

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*Status: This is the original version (as it was originally enacted).*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

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<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:—

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<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>
11	The Ross and Cromarty Water Board	<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> <p>Limits of supply of:—  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:—  Berwick County Council  Bo'ness Town Council  Coldstream Town Council  Duns Town Council  East Lothian Water Board</p>

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<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

- 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.

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### *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.

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*Status: This is the original version (as it was originally enacted).*

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*Status: This is the original version (as it was originally enacted).*

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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

*Status: This is the original version (as it was originally enacted).*

*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.

*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.	<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.	<p>Section 47.</p> <p>Section 72(8).</p> <p>Sections 79 to 81.</p> <p>In section 84(1), the definitions of "district"; "joint water board"; "limits of supply"; " local authority "; and " local water authority ".</p> <p>Section 88.</p> <p>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 ".</p> <p>Sections 10 to 13.</p> <p>In section 20(1), the words from " and any reference " to the end of the subsection.</p> <p>Section 22.</p> <p>Sections 32 and 33.</p> <p>Section 35(1).</p> <p>Section 36(1), (9), (10), (11) (d) and (12).</p> <p>Section 38.</p>
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act 1951.	<p>In section 35(1), the definition of " local water authority ".</p>
1966 c. 51.	The Local Government (Scotland) Act 1966.	<p>In section 46(1), the definition of " local water authority ".</p>