



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 3

#### SCOTTISH WATER

##### *Codes of practice*

#### 28 Consultation code

- (1) Scottish Water must prepare and submit to the Scottish Ministers a code of practice (a “consultation code”) making provision as to the consultation which it will carry out in relation to—
  - (a) proposals for, and
  - (b) the undertaking of,any significant activity in the exercise of its core functions.
- (2) The consultation code must, in particular, make provision—
  - (a) as to consultation with persons who live, work or carry on business in any area significantly affected by such an activity, or who represent the interests of such persons,
  - (b) as to the manner of such consultation, the information to be provided to consultees and the time to be allowed for consultees to express views,
  - (c) for Scottish Water to have regard to the views of the persons consulted in pursuance of the code,and may make different provision in relation to different cases or descriptions of case.
- (3) Before submitting the consultation code to the Scottish Ministers, Scottish Water—
  - (a) must consult [<sup>F1</sup>every water services provider and sewerage services provider and][<sup>F2</sup>Consumer Scotland] on the code and have regard to any comments on it made by [<sup>F1</sup>any such provider or][<sup>F2</sup>Consumer Scotland], and
  - (b) may adjust the code in light of those comments.
- (4) The Scottish Ministers may approve the consultation code—
  - (a) without modifications, or
  - (b) with such modifications as, after consulting Scottish Water, they think fit.

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**Changes to legislation:** There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 28. (See end of Document for details)

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- (5) A consultation code submitted to the Scottish Ministers under subsection (1) comes into force only when it is approved in accordance with subsection (4).
- (6) Scottish Water must publish the approved consultation code and provide a copy of the code to any person who requests it.
- (7) Scottish Water must endeavour to comply with the approved consultation code; but contravention of the code does not of itself give rise to any criminal or civil liability.
- (8) Subject to subsection (1), Scottish Water may from time to time—
  - (a) vary, or
  - (b) revoke or replace,
 the consultation code; and this section applies to the varied or new code as it does to the original code.

#### Textual Amendments

- F1** Words in s. 28(3)(a) inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 130(3)**, 134(7)(8); S.S.I. 2011/278, art. 2(b)
- F2** Words in s. 28(3)(a) substituted (10.11.2022) by [The Consumer Scotland \(Transfer of Functions\) Regulations 2022 \(S.S.I. 2022/296\)](#), reg. 1(1), **sch. para. 1(5)** (with reg. 3)

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