

Changes to legislation: There are currently no known outstanding effects for the Public Services Reform (Scotland) Act 2010, Cross Heading: Water Industry (Scotland) Act 2002 (asp 3). (See end of Document for details)

SCHEDULE 2 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.

Annotations:

Commencement Information

- II** [Sch. 2 para. 1](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

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.”

Annotations:

Commencement Information

- I2** [Sch. 2 para. 2](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,

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art. 2(d)

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).”.

Annotations:

Commencement Information

I3 [Sch. 2 para. 3](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
art. 2(d)

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)—
 - (i) after “such” insert “ advice, information, proposal or ”,
 - (ii) the words “or recommendation” are repealed.

Annotations:

Commencement Information

I4 [Sch. 2 para. 4](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
art. 2(d)

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.”.

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Annotations:

Commencement Information

- I5** [Sch. 2 para. 5](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

- 6 In the title to section 6 (funding of the Commission), after “Commission” insert “and the National Consumer Council”.

Annotations:

Commencement Information

- I6** [Sch. 2 para. 6](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

- 7 In the title to Part 1 (Water Industry Commission and Customer Panels), for “Customer Panels” substitute “the representation of consumers”.

Annotations:

Commencement Information

- I7** [Sch. 2 para. 7](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

- 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”.

Annotations:

Commencement Information

- I8** [Sch. 2 para. 8](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

- 9 In section 28 (consultation code), in subsection (3)(a)—
(a) for “each Water Customer Consultation Panel” substitute “the National Consumer Council”,

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(b) for “any Panel” substitute “ the Council ”.

Annotations:

Commencement Information

I9 [Sch. 2 para. 9](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

10 In section 29B (determination of maximum charges), in subsection (4)(a), for sub-paragraph (iii) substitute—
“(iii) the National Consumer Council.”.

Annotations:

Commencement Information

I10 [Sch. 2 para. 10](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

11 In section 29D(5) (statements regarding charges), for paragraph (b) substitute—
“(b) the National Consumer Council.”.

Annotations:

Commencement Information

I11 [Sch. 2 para. 11](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

12 In section 56A (directions may set objectives), in subsection (4), for the words “Convener” to “whole” substitute “ National Consumer Council ”.

Annotations:

Commencement Information

I12 [Sch. 2 para. 12](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

13 In section 57 (information and reports), in subsection (6)(a), for “Convener of the Water Customer Consultation Panels” substitute “ National Consumer Council ”.

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Annotations:

Commencement Information

I13 [Sch. 2 para. 13](#)
in force at 15.8.2011 by
[S.S.I. 2011/278](#)
,
[art. 2\(d\)](#)

Changes to legislation:

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