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*Changes to legislation: There are currently no known outstanding effects for the Water Services etc. (Scotland) Act 2005, Cross Heading: Application for licence. (See end of Document for details)*

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## SCHEDULE 2 LICENCES AND COMPLIANCE: FURTHER PROVISION

### *Application for licence*

- 1 (1) An application for a water services licence or a sewerage services licence is to be made to the Commission and is—
  - (a) to be in such form and made in such manner; and
  - (b) to contain such information (including information in the form of a document),as the Scottish Ministers may by order prescribe.
- (2) The applicant must provide the Commission with such further information (including information in the form of a document) as it reasonably requires in order to determine the application.
- (3) Sub-paragraph (2) does not authorise the Commission to require the disclosure of anything that a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.
- (4) The applicant must, in such manner and within such time from the making of the application as the Scottish Ministers may by order prescribe, publish a notice of the application; and the notice must—
  - (a) specify such procedure for making representations to the Commission with respect to the application; and
  - (b) contain such other particulars,as the Scottish Ministers may so prescribe.
- (5) Where the Commission proposes to refuse an application, the Commission is to give the applicant notice—
  - (a) of that fact (together with its reasons for proposing to refuse the application); and
  - (b) specifying the date by which the applicant may make representations to the Commission with respect to the proposed refusal.
- (6) The Commission is, in determining the application, to have regard to any representations made by virtue of—
  - (a) sub-paragraph (4)(a); and
  - (b) sub-paragraph (5)(b).
- (7) Any applicant for a water services licence or a sewerage services licence who knowingly or recklessly makes a statement, in connection with the application for the licence, that is false or misleading in a material particular is guilty of an offence.
- (8) A person who is guilty of an offence under sub-paragraph (7) is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum; or
  - (b) on indictment, to a fine.
- (9) A person whose application for a water services licence or sewerage services licence has been refused may, within 14 days of the date on which the refusal was intimated to the person under section 7(5)(a), appeal to the Court of Session against the refusal on a question of law.

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- (10) Where a water services licence or sewerage services licence has been granted, Scottish Water may, within 14 days of the date on which a copy of the licence was sent to Scottish Water under section 7(6)(b), appeal to the Court of Session against the granting of the licence on a question of law; and the licence is suspended until the appeal is withdrawn or finally determined.
- (11) In an appeal under sub-paragraph (9) or (10), the Court may quash or confirm the Commission's decision to refuse the application or (as the case may be) grant the licence; and the decision of the Court in the appeal is final.

**Modifications etc. (not altering text)**

- C1** Sch. 2 para. 1 applied (with modifications) (5.10.2006) by [Water Services and Sewerage Services Licences \(Scotland\) Order 2006 \(S.S.I. 2006/464\)](#), arts. 1(1), 4

**Commencement Information**

- I1** Sch. 2 para. 1 in force at 7.9.2006 by [S.S.I. 2006/445](#), art. 2, **Sch.**

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