

2006 No. 599 (C. 45)

WATER INDUSTRY

**The Water Services etc. (Scotland) Act 2005 (Commencement
No. 5) Order 2006**

Made - - - -

13th December 2006

The Scottish Ministers, in exercise of the powers conferred by sections 34(2) and 37(2) of the Water Services etc. (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Water Services etc. (Scotland) Act 2005 (Commencement No. 5) Order 2006.

(2) In this Order “the 2005 Act” means the Water Services etc. (Scotland) Act 2005.

Appointed Day

2. The provisions of the 2005 Act which are specified in column 1 of the Schedule to this Order, the subject matter of which is described in column 2 of that Schedule shall, so far as not then in force, come into force on 8th January 2007 (“the appointed day”); but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, that provision shall come into force on the appointed day only for that purpose.

RHONA BRANKIN

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
13th December 2006

SCHEDULE

Article 2

PROVISIONS OF THE 2005 ACT COMING INTO FORCE ON 8TH JANUARY 2007

<i>Column 1</i> <i>Provisions of the 2005 Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 2	Dissolution of Office of Commissioner	
Section 6	Licence authorisation	
Section 7	Granting of licences	
Section 9	Fees relating to licences	
Section 12	Licences and compliance: further provision	
Section 32	Amendments to enactments	Only for the purpose of bringing into force the provisions of Schedule 5 to the 2005 Act specified in column 1 of this table below.
Schedule 2, paragraph 4	Licences and compliance: further provision	
Schedule 5, paragraph 7(10)	Amendments to enactments	

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of, and the Schedule to, this Order bring into force further provisions of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”) on 8th January 2007.

This Order commences for all purposes the remaining provisions in Part 2 of the 2005 Act which establishes a licensing system for the provision of water and sewerage services to eligible premises by water services and sewerage services providers.

It also commences provisions relating to the dissolution of the Office of the Water Industry Commissioner for Scotland, whose functions are now carried out by the Water Industry Commission for Scotland.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act were brought into force by the Water Services etc. (Scotland) Act 2005 (Commencement No. 1 and Savings) Order 2005 (S.S.I. 2005/351), the Water Services etc. (Scotland) Act 2005 (Commencement No. 2) Order 2006 (S.S.I. 2006/40), the Water Services etc. (Scotland) Act 2005 (Commencement No. 3 and Savings) Order 2006 (S.S.I. 2006/167) and the Water Services etc. (Scotland) Act 2005 (Commencement No. 4) Order 2006 (S.S.I. 2006/445):

<i>Provisions commenced on 20th June 2005 by S.S.I. 2005/351</i>
Section 1(1) (partially)
Section 1(4) (partially)
Section 4, apart from subsection (6)
Section 5, apart from subsection (6)
Section 9 (partially)
Section 28
Section 29
Section 30 (Part 3)
Section 31
Schedule 1 (partially)
Schedule 4
<i>Provisions commenced on 1st July 2005 by S.S.I. 2005/351</i>
Section 1
Section 2
Section 21, apart from subsections (4) and (5)
Section 22
Section 24
Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 specified in this column below)
Schedule 1
Schedule 3
Schedule 5, paragraphs 1 to 6; 7(1) to (2); 7(4); 7(6); 7(8) to (9); 8(b); 9(b) and 10
<i>Provisions commenced on 10th February 2006 by S.S.I. 2006/40</i>
Section 25
Section 26 (partially)

<i>Provisions commenced on 1st April 2006 by S.S.I. 2006/167</i>
Section 3
Section 23
Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 specified in this column below)
Schedule 5, paragraphs 7(3), 8(a) and 9(a)
<i>Provisions commenced on 22nd April 2006 by S.S.I. 2006/167</i>
Section 26, apart from subsection (10)
Section 26(10) (only in relation to any sewerage nuisance to which the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006 (S.S.I. 2006/155) applies)
<i>Provisions commenced on 7th September 2006 by S.S.I. 2006/445</i>
Section 4(6)
Section 5(6)
Section 6 (partially)
Section 7 (partially)
Section 8
Section 10
Section 11
Section 12 (only for the purpose of bringing into force the provisions of Schedule 2 specified in this column below)
Section 13
Section 14
Section 15
Section 16
Section 17
Section 18
Section 19
Section 20
Section 21(4) and (5)
Section 27
Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 to the 2005 Act specified in column 1 of this table below)
Schedule 2, apart from paragraph 4
Schedule 5, paragraph 7(7)

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