

SCHEDULE 2

(introduced by section 3(6))

TRANSFER OF WATERWATCH SCOTLAND FUNCTIONS: MODIFICATIONS OF ENACTMENTS

PART 1

AMENDMENTS

Water Industry (Scotland) Act 2002 (asp 3)

- 1 The Water Industry (Scotland) Act 2002 is amended as follows.
- 2 After section 2 (Water Customer Consultation Panels) insert—

“2A National Consumer Council representations

- (1) This section applies where the National Consumer Council (“the Council”) has exercised a function under section 8(1) of the Consumers, Estate Agents and Redress Act 2007 (c. 17) (representative functions) in relation to the activities of Scottish Water.
 - (2) The persons listed in subsection (4) must have regard to any advice, information, proposal or representation made to them by the Council under section 8(1) of that Act.
 - (3) Any persons listed in subsection (4) to whom a proposal is made under section 8(1)(b) of that Act must, within 6 months of receipt, publish a summary of their responses to the proposal.
 - (4) The persons are—
 - (a) the Scottish Ministers,
 - (b) Scottish Water,
 - (c) the Water Industry Commission,
 - (d) the Drinking Water Quality Regulator for Scotland,
 - (e) the Scottish Environment Protection Agency.”
- 3 In section 4 (power of the Commission to require information) after subsection (3) insert—

“(4) Scottish Water must comply with any direction given to it by the Commission under section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (enforcement by regulator of notice to provide the National Consumer Council with information).”.
 - 4 In section 5 (annual reports by, and information from, the Commission), in subsection (2)—
 - (a) in paragraph (a)(i), for “representations made to it by a Customer Panel” substitute “advice, information or representation made to it by the National Consumer Council under section 8(1)(a) or (c) of the Consumers, Estate Agents and Redress Act 2007 (representative functions)”,
 - (b) in paragraph (a)(ii), for “recommendations made to it under section 2(4)” substitute “proposals made to it under section 8(1)(b) of that Act”,
 - (c) in paragraph (b)—

Status: This is the original version (as it was originally enacted).

- (i) after “such” insert “advice, information, proposal or”,
- (ii) the words “or recommendation” are repealed.
- 5 In section 6 (funding of the Commission), after subsection (2) insert—
 - “(2A) Scottish Water must make to the National Consumer Council, in respect of the Council’s expenses (as respects its activities relating to Scottish Water), payments of such amounts, and at such times, as the Scottish Ministers may direct.
 - (2B) Before making a direction under subsection (2A), the Scottish Ministers must consult the Council.”.
- 6 In the title to section 6 (funding of the Commission), after “Commission” insert “and the National Consumer Council”.
- 7 In the title to Part 1 (Water Industry Commission and Customer Panels), for “Customer Panels” substitute “the representation of consumers”.
- 8 In section 27 (approval of customer standards code)—
 - (a) in subsection (1), for “each Water Customer Consultation Panel” substitute “the National Consumer Council”,
 - (b) in subsection (4), for “each Water Customer Consultation Panel” substitute “the National Consumer Council”.
- 9 In section 28 (consultation code), in subsection (3)(a)—
 - (a) for “each Water Customer Consultation Panel” substitute “the National Consumer Council”,
 - (b) for “any Panel” substitute “the Council”.
- 10 In section 29B (determination of maximum charges), in subsection (4)(a), for subparagraph (iii) substitute—
 - “(iii) the National Consumer Council,”.
- 11 In section 29D(5) (statements regarding charges), for paragraph (b) substitute—
 - “(b) the National Consumer Council,”.
- 12 In section 56A (directions may set objectives), in subsection (4), for the words “Convener” to “whole” substitute “National Consumer Council”.
- 13 In section 57 (information and reports), in subsection (6)(a), for “Convener of the Water Customer Consultation Panels” substitute “National Consumer Council”.

Water Services etc. (Scotland) Act 2005 (asp 3)

- 14 In section 19 of the Water Services etc. (Scotland) Act 2005 (disconnections code), in subsection (4), for paragraph (c) substitute—
 - “(c) the National Consumer Council;”.

Consumers, Estate Agents and Redress Act 2007 (c. 17)

- 15 The Consumers, Estate Agents and Redress Act 2007 is amended as follows.
- 16 In section 2 (the territorial committees), in subsection (1)(a)—
 - (a) after “sections” insert “7A,”,
 - (b) after “19” insert “, 20A”.

17 After section 7 (annual report), insert—

“7A Annual report on Scottish Water related activities

(1) The Council must—

- (a) prepare a report for each financial year on its activities in relation to Scottish Water during the year,
- (b) as soon as reasonably practicable after the end of each financial year, send a copy of the report to the Scottish Ministers, and
- (c) provide such further information in relation to such activities as the Scottish Ministers may reasonably require.

(2) The Scottish Ministers must lay before the Scottish Parliament a copy of each report sent to them under subsection (1)(b).”.

18 After section 20 (duty to enter into co-operation arrangements) insert—

“20A Duty to enter into co-operation arrangements about Scottish Water

(1) It is the duty of the Council and each designated body to enter into co-operation arrangements under this section.

(2) In this section—

“co-operation arrangements” has the same meaning as in section 20(2),
“designated body” means—

- (a) the Scottish Public Services Ombudsman, and
- (b) the Water Industry Commission for Scotland.

(3) As soon as practicable after agreement is reached between the Council and a designated body on co-operation arrangements, the Council and the body must prepare a memorandum setting them out and send a copy of it to the Scottish Ministers.

(4) The Council and the designated body must keep under review any co-operation arrangements entered into by them under this section.

(5) As soon as practicable after agreement is reached on any changes to co-operation arrangements, the Council and the designated body to which they relate must revise their memorandum and send a copy of the revised memorandum to the Scottish Ministers.”.

19 In section 24(9) (provision of information to the Council), after paragraph (c) insert—
“(ca) the Water Industry Commission for Scotland;”.

20 In section 25 (enforcement by regulator of Council notice requiring the provision of information), at the appropriate place in the table in subsection (3) insert—

“Scottish Water.

The Water Industry Commission for
Scotland.”.

Status: This is the original version (as it was originally enacted).

PART 2

REPEALS

- 21 The enactments referred to in the first column of the following table are repealed to the extent specified in the second column.

<i>Enactment</i>	<i>Extent of repeal</i>
Water Industry (Scotland) Act 2002 (asp 3)	Section 2. Section 6A. Section 6B. Section 6C. In schedule 1, Part 2.
Scottish Public Services Ombudsman Act 2002 (asp 11)	In schedule 2, paragraph 21B.
Freedom of Information (Scotland) Act 2002 (asp 13)	In schedule 1, paragraph 62B. Section 3.
Water Services etc. (Scotland) Act 2005 (asp 3)	Section 3. In schedule 5, paragraph 7(3). In schedule 5, sub-paragraph (a) of paragraph 8. In schedule 5, sub-paragraph (a) of paragraph 9.