



Water (Scotland) Act 1980

1980 CHAPTER 45

PART VI

CONSERVATION AND PROTECTION OF WATER RESOURCES

72 General provisions as to byelaws.

- (1) The Secretary of State shall be the confirming authority as respects byelaws made under either of the last two foregoing sections, and the provisions of Part IV of Schedule 1 shall apply to the making and confirming of such byelaws.
- (2) It shall be the duty of [^{F1}Scottish Water to enforce such] byelaws, so however that nothing in this subsection shall be construed as authorising [^{F2}Scottish Water] to institute proceedings for any offence against those byelaws.
- (3) Any such byelaws may contain provisions for imposing on any person contravening the byelaws a fine, recoverable on summary conviction, not exceeding the sum of [^{F3}[^{F4}level 5] on the standard scale] in respect of each offence, and in the case of a continuing offence a further fine not exceeding £50 for each day during which the offence continues after conviction therefor.

[^{F5}(3A) Subject to subsection (3B), proceedings for any offence against such byelaws may be commenced at any time—

- (a) within 6 months after the date on which evidence sufficient in the opinion of the procurator fiscal to justify the proceedings came to the procurator fiscal's knowledge, or
- (b) where such evidence was reported to the procurator fiscal by Scottish Water, within 6 months after the date on which it came to Scottish Water's knowledge.

(3B) No such proceedings shall be commenced more than 3 years after—

- (a) the date of the commission of the offence, or
- (b) in the case of a continuing offence, the last date on which the offence was committed.

Changes to legislation: *Water (Scotland) Act 1980, Section 72 is up to date with all changes known to be in force on or before 24 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*

- (3C) Subsection (3) of section 136(time limit for certain offences) of the Criminal Procedure (Scotland) Act 1995 (c.46) applies for the purposes of this section as it applies for the purposes of that section.
- (3D) For the purposes of subsection (3A), a certificate signed by or on behalf of the procurator fiscal or, as the case may be, Scottish Water, and stating the date on which evidence such as is mentioned in that subsection came to the procurator fiscal's or, as the case may be, Scottish Water's knowledge shall be conclusive evidence of that fact.
- (3E) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]
- (4) Any byelaw made under either of the last two foregoing sections shall cease to have effect on the expiration of the period of 10 years beginning with the date on which it was made; but the Secretary of State may by order extend the period during which any such byelaw is to remain in force.

Subordinate Legislation Made

- P1** S. 72: power previously exercised by [S.I. 1981/1801](#), 1988/327 and 1990/2250.
- P2** S. 72(4): s. 72(4) power exercised (12.11.1991) by [S.I. 1991/2573](#)
 S. 72(4): s. 72(4) power exercised (20.11.1991) by [S.I. 1991/2639](#)

Textual Amendments

- F1** Words in s. 72(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 46\(a\)](#) (with s. 67); [S.S.I. 2002/118](#), [art. 2\(3\)](#)
- F2** Words in s. 72(2) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 71(1), [Sch. 6 para. 46\(b\)](#) (with s. 67); [S.S.I. 2002/118](#), [art. 2\(3\)](#)
- F3** Words in s. 72(3) substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 289G, 289H, [Sch. 7D](#) (as inserted by [Criminal Justice Act 1982 \(c. 48\)](#), s. 54, [Sch. 6](#), which Sch. 6 was repealed (1.4.1996) by [1995 c. 40](#), ss. 6, 7(2), [Sch. 5](#)) and those same words substituted (1.4.1996) by [1995 c. 40](#), ss. 3, 7(2), [Sch. 1 para. 10](#), [Sch. 2 Pt. III](#)
- F4** Words in s. 72(3) substituted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 65(2) (with s. 67); [S.S.I. 2002/118](#), [art. 2\(3\)](#)
- F5** S. 72(3A)-(3E) inserted (1.4.2002) by [Water Industry \(Scotland\) Act 2002 \(asp 3\)](#), s. 65(3) (with s. 67); [S.S.I. 2002/118](#), [art. 2\(3\)](#)

Changes to legislation:

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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](#)