



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

Protection of customers' interests etc.

67 Scottish Water and Sewerage Customers Council

- (1) There shall be established a body to be known as the Scottish Water and Sewerage Customers Council (in this Part of this Act referred to as “the Customers Council”) for the purpose of representing the interests of customers and potential or former customers of the new water and sewerage authorities.
- (2) Schedule 9 to this Act shall have effect with respect to the constitution and proceedings of, and other matters relating to, the Customers Council.

68 Functions of Customers Council

- (1) For the purpose mentioned in section 67(1) of this Act, the Customers Council shall—
 - (a) keep under review all matters appearing to it to affect the interests of customers or potential or former customers of the new water and sewerage authorities;
 - (b) consult each authority about such of those matters as appear to affect the interests of the customers or potential or former customers of that authority; and
 - (c) make such representations as it considers appropriate to those authorities, or as the case may be to that authority, about any such matter.
- (2) The Customers Council shall investigate any complaint made to it by a customer or potential or former customer of a new water and sewerage authority, as respects a

function of that authority (whether as water authority or as sewerage authority), unless it appears to the Council that the complaint is vexatious or frivolous.

- (3) Without prejudice to subsection (1)(c) above, where the Customers Council considers it appropriate to do so in connection with a complaint investigated by it under subsection (2) above, it shall make representations on behalf of the complainer to the authority in question about any matter—
 - (a) to which the complaint relates; or
 - (b) which appears to the Council to be relevant to the subject matter of the complaint.
- (4) The Customers Council shall advise the Secretary of State on any matter which appears to the Council, or to him, to relate to—
 - (a) the standard of service provided by a new water and sewerage authority to their customers; or
 - (b) the manner in which any such authority conduct their relations with their customers or potential or former customers.
- (5) The Customers Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions under this Act; and without prejudice to that generality, or to section 70(2) of this Act, may make such arrangements as it thinks fit to inform customers and potential or former customers of the new water and sewerage authorities about matters affecting, or likely to affect, their interests.

69 Power of Customers Council to require information

A new water and sewerage authority shall, on being requested to do so by the Customers Council, supply the Council with such information held by them as it may reasonably seek in the exercise of its functions under this Act; but where the authority and the Council cannot agree as to whether the information is sought reasonably, either of them may refer the matter to the Secretary of State, whose determination in that regard shall be final.

70 Annual reports by, and information from, Customers Council

- (1) Without prejudice to subsection (3) below, the Customers Council shall, as soon as practicable after the end of each financial year, make to the Secretary of State a report on its activities during that financial year; but no such report shall be required in respect of any financial year ending before 31st March 1997.
- (2) The Customers Council shall arrange for the report to be published in such manner as it considers appropriate.
- (3) The Customers Council shall furnish the Secretary of State with such information regarding the exercise, or proposed exercise, of its functions under this Act as he may from time to time require.

71 Funding of Customers Council

- (1) The Secretary of State may, to such extent as may be approved by the Treasury, defray or contribute towards the expenses of the Customers Council.

- (2) Any sums required by the Secretary of State for the purposes of subsection (1) above shall be paid out of money provided by Parliament.
- (3) A new water and sewerage authority shall contribute towards the expenses of the Customers Council by making payments of such amounts, and at such times, to the Council as the Secretary of State may direct.

72 References to Monopolies and Mergers Commission

In section 11(3) of the Competition Act 1980 (entities as respects which references may be made to the Monopolies and Mergers Commission), after paragraph (c) there shall be inserted the following paragraph—

“(cc) the new water and sewerage authorities, within the meaning of the Local Government etc. (Scotland) Act 1994;”.