

**Changes to legislation:** Water (Scotland) Act 1980, Paragraph 4 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### PROVISIONS AS TO BREAKING OPEN STREETS AND LAYING COMMUNICATION AND SUPPLY PIPES

##### Modifications etc. (not altering text)

- C1** Sch. 3: power to apply conferred (1.10.1991) by [Natural Heritage \(Scotland\) Act 1991 \(c. 28, SIF 46:1, 130\)](#), s. 20(10), **Sch. 7 para. 5(1)(b)**

### PART II

##### Modifications etc. (not altering text)

- C1** Sch. 3 Pt. II (paras. 4–9) applied with modifications by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), s. 170A(5) (as inserted by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 102, **Sch. 13**)

*Provisions as to laying communication and supply pipes, etc.*

*Power to lay service pipes, etc.*

- 4 (1) [<sup>F1</sup>Scottish Water] may in any [<sup>F2</sup>road] lay such service pipes with such stopcocks and other fittings as [<sup>F3</sup>it deems] necessary for supplying water to premises <sup>F4</sup>, and may from time to time inspect, repair, alter or renew and may at any time remove any service pipe laid in a [<sup>F2</sup>road] whether by virtue of this section or otherwise:

Provided that before exercising any of the powers conferred by this paragraph, [<sup>F5</sup>Scottish Water] shall, except in cases of emergency arising from defects in any existing pipes, plant or works, give [<sup>F6</sup>such] notice, to [<sup>F7</sup>—

- (i) where the road is a public road, the roads authority; and
  - (ii) in any other case, the authority or person responsible for the maintenance of the road, or, if no authority or person is so responsible, to the owners of the solum of the road][<sup>F8</sup>as would require to be given by an undertaker under section 114 of the New Roads and Street Works Act 1991 (notice of starting date of works) in accordance with that section and with section 156 of that Act (service of notice)].
- (2) Where a service pipe has been lawfully laid in, on or over any land not forming part of a [<sup>F9</sup>road], [<sup>F10</sup>Scottish Water] may from time to time enter upon that land and inspect, repair, alter, renew or remove the then existing pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them.

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Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be determined by arbitration.

#### **Textual Amendments**

- F1** Words in Sch. 3 para. 4(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(4\)\(a\)\(i\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F2** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(d\)\(i\)](#)
- F3** Words in Sch. 3 para. 4(1) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(4\)\(a\)\(ii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F4** Words in Sch. 3 para. 4(1) repealed (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 119(56)(c), [Sch. 14](#); S.I. 1996/323, art. 4(1)(c)(d), [Sch. 2](#)
- F5** Words in Sch. 3 para. 4(1) in proviso substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(4\)\(a\)\(iii\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)
- F6** Word "such" in Sch. 3 para. 4 substituted (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8](#), Pt. IV, para. 108(7)(b); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F7** Words substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(d\)\(i\)](#)
- F8** Words in Sch. 3 para. 4 added (1.1.1993) by [New Roads and Street Works Act 1991 \(c. 22, SIF 59, 108\)](#), s. 168(1), [Sch. 8](#), Pt. IV, para. 108(7)(b); S.I. 1992/2990, art. 2(2), [Sch. 2](#)
- F9** Word substituted by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 156(1), [Sch. 9 para. 81\(14\)\(d\)\(ii\)](#)
- F10** Words in Sch. 3 para. 4(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 66\(4\)\(b\)](#) (with s. 67); S.S.I. 2002/118, [art. 2\(3\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(1A) inserted by [2003 asp 3 sch. 4 para. 3\(3\)](#)
- s. 110A certain functions transferred by [S.I. 1999/1750 art. 3Sch. 2](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A inserted by [1995 c. 25 Sch. 21 para. 5](#)
- s. 110A(7) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- s. 110A(8) words substituted by [1997 c. 11 Sch. 2 para. 30\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 110A by 1995 c. 25, Sch. 21 para. 5 has not yet been brought into force)
- Sch. 3 para. 4(3)(4) inserted by [2003 asp 3 sch. 4 para. 4\(2\)](#)
- Sch. 3 para. 6(1A) inserted by [2003 asp 3 sch. 4 para. 4\(3\)](#)
- Sch. 4 s. 34(3) inserted by [2003 asp 3 sch. 4 para. 5](#)