

## SCHEDULES

### SCHEDULE 11

#### WATER AND SEWERAGE CHARGES: SCOTLAND

##### PART I

###### CHARGES FOR WATER SERVICES

- 1 Subject to the provisions of this Part of this Schedule, the expenditure incurred by the council of a region or islands area (in this Schedule referred to as a “local authority”) in meeting any requisition under Part IV or VIII of the 1980 Act and in the exercise of any of their functions under any enactment (within the meaning of section 109(1) of that Act) in relation to water supply in their area shall, insofar as not otherwise met, be met out of—
- (a) the charges (hereinafter in this Schedule referred to as “direct charges”) made under section 49 (payment of water supplies by meter) of the 1980 Act;
  - (b) the council water charge mentioned in paragraph 6 below; and
  - (c) the non-domestic water rate mentioned in paragraph 12 below.

###### *Estimation and apportionment of expenditure*

- 2 In respect of the financial year 1993-94 and each subsequent financial year, each local authority shall, before such date as may be prescribed in relation to each of those years—
- (a) subject to paragraph 3 below, estimate the amount of the expenditure mentioned in paragraph 1 above which they will incur in respect of that year; and
  - (b) subject to paragraph 4 below, determine what proportion of that expenditure is to be met from each of the sources mentioned in subparagraphs (a) to (c) of paragraph 1 above.
- 3 In estimating the expenditure mentioned in paragraph 1 above which they will incur in respect of any financial year a local authority shall take into account—
- (a) such additional sum as is in their opinion required—
    - (i) to cover expenses previously incurred;
    - (ii) to meet contingencies; and
    - (iii) to meet any expenses which may fall to be met before the money to be received from the sources mentioned in paragraph 1 above in respect of the next following financial year will become available; and
  - (b) any means by which any part of that expenditure may otherwise be met or provided for.

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*Status: This is the original version (as it was originally enacted).*

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- 4 A local authority may apportion their estimated expenditure under paragraph 2 above on whatever basis they consider appropriate, but they shall ensure that the apportionment is not such as to show undue preference to, or discriminate unduly against, any class or classes of person liable to pay—
- (a) the direct charges;
  - (b) the council water charge; or
  - (c) the non-domestic water rate,
- respectively.

*Direct charges*

- 5 After a local authority have, under paragraph 2 above, determined what proportion of their estimated expenditure in respect of a particular financial year is to be met out of direct charges, they shall, before such date as may be prescribed in relation to that year, determine such rate or rates of direct charges in respect of that year as will, when calculated in accordance with the provisions of section 49 (payment for water supplied by meter) of the 1980 Act, produce sufficient money to meet the said proportion; and different rates of direct charges may be determined for different circumstances.

*Council water charge*

- 6 Each local authority shall impose a water charge, which—
- (a) shall be known as the regional council water charge or the islands council water charge, depending upon which authority impose it; and
  - (b) shall be payable in respect of dwellings situated in that authority's area.

*Liability to pay council water charge*

- 7 (1) The council water charge shall be payable in respect of any dwelling which is not an exempt dwelling and in respect of which the qualifying conditions are met.
- (2) For the purposes of this Schedule—
- “dwelling” has the meaning assigned to it by section 72(2) of this Act;
  - “chargeable dwelling” means any dwelling in respect of which council water charge is payable; and
  - “exempt dwelling” means any dwelling of a class prescribed by an order made by the Secretary of State.
- (3) For the purposes of sub-paragraph (2) above, a class of dwelling may be prescribed by reference to—
- (a) the physical characteristics of dwellings;
  - (b) the fact that dwellings are unoccupied or are occupied for prescribed purposes or are occupied or owned by persons of prescribed descriptions; or
  - (c) such other factors as the Secretary of State thinks fit.
- 8 The qualifying conditions for the purposes of paragraph 7 above are—
- (a) that a water authority provide a supply of water to that dwelling;
  - (b) that the water is not supplied wholly by meter; and
  - (c) that the supply is not one which the water authority—
    - (i) were, immediately before 16th May 1949; and

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(ii) continue to be,  
under an obligation to provide free of charge.

*Setting of council water charge*

9 After a local authority have, under paragraph 2 above, determined what proportion of their estimated expenditure in respect of a particular financial year is to be met out of the council water charge, they shall, before such date as may be prescribed in relation to that year-

- (a) set an amount of regional council water charge or islands council water charge, as appropriate, to be paid for that year in respect of a chargeable dwelling in their area listed in valuation band D (whether or not there is such a dwelling in their area) as specified in section 74(2) of this Act;
- (b) determine the amount of council water charge to be paid in respect of a chargeable dwelling in each of the other valuation bands specified in that section in accordance with the proportion mentioned in subsection (1) of that section,

and references in this Schedule to the setting of an amount of council water charge shall be construed as references to the setting of the amount mentioned in paragraph (a) above.

10 The amounts mentioned in paragraph 9(a) and (b) above shall be such as will provide sufficient money to meet such proportion of the authority's estimated expenditure for that year as they have determined under paragraph 2 above is to be met out of the council water charge.

*Application of provisions relating to council tax*

11 The provisions of sections 71, 75 to 81, 96, 97 and 99(3) of this Act shall have effect, subject to such adaptations, exceptions and modifications as may be prescribed, in relation to the council water charge as they have effect in relation to the council tax.

*Non-domestic water rate*

12 The provisions of section 40 of the 1980 Act shall continue to have effect in relation to the non-domestic water rate.