

SCHEDULES

SCHEDULE 17

Section 148.

AMENDMENT OF ENACTMENTS RELATING TO WATER

General

- 1 Any reference in any enactment, order, scheme, regulations, award or byelaws passed or made before the coming into force of this Act to a regional water board or the region of such a board (or any expression construed as such a reference by virtue of paragraph 2 of Schedule 2 to the Water (Scotland) Act 1967) or to a constituent board shall be construed respectively as a reference to a water authority and to the limits of supply of such an authority and to a constituent water authority.

The Rural Water Supplies and Sewerage Act 1944

- 2 In section 7(2) (application to Scotland) in the substituted section 1(6)(a) for the words " burgh or county " there shall be substituted the words " region or islands area ".

The Water (Scotland) Act 1946

- 3 In section 8(4) (duty of water authority to provide supply for area), for the words after " interests ", there shall be substituted the words " of the area comprising their limits of supply ".
- 4 In section 12 (compensation for damage resulting from exercise of powers)—
- (a) in subsection (1), for the words " local authority " and " the authority " there shall be substituted respectively the words " district council " and " them " ;
 - (b) in subsection (3), the words " against an authority " and " to the authority " shall cease to have effect.
- 5 In section 23 (power of local authority to give guarantee for supply of water), for the words " local authority " and the word " district " there shall be substituted respectively the words " water authority within the meaning of section 148 of the Local Government (Scotland) Act 1973 " and the words " limits of supply ".
- 6 In section 29 (power of local authority to provide public wells, fountains, etc.)—
- (a) in subsection (1), for the words " local authority " there shall be substituted the words " district council " and after the word " region " there shall be inserted the words " or area " ;
 - (b) in subsection (2), for the words " A local authority " there shall be substituted the words " An islands or district council ", after the word " their " there shall be inserted the words " area or " and, in the proviso, for the words " the authority " there shall be substituted the words " the council ".

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- 7 In section 30 (power to close or restrict use of water from public wells, etc.), for the words " local authority " there shall be substituted the words " district council ", and after the word " region " there shall be inserted the words " or area ".
- 8 In section 31 (power to close or restrict use of water from polluted source of supply), for any reference to a local authority there shall be substituted a reference to an islands or district council and after the word " their " there shall be inserted the words " area or ".
- 9 In section 54 (provision of supply of water to other houses), for any reference to a local authority there shall be substituted a reference to an islands or district council.
- 10 In section 55 (power of local authority to grant or make charging order for expenses of executing works), for any reference to a local authority there shall be substituted a reference to an islands or district council.
- 11 In section 56 (recovery of expenses from owners), for any reference to a local authority there shall be substituted a reference to an islands or district council.
- 12 In section 57 (limitation of liability of certain owners), for any reference to a local authority there shall be substituted a reference to an islands or district council.
- 13 In section 58 (agreements as to drainage, etc., of land),—
- (a) in subsection (1), at the beginning there shall be inserted
- “(a) " and for the words " with a local authority " there shall be substituted the words—
- “(b) a water authority or a water development board may enter into agreements with a regional, islands or district council””
- (b) in subsection (3), for the words " local authority" and " that authority " there shall be substituted respectively the words " regional or islands council " and " that council ".
- 14 In section 61 (byelaws for preventing pollution of water), for any reference to the local authority of the district or the local authority of the district or county there shall be substituted a reference to the regional, islands or district council.
- 15 In section 78 (notices, etc., to be in writing), for any reference to a local authority there shall be substituted a reference to a regional, islands or district council.
- 16 In section 84(1) (interpretation), after the definition of " supply pipe " there shall be inserted the following definition—
- “" water authority " has the same meaning as in section 148 of the Local Government (Scotland) Act 1973 ;”.
- 17 In Schedule 1 (procedure for making orders and making and confirming byelaws)—
- (a) in paragraph 2(i), for the words " local authority of every district " there shall be substituted the words " water authority, regional council, district council and water development board for every area " and in paragraph 2(ii), at the end there shall be added the words " and in the case of an order under section 21(2), where the river purification authority within whose area the stream affected is situated are not the same authority as the applicants, on that authority ";
- (b) in paragraph 11(i), for the words "local authority of every district" there shall be substituted the words " water authority, regional council, district council and water development board for every area ";

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- (c) in paragraph 11(ii), after the word "transferred " there shall be inserted the words " where the river purification authority are not the same authority as the water authority ";
 - (d) in paragraph 19, for the words "local authority of any district" there shall be substituted the words " water authority, regional council, district council and water development board for any area " and after the word " acquired " there shall be inserted the words " and where the river purification authority within whose area the stream affected is situated are not the same authority as the water authority, to that authority ".
- 18 In Schedule 4 (provisions to be incorporated in orders relating to water undertakings), in paragraph 5(1) and (2) and paragraph 24(2) for the words "local authority", wherever they occur, there shall be substituted the words " regional, islands or district council "and the word " authority" or " authorities" shall be construed accordingly.

The Water (Scotland) Act 1949

- 19 In section 1 (levy of rates in respect of expenditure on water supply)—
- (a) for any reference to a local authority and their district there shall be substituted respectively a reference to a council of a region or islands area and their region or area ;
 - (b) for any reference to the county rate or burgh rate there shall be substituted a reference to the regional rate or the general rate.
- 20 In section 2 (provisions as to liability for domestic water rate), for any reference to a local authority and their district there shall be substituted respectively a reference to a council of a region or islands area and their region or area, and subsection (2) (b) shall cease to have effect.
- 21 In section 4 (levy of domestic water rate on business and commercial premises), in the proviso to subsection (1), for the words " the fifteenth day of July in any year " there shall be substituted the words " such date in any year as may be prescribed by regulations made by the Secretary of State under section 111 of the Local Government (Scotland) Act 1973 ".
- 22 In section 8(1) (contributions by county council in aid of domestic water rate)—
- (a) for any reference to a local authority and their district there shall be substituted respectively a reference to a council of a region or islands area and their region or area ;
 - (b) for the reference to the county rate or burgh rate there shall be substituted a reference to the regional rate or the general rate ;
 - (c) for the words from " the amount requisitioned " to the end there shall be substituted the words " one-third of the said expenditure. ".
- 23 Section 14 (adoption in counties of the House Letting and Rating (Scotland) Act 1911) shall cease to have effect.
- 24 In section 19 (domestic water rate not payable or payable at reduced rate in certain cases), in the proviso to subsection (2), for the references to the district of the local authority there shall be substituted references to the region or islands area.
- 25 In section 20(1) (provisions as to levying of, and exemption from, rates), after the word " requisitions)" there shall be inserted the words " and Part VII of the Local Government (Scotland) Act 1973 ".

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- 26 In section 23(1) (compulsory acquisition of land for construction of waterworks), after the word " authorise ", there shall be inserted the words " an authority or " .
- 27 In section 28 (termination of right to supply of water on special terms), in subsections (4) and (6), for any reference to a local authority there shall be substituted a reference to a district council.

The Water Act 1958

- 28 In paragraph 1(1) of Schedule 1 (procedure for making orders), in the table, for any reference to a local authority there shall be substituted a reference to a regional, islands or district council.

The Water (Scotland) Act 1967

- 29 Section 1 (establishment of regional water boards) shall cease to have effect.
- 30 Section 2 (transfer to regional water boards of functions of local water authorities) shall cease to have effect.
- 31 In section 3 (Central Scotland Water Development Board), for subsection (2) there shall be substituted the following subsection—
- “(2) The area for which the Central Board are established shall comprise the limits of supply of the authorities specified in Part II of Schedule 1 to this Act.”.
- 32 In section 4(2) (transfer to Central Board of functions of certain joint water boards, and other functions of the Board), for the words " of the regional" to the end there shall be substituted the words " water authorities whose limits of supply are comprised in the area of the Board. " .
- 33 In section 5 (establishment of new regional water boards and water development boards, and alteration of regions and areas), subsection (1)(a), in subsection (1)(c) the words " any region, or " and subsection (3) so far as relating to new regional water boards, shall cease to have effect and after subsection (1)(c) there shall be inserted the following paragraph—
- “(d) alter the limits of supply of a water authority as defined in section 148 of the Local Government (Scotland) Act 1973.”.
- 34 In section 6 (maps of regions), in subsection (1), for the words from the beginning to " their region " there shall be substituted the words " The Secretary of State shall, as soon as practicable after the coming into force of the Local Government (Scotland) Act 1973, send to any water authority whose limits of supply include an area specified in column 1 of the table set out at the end of section 148(3) of that Act, and to any water authority whose limits of supply would include such an area but for the said subsection (3), a map of that area " .
- 35 Section 8 (constitution of regional water boards) shall cease to have effect.
- 36 In section 10 (accounts and audit)—
- (a) subsections (1), (2), (4) and (5) shall cease to have effect;
- (b) in subsection (3), for the words " such board " there shall be substituted the words " water development board " .
- 37 For section 11 (estimates and requisitions) there shall be substituted the following section—

“11 Requisitions.

- (1) Each water authority—
 - (a) who are a regional council, and
 - (b) whose limits of supply extend beyond their own region or who supply water to premises in another region,shall in respect of any financial year determine the aggregate amount by reference to which the amount required to be requisitioned by the water authority under this Part of this Act from each of their contributing authorities is to be determined.
- (2) Each water development board shall in respect of any financial year determine the aggregate amount required to be requisitioned by the board under this Part of this Act from their contributing authorities.
- (3) Each such water authority and each water development board shall, by such date or dates as may be prescribed, cause a requisition in respect of any financial 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 may be prescribed, pay over to the water authority or board the sum so requisitioned.
- (4) For the purposes of this Part of this Act "contributing authority" means—
 - (a) in relation to a water authority, any other regional council the whole or part of whose region is within the limits of supply of the water authority or in whose region water is supplied to premises by the water authority, and
 - (b) in relation to a water development board, a constituent water authority.
- (5) In this section "prescribed" means prescribed by regulations made by the Secretary of State under section 111 of the Local Government (Scotland) Act 1973.”.

- 38 In section 12 (calculation of amount to be requisitioned by regional water boards)—
- (a) for any reference to a district there shall be substituted a reference to a region ;
 - (b) in subsection (1), for the words from "11(2)" to "that account" there shall be substituted the words " 11(1) of this Act, the aggregate amount referred to in that subsection for any financial year shall be the sum by which the estimated expenditure of the water authority in the exercise of any of their functions under any enactment in relation to water supply and chargeable to the revenue account of their general fund exceeds the estimated income pertaining thereto, but excluding from such expenditure any amount payable by way of requisition to another water authority and from such income any amount receivable by way of rates or requisition " ;
 - (c) in subsections (2) and (3), for the words "that authority bears " and " all such authorities " there shall be substituted respectively the words " the contributing authority bears " and "the authority making the requisition and of all such contributing authorities " ;
 - (d) in subsection (2)(b), for head (i) there shall be substituted the following—

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“(i) in relation to the region of a regional council, the whole or part of which is within the limits of supply of the water authority, that region, or, as the case may be, that part, exclusive of any premises to which a supply of water is given by another water authority but inclusive of any premises outside the limits of supply of the water authority to which a supply of water is given by the water authority, and”.

39 In section 13 (calculation of amount to be requisitioned by water development boards), for the words from " and for the purposes " to the end there shall be substituted the words " and such aggregate amount shall be the sum by which the estimated expenditure of the water development board 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 ".

40 In section 17 (borrowing powers), for the word " county" there shall be substituted the word " regional " , and section 17 shall cease to have effect so far as it relates to regional water boards.

41 Part III (transfer of undertakings of local water authorities) shall cease to have effect

42 For section 26 (provision of services for the boards) there shall be substituted the following section—

“26 The provision of services for water authorities and development boards.

For the performance of the functions of a water authority or water development board under the Water (Scotland) Acts 1946 to 1967, a regional, islands or district council may provide the water authority or water development board with such services as the authority or board may request; and any water development board may make such provision as aforesaid for any water authority or any other such board.”.

43 Section 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) shall cease to have effect.

44 Section 29 (power of regional water boards and water development boards to promote or oppose private legislation) so far as relating to regional water boards, shall cease to have effect.

45 In section 32 (repeal, amendment and adaptation of local enactments)—

(a) for subsection (1) there shall be substituted the following subsection—

“(1) The Secretary of State may by order—

(a) on his own initiative, repeal or amend any local enactment relating to the supply of water, or

(b) on the application of a water authority or a water development board, repeal or amend any local enactment relating to the supply of water—

(i) by or to the applicant, or

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- (ii) by any other water authority or board to premises in any area within the limits of supply of the applicant.”;
- (b) at the end there shall be added the following subsection—
- “(5) The provisions of Part I of Schedule 1 to the Water (Scotland) Act 1946 shall apply to orders made under this section on the application of a water authority or a water development board.”.
- 46 In section 33 (regulations and orders), in subsection (4), the words " all local authorities whose districts are affected by the order and ", and paragraph (a) shall cease to have effect, for the words " so affected " there shall be substituted the words " affected by the order " and at the end of paragraph (b) there shall be added the words “or
- (c) where the order is being made under section 32(1) of this Act on the application of a water authority or a water development board.”.
- 47 In section 34(1) (interpretation)—
- (c) the following shall cease to have effect—
- (i) the definition of " constituent council " ;
- (ii) in the definition of " first appointed day", the words " 1(4)(a) or " ;
- (iii) the definition of " local authority " ;
- (iv) the definitions of " region " and " regional water board " ;
- (v) in the definition of " second appointed day ", the words " 1(4)(b) or " ;
- (b) in the definition of " contributing authority ", for the word " 11(6) " there shall be substituted the word " 11(4) ".
- 48 Part I of Schedule 1 (regional water boards) shall cease to have effect.
- 49 For Part II of Schedule 1 there shall be substituted the following Part—

“PART II

THE AREA OF THE CENTRAL SCOTLAND WATER DEVELOPMENT BOARD

The limits of supply as water authorities of the Tayside, Fife, Lothian, Borders, Central and Strathclyde regional councils”.

- 50 In Schedule 3 (procedure for making an order under section 5), in paragraph 2, for the reference to a local authority there shall be substituted a reference to a water authority.
- 51 Schedule 4 (provisions as to regional water boards and water development boards) so far as relating to regional water boards shall cease to have effect, and so far as relating to water development boards shall have effect subject to the following paragraphs of this Schedule.
- 52 In paragraph 2(3), for the words " July" and " county councillors" there shall be substituted the words " June " and " members of regional councils " and at the end there shall be added the following proviso—

“Provided that the members of the Central Scotland Water Development Board who are in office immediately before 15th May 1975 shall vacate

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office on that day, and that board shall be reconstituted on 16th May 1975 and 1st July 1978 and thereafter quadrennially.”.

53 In paragraph 3, for the word " clerk " there shall be substituted the words " proper officer ".

54 In paragraph 5, in sub-paragraph (1), for the words "under this paragraph of a new member" there shall be substituted the words " of a new member by the constituent water authority by whom the vacating member was appointed. " and sub-paragraphs (2) and (3) shall cease to have effect.

55 In paragraph 10, the word " triennial" shall cease to have effect and for the word " clerk " there shall be substituted the words " proper officer ".

56 In paragraph 16, for the words " section 73 of the Local Government (Scotland) Act 1947" there shall be substituted the words " sections 38 to 42 of the Local Government (Scotland) Act 1973 ".

57 In paragraph 18, for the words " section 342 of the Local Government (Scotland) Act 1947" there shall be substituted the words " section 194 of the Local Government (Scotland) Act 1973 " and the word " county ", wherever it occurs, shall cease to have effect.

58 In paragraph 19, in sub-paragraph (1), for the words " their clerk " and " the clerk " there shall be substituted respectively the words " the proper officer of the board " and the words " the proper officer ", after the words " the particular document" there shall be inserted the words " and may be withdrawn by notice similarly authenticated " , and at the end of the paragraph there shall be added the following—

“(3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.”.

59 For paragraphs 20 to 23 there shall be substituted the following paragraph—

“20 A board shall appoint such officers and servants as the board think fit and may pay the officers and servants appointed by them such reasonable remuneration as they may determine.”.

60 In paragraph 24, for the words from " section 97 " to " 1947 " there shall be substituted the words " sections 66 (security to be taken in relation to officers), 67 (members of local authorities not to be appointed as officers) and 68 (disclosure by officers of interest in contracts) of the Local Government (Scotland) Act 1973 ".

61 Paragraph 25 shall cease to have effect.

62 For paragraph 28 there shall be substituted the following paragraph—

“28 The following provisions of the Local Government (Scotland) Act 1973 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—

- (a) section 81 (contracts of local authorities),
- (b) section 189(2) (legal proceedings),
- (c) section 190 (service of legal proceedings, notices, etc., on local authorities),
- (d) section 191 (claims in sequestrations and liquidations),

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- (e) section 192 (service of notices),
- (f) section 196 (misnomers),
- (g) section 208(1) (provisions as to Sundays, etc.),
- (h) paragraph 7(1) of Schedule 7 (minutes of proceedings receivable in evidence).”.

63 At the end of paragraph 29 there shall be added the words " and ' proper officer', in relation to any purpose and any board, means an officer appointed for that purpose by that board ”.

The Water Act 1973

64 In the Water Act 1973 any reference to a regional water board shall be construed as a reference to a water authority.