " 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.