

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://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](#)

## 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.

#### 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.”.

#### Commencement Information

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

**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

#### 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.

#### 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.”.

#### 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 ”.

#### 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 ”.

#### 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)—

**Changes to legislation:** There are outstanding changes not yet made by the [legislation.gov.uk](https://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](#)

- (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 ”.

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

**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 subparagraph (iii) substitute—
- “(iii) the National Consumer Council,”.

**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,”.

**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 ”.

**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 ”.

**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:* 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

*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;”.

**Commencement Information**

**I14** Sch. 2 para. 14 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

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

- 15 The Consumers, Estate Agents and Redress Act 2007 is amended as follows.

**Commencement Information**

**I15** Sch. 2 para. 15 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

<sup>F1</sup>16 . . . . .

**Textual Amendments**

**F1** Sch. 2 paras. 16-18 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 19(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

<sup>F1</sup>17 . . . . .

**Textual Amendments**

**F1** Sch. 2 paras. 16-18 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 19(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

<sup>F1</sup>18 . . . . .

**Textual Amendments**

**F1** Sch. 2 paras. 16-18 omitted (1.4.2014) by virtue of [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 19(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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

**Commencement Information**

**I16** Sch. 2 para. 19 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

**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](#)

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.”.
------------------	---

**Commencement Information**

I17 Sch. 2 para. 20 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

**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.

[View outstanding changes](#)

**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\(2\)](#)