

Land Title and Servitude Pack

This guide is intended to provide a brief overview of legal terms in relation to assets that will vest in Scottish Water as part of the Facilitation Process.

We have also produced guides to support the relevant documentation that can be required in the process. These are also available to download from our website.

Short Summary

- Statutory powers of entry to renew, maintain etc. sewer pipes and water mains vested in Scottish Water based on compliance with the statutory notice provisions of the Sewerage (Scotland) Act 1968 and Water (Scotland) Act 1980.
- Title to land on appropriate terms for above ground assets and some below ground assets excluding water mains and sewer pipes.
- Servitude rights on appropriate terms, if required.

Sewerage (Scotland) Act 1968

Notices under sections 3 and 3A of the 1968 Act will be used to enable sewer pipes to vest in Scottish Water subject to the terms of the 1968 Act and Scottish Water to utilise the powers of entry contained in section 48 of the 1968 Act.

Water (Scotland) Act 1980

Notices under sections 23 and 23A of the 1980 Act will be used to enable water mains to vest in Scottish Water subject to the terms of the 1980 Act and Scottish Water to utilise the powers of entry contained in section 38 of the 1980 Act.

Title to Land

Scottish Water will acquire title to land on appropriate terms through statutory conveyance and utilising the notice provision contained in section 107 of the Title Conditions (Scotland) Act 2003, as required. Please see style guide *Statutory Conveyance*.

Deed of Servitude

Scottish Water will enter into a Deed of Servitude to take access to and make use of land outwith its ownership on appropriate terms, as required. Please see style guide *Deed of Servitude*.

Scottish Water and its employees cannot provide legal advice to external parties. Should you be in any doubt as to your position, you should take legal advice from a solicitor.

For further support please contact the Development Operations team or your designated Development Manager.

E-mail our team:

DevelopmentOperations@scottishwater.co.uk

Main office contact address:

**Development Operations,
Scottish Water,
The Bridge,
Buchanan Gate Business Park,
Cumbernauld Road,
Stepps, G33 6FB**

Main office phone number:

0800 3890379

Our main office operates 9am–5pm Monday–Friday within business hours.

Visit:

www.scottishwater.co.uk/connections



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