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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 44**

**WATER INDUSTRY**

**The Water and Sewerage Services Undertaking  
(Lending by the Scottish Ministers) Order 2008**

<i>Made</i>	- - - -	<i>19th February 2008</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>20th February 2008</i>
<i>Coming into force</i>	- -	<i>17th March 2008</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 14(2) of the Water Services etc. (Scotland) Act 2005(1) and all other powers enabling them to do so.

**Citation and commencement**

1. This Order may be cited as the Water and Sewerage Services Undertaking (Lending by the Scottish Ministers) Order 2008 and comes into force on 17th March 2008.

**Interpretation**

2. In this Order—

- (a) “the Act” means the Water Services etc. (Scotland) Act 2005; and
- (b) “the undertaking” means the water and sewerage services undertaking established for the purposes of section 13 of the Act.

**Lending by the Scottish Ministers**

3. The undertaking may, with the consent of Scottish Water, borrow from the Scottish Ministers sums of such amounts as the Scottish Ministers may determine in circumstances where those sums are required to enable it to perform activities authorised by a water services or sewerage services licence granted to it under section 6(1) or (3) of the Act.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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St Andrew's House,  
Edinburgh  
19th February 2008

*STEWART STEVENSON*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order permits the Scottish Ministers to lend sums of such amounts as they may determine to the water and sewerage services undertaking established by Scottish Water under section 13 of the Water Services etc. (Scotland) Act 2005 (“the Act”), in the circumstances specified in article 3 of the Order. The undertaking’s functions under section 13(4) of the Act are to become a water services and sewerage services provider and to perform activities authorised by the water services and sewerage services licences held by it. Section 13(7) provides that the undertaking may engage in any activity which it considers is not inconsistent with the performance of its licensed activities. Article 3 of the Order specifies that sums lent by the Scottish Ministers are to be used to enable the undertaking to perform its licensed activities.