



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

[^{F1} The Water Industry Commissioner for Scotland]

Textual Amendments

F1 S. 67A and crossheading inserted (1.11.1999) by 1999 c. 9, s. 12(1); S.S.I. 1999/133, art. 2(a)

VALID FROM 01/11/1999

[^{F2}67A Water Industry Commissioner for Scotland and Consultative Committees.

- (1) There shall be a Water Industry Commissioner for Scotland (in this Part of this Act referred to as “the Commissioner”), who shall have the general function of promoting the interests of customers of the new water and sewerage authorities.
- (2) In respect of each new water and sewerage authority there shall be a Water Industry Consultative Committee, which shall have the general function of advising the Commissioner on the promotion of the interests of customers of that authority.
- (3) In exercising his functions in relation to an authority the Commissioner shall have regard to any advice given to him by the Consultative Committee in respect of that authority.
- (4) The Secretary of State may, after consulting the Commissioner, give him directions of a general or specific character as to the exercise of his functions; and the Commissioner shall comply with those directions.

Status: Point in time view as at 30/10/1995. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Water Industry Commissioner for Scotland. (See end of Document for details)

(5) Schedule 9A to this Act (which makes further provision about the Commissioner and Water Industry Consultative Committees) shall have effect.]

Textual Amendments

F2 S. 67A inserted (1.11.1999) by 1999 c. 9, s. 12(1); S.S.I. 1999/133, art. 2(a)

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.

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Commencement Information

- II S. 68 wholly in force at 1.4.1996; s. 68 not in force at Royal Assent see s. 184(2); s. 68(1)(4)(5) in force at 30.10.1995 by S.I. 1995/2866, art. 2(b); s. 68(2)(3) in force at 1.4.1996 by S.I. 1996/323, art. 4(1)(a), Sch. 1

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.

VALID FROM 01/04/1996

72 References to Monopolies and Mergers Commission.

In section 11(3) of the ^{M1}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;”.

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Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Water Industry Commissioner for Scotland. (See end of Document for details)

Marginal Citations

M1 1980 c. 21.

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