SCOTTISH STATUTORY INSTRUMENTS

2003 No. 331

WATER SUPPLY

The Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003

Made - - - - 24th June 2003

Coming into force in accordance with article 1

The Scottish Ministers, in exercise of the powers conferred by sections 68(3) and 69 of the Water Industry (Scotland) Act 2002(**1**) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 68(5) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Water Industry (Scotland) Act 2002 (Consequential Provisions) Order 2003 and shall come into force on the day after the day on which it is made.

Modifications of enactment

2. The modifications specified in Parts I and II of the Schedule to this Order shall have effect.

St Andrew's House, Edinburgh
24th June 2003

ROSS FINNIE
A member of the Scottish Executive

(**1**) 2002 asp 3.

SCHEDULE Article 2

PART I

MODIFICATIONS OF PUBLIC GENERAL ACTS

Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c. 42)

1. In section 1 (procedure for compulsory purchase of land) of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947(**2**)–

(a) in subsection (1), after paragraph (e) insert–

"(f) by Scottish Water under section 47 of the Water Industry (Scotland) Act 2002 (asp 3);"; and

(b) after subsection (2) insert–

"(2A) The following sections of, and the Schedules to, this Act shall apply in relation to a compulsory purchase by Scottish Water as they apply in relation to a compulsory purchase by a local authority.".

Housing and Town Development (Scotland) Act 1957 (c. 38)

2.—(1) The Housing and Town Development (Scotland) Act 1957 is amended as follows.

(2) In section 10 (town development schemes)–

(a) in subsection (1)–

(i) for "or any public authority" substitute "authority or Scottish Water"; and

(ii) at the end insert "or, as the case may be, Scottish Water"; and

(b) in subsection (5), after "authority" insert "or Scottish Water".

(3) Sections 11, 12 and 15(2) are repealed.

(4) In section 16 (provision for failure to carry out duties under overspill agreements or town development schemes)–

(a) in subsection (1), the words "or public" are repealed; and

(b) after subsection (5) insert–

"(5A) This section shall apply in relation to Scottish Water as it applies in relation to a local authority.".

(5) In section 19(1) (interpretation of part II), the definition of "public authority" is repealed.

(6) In Schedule 2 (town development schemes)–

(a) in paragraph 1(c), the words from "and the public authority" to the end;

(b) paragraph 3; and

(c) in paragraph 4, the words "or 3",

are repealed.

(**2**) Section 1 was amended by the Statute Law Revision Act 1953 (c. 5); the National Health Service (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 2; the Civil Aviation Act 1982 (c. 16), Schedule 15, paragraph 2; the Roads (Scotland) Act 1984 (c. 54), section 110(3) and the Land Reform (Scotland) Act 2003 (asp 2), Schedule 2, paragraph 2.

Town and Country Planning (Scotland) Act 1959 (c. 70)

3. For paragraph 3 of Schedule 4 (authorities to whom Part II applies) to the Town and Country Planning (Scotland) Act 1959 substitute–

"**3.** Scottish Water.".

Control of Pollution Act 1974 (c. 40)

4.—(1) The Control of Pollution Act 1974(**3**) is amended as follows.

(2) In section 30H (discharges into and from sewers etc.)–

(a) for "a sewerage authority" wherever the expression occurs substitute "Scottish Water";

(b) for "the sewerage authority" wherever the expression occurs substitute "Scottish Water"; and

(c) for "person" where it third occurs in subsection (1) substitute "the person".

(3) In section 36(1)(b) (provisions supplementary to sections 34 and 35)–

(a) after "instrument", in the first place where it occurs, insert "to Scottish Water and"; and

(b) the words ", and to each water authority within whose limits of supply," and the words ", or within whose limits of supply," are repealed.

(4) In section 56(1) (interpretation etc. of Part II) –

(a) the definitions of "sewerage authority" and "water authority" are repealed; and

(b) in the definition of "watercourse"–

(i) for "the water authority" substitute "Scottish Water"; and

(ii) for "a water authority" substitute "Scottish Water".

(5) In section 62(2)(a) (noise in streets)–

(a) for "a water authority ("water authority" being construed in accordance with section 62 of the Local Government etc. (Scotland) Act 1994)" substitute "Scottish Water"; and

(b) for "functions" substitute "core functions (within the meaning of section 70(2) of the Water Industry (Scotland) Act 2002) (asp 3)".

Rent (Scotland) Act 1984 (c. 58)

5.—(1) The Rent (Scotland) Act 1984(**4**) is amended as follows.

(2) In each of sections 5(2) (no protected or statutory tenancy where landlord's interest belongs to local authority etc.) and 63(4) (Part VII contracts), for paragraph (aa) substitute–

"(aa) Scottish Water;".

(3) In section 115(1) (interpretation), the definitions of "sewerage authority" and "water authority" are repealed.

(**3**) Section 30H was inserted by the Environment Act 1995 (c. 25), Schedule 16, paragraph 2. Section 36(1), section 56(1) and section 62(2) were amended by the Local Government etc. (Scotland) 1994 (c. 39), Schedule 13, paragraph 95 and the Environment Act 1995 (c. 25), Schedule 16, paragraph 8 and Schedule 22, paragraph 29.

(**4**) Section 5(2), section 63(4) and section 115(1) were amended by the Housing (Consequential Provisions) Act 1985 (c. 71), Schedule 2, paragraph 59; the Housing (Scotland) Act 1987 (c. 26), Schedule 23, paragraph 29; the Local Government etc. (Scotland) Act 1994 (c. 39), Schedule 13, paragraph 137 and the Criminal Procedure (Consequential Provisions) (Scotland) Act 1995 (c. 40), Schedule 4, paragraph 54.