



# Public Services Reform (Scotland) Act 2010

2010 asp 8

## PART 10

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous*

#### **129 Local Government (Scotland) Act 1973: minor amendment**

In section 102(2A) of the Local Government (Scotland) Act 1973 (c. 65) (reports to Accounts Commission for Scotland by Controller of Audit), the words “(1) or” are repealed.

#### **Commencement Information**

**II** [S. 129](#) in force at 1.8.2010 by [S.S.I. 2010/221](#), art. 3(2), [Sch.](#)

#### **130 Consultation by water and sewerage services providers**

- (1) The Water Industry (Scotland) Act 2002 (asp 3) is amended in accordance with this section (but see also schedule 2 which makes other amendments to that Act).
- (2) In section 27 (approval of customer standards code)—
  - (a) in subsection (1), after “consulting” insert “ every water services provider and sewerage services provider and ”,
  - (b) in subsection (4), after “consulting” insert “ every water services provider and sewerage services provider and ”.
- (3) In section 28 (consultation code), in subsection (3)(a)—
  - (a) after “consult” insert “ every water services provider and sewerage services provider and ”,
  - (b) after “by” insert “ any such provider or ”.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Services Reform (Scotland) Act 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) In section 29B (determination of maximum charges), in subsection (4)(a)—
  - (a) the word “and” immediately following sub-paragraph (ii) is repealed,
  - (b) after sub-paragraph (ii) insert—
 

“(ia) every water services provider and sewerage services provider, and”.
- (5) In section 29D(5) (statements regarding charges), after paragraph (a) insert—
 

“(aa) every water services provider and sewerage services provider,”.
- (6) In section 56A(4) (directions may set objectives), after “consult” insert “ every water services provider and sewerage services provider and ”.
- (7) In section 57(6) (information and reports), after “Commission” insert “ , every water services provider and sewerage services provider ”.
- (8) In section 70 (interpretation), after the entry for “the Parliament” insert—
 

““sewerage services provider” has the meaning given in section 6(4) of Water Services etc. (Scotland) Act 2005 (asp 3),

“water services provider” has the meaning given in section 6(2) of the Water Services etc. (Scotland) Act 2005.”.

#### Commencement Information

I2 [S. 130](#) in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(b\)](#)

## 131 Complaints about water services and sewerage services providers

In the Water Services etc. (Scotland) Act 2005 (asp 3), after section 11 insert—

### “11A Complaints about licensed providers

- (1) Subsections (2) to (4) apply where a water services provider or, as the case may be, a sewerage services provider (“the provider”) has requested (in writing) that the Scottish Public Services Ombudsman (“the Ombudsman”) investigate complaints made about the provider by occupiers of premises served by the provider.
- (2) Subject to subsection (4), the Scottish Public Services Ombudsman Act 2002 applies to such complaints as it applies to complaints made under that Act about a listed authority.
- (3) For the purposes of subsection (2), the provider is to be treated as a listed authority and the complainer as the person aggrieved.
- (4) Paragraph 7 of schedule 4 to the Scottish Public Services Ombudsman Act 2002 (Ombudsman not to investigate contractual or commercial transactions relating to a listed authority) does not apply.
- (5) Subsections (6) to (9) apply where—
  - (a) the provider has—

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- (i) requested (in writing) that the Ombudsman may not investigate any new complaints relating to the provider,
    - (ii) sent a copy of that request to the Commission, and
  - (b) the Commission has agreed to that request and notified the Ombudsman accordingly.
- (6) The Ombudsman may not investigate any new complaints relating to the provider from the date that the Ombudsman receives notification under subsection (5)(b).
- (7) The Ombudsman is to continue investigating any undetermined complaints about the provider which have been made to the Ombudsman prior to the Ombudsman's receipt of notification under subsection (5)(b).
- (8) For the purpose of enabling an undetermined complaint to continue to be dealt with, subsections (2) and (3) continue to apply and have effect as they applied and had effect immediately before the Ombudsman received notification under subsection (5)(b).
- (9) For the purpose of subsection (7), a complaint is determined by the Ombudsman if the Ombudsman—
- (a) has decided to conduct an investigation in relation to the complaint and that investigation is concluded, or
  - (b) has decided not to conduct an investigation in relation to the complaint.”.

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**Commencement Information**

**I3** [S. 131](#) in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(c\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A amendment to earlier affecting provision 2019 asp 6, s. 12(2) by [S.S.I. 2023/127 reg. 3\(4\)](#)
- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)