



Water Industry (Scotland) Act 2002

2002 asp 3

WATER INDUSTRY (SCOTLAND) ACT 2002

PART 1

WATER INDUSTRY COMMISSIONER AND THE REPRESENTATION OF CONSUMERS

- 1 Water Industry Commission for Scotland
- 2 Water Customer Consultation Panels
- 2A National Consumer Council representations
- 3 Functions of the Commission
- 4 Power of the Commissioner to require information
- 5 Annual reports by, and information from, the Commissioner
- 6 Funding of the Commission and the National Consumer Council
- 6A Convener of Customer Panels to investigate complaints
- 6B Annual reports and information regarding Customer Panels
- 6C Co-operation between the Commission and Customer Panels

PART 2

DRINKING WATER QUALITY REGULATOR

Appointment

- 7 Drinking Water Quality Regulator for Scotland

Public water suppliers: general powers of Regulator

- 8 Power to obtain information
- 9 Powers of entry, inspection etc.

Enforcement of duties of public water suppliers

- 10 Enforcement notices
- 11 Enforcement notices: further provisions
- 12 Failure to comply with enforcement notices
- 13 Emergencies
- 14 Variation and withdrawal of notices

Status: Point in time view as at 15/08/2011.

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15 Register of enforcement notices and emergency notices

Supervision of local authority enforcement

16 Power to require information from local authorities

Supplementary

17 Annual reports

18 Powers of entry etc.: further provision

19 Interpretation of Part 2

PART 3

SCOTTISH WATER

Establishment

20 Scottish Water

21 Transfer of functions from new water and sewerage authorities

22 Transfer of property and liabilities

23 Transfer of staff

24 Dissolution of new water and sewerage authorities etc.

General powers

25 General powers

Codes of practice

26 Customer standards code

27 Approval of customer standards code

28 Consultation code

Charges

29 Charges for goods and services

29A Charges schemes

29B Determination of maximum charges

29C Exercise of functions regarding charges

29D Statements regarding charges

29E Departure from certain charges

29F Review of determinations and charges

29G Effective exercise of core functions

30 Maximum charges for services provided with help of Scottish Water

31 Charges schemes

32 Approval of charges schemes

33 Commissioner's advice on charges

34 Publication of summary of charges scheme

35 Liability of occupiers etc. for charges

35A Charges for services arranged by licensed providers

36 Section 35: meaning of "occupier"

37 Collection of charges by local authority

38 Suspension of collection of charges by local authority

39 Primacy of duty to maintain domestic water supply etc.

40 Reduced charges

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Finances

- 41 Duties and powers relating to finance
- 42 Financing and borrowing
- 43 Guarantees
- 44 Directions as to payment and investment
- 45 Accounts and audit

Land transactions

- 46 Acquisition of land by agreement
- 47 Compulsory acquisition of land
- 48 Disposal of land

General duties

- 49 Interests of customers
- 50 Economy, efficiency and effectiveness
- 51 Sustainable development
- 52 Public access to land held by Scottish Water
- 53 Environmental matters
- 54 Protection of natural heritage
- 55 Consultation with Health Boards

Miscellaneous

- 56 Directions
- 56A Directions may set objectives
- 56B Supplementary functions
- 57 Information and reports
- 58 Records
- 59 Validity of actings
- 60 Private legislation
- 61 Supply of goods and services to and by local authorities
- 62 Information from local authorities and assessors

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

- 63 Register of trade effluents: confidential information
- 64 Works in connection with metering
- 65 Contravention of water byelaws: penalties and proceedings

General

- 66 Offences by bodies corporate and partnerships
- 67 Crown application
- 68 Orders and regulations
- 69 Ancillary provision
- 70 Interpretation
- 71 Modification of enactments
- 72 Commencement and short title

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SCHEDULE A1 — Water Industry Commission for Scotland

Status

- 1 (1) The Commission is a body corporate.

Membership

- 2 The Commission is to consist of the following members—

Tenure and removal from office

- 3 (1) Each ordinary member— (a) is to be appointed by...

Disqualification

- 4 A person is disqualified from appointment, and from holding office,...

Chairing

- 5 (1) The Scottish Ministers— (a) must appoint one of the...

Remuneration, allowances and pensions

- 6 (1) The Commission must pay to each ordinary member such...

Chief executive

- 7 (1) The Commission is to employ a chief executive.

Staff

- 8 (1) All staff employed, immediately before the coming into force...

Transfer of property and liabilities

- 9 (1) All property (including rights) and liabilities, subsisting immediately before...

Committees

- 10 (1) The Commission may establish committees for or in connection...

Delegation of powers

- 11 (1) Anything authorised or required under any enactment to be...

Proceedings

- 12 (1) The Commission may regulate its own procedure (including any...

General powers

- 13 (1) The Commission may do anything which appears necessary or...

Accounts

- 14 The Commission must— (a) prepare for each financial year, in...

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SCHEDULE 1 — Water Industry Commissioner and Customer Panels: further provision

Part 1 — THE COMMISSIONER

- 1 *Appointment*
- 2 *Staff*
- 3 *Status*
- 4 *Accounts*

Part 2 — CUSTOMER PANELS

- 5 *Convener*
- 6 *Membership*
- 7 *Remuneration and allowances*
- 8 *Administrative support*
- 9 *Proceedings*

SCHEDULE 2 — Drinking Water Quality Regulator: further provision as to powers of entry etc.

- 1 *Notice of entry*
- 2 *Warrant to exercise right or power*
- 3 *Evidence of authority*
- 4 *Supplementary powers*
- 5 *Duty to secure premises*
- 6 *Compensation*
- 7 *Commercially confidential information*
- 8 *Interpretation*

SCHEDULE 3 — Scottish Water: status, constitution, proceedings etc.

- 1 *Status*
- 2 *Membership*
- 3 *Tenure and removal from office*
- 4 *Chairing*
- 5 *Remuneration, allowances and pensions*
- 6 *Chief executive and other staff*
- 7 *Committees*
- 8 *Proceedings*
- 9 *Delegation of powers*
- 10 *Validity of proceedings and actings*
- 11 *Transitory arrangements: initial appointments*
- 12 (1) The Scottish Ministers may appoint, on such terms and...

SCHEDULE 4 — Recovery by local authority of unpaid charges

- 1 This schedule applies to any sum which has become payable...
- 2 (1) Any sum to which this schedule applies may be...
- 3 No misnomer or inaccurate description of any person or place,...
- 4 (1) Without prejudice to section 39(1) of the Debt Arrangement...

SCHEDULE 5 — Modifications of Sewerage (Scotland) Act 1968

- 1 The Sewerage (Scotland) Act 1968 (c.47) is amended as follows....
- 2 In each of the following provisions, for “a sewerage authority”...
- 3 In each of the following provisions, for “the sewerage authority”...
- 4 In each of the following provisions, for “the authority” wherever...
- 5 In section 1 (duty of sewerage authority to provide for...
- 6 In section 2 (maintenance of public sewers and other works)—...
- 7 In section 3 (construction etc. of public sewers and public...

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- 8 In section 3A (authorisation of construction of certain private sewers)
—...
- 9 In section 4 (power of sewerage authority to close or...
- 10 Section 6(functions outwith area of a sewerage authority) is repealed....
- 11 In section 7 (agreements between roads and sewerage authorities)—
- 12 In section 8 (agreements as to provision of sewers etc....
- 13 In section 9 (loan of temporary sanitary conveniences), for—
- 14 In section 10 (emptying of septic tanks)—
- 15 In section 11 (duty of sewerage authority to keep map...
- 16 In section 12 (rights of owners and occupiers to connect...
- 17 Section 13(rights of owners and occupiers to connect with and...
- 18 In section 14 (direction by sewerage authority as to manner...
- 19 In section 15 (owner or occupier to remedy defects in...
- 20 In section 16 (vesting of sewers and other works in...
- 21 In section 16A (vesting of certain private sewers)—
- 22 In section 17 (sewerage authority may take over private sewage...
- 23 In section 20 (compensation for loss etc. resulting from exercise...
- 24 In section 21(1) (buildings not to interfere with sewers), for...
- 25 In section 23 (restriction on working minerals), for “section 98(1)(b)...
- 26 In section 27 (procedure on application for consent to new...
- 27 In section 28 (time to dispose of application), for “them”...
- 28 In section 29 (decision on application)— (a) in subsection (1)—...
- 29 In section 30(1) (intimation of decision)— (a) for “their” substitute...
- 30 In section 32 (review of consents, conditions and refusals)—
- 31 In section 36 (review of continuation of existing discharge)—
- 32 In section 37 (agreements as respects trade premises)—
- 33 In section 37A (register for purposes of Part II)—
- 34 In section 38 (power to extend Part II to other...
- 35 In section 39 (sewerage authority to have right to sewage)—...
- 36 In section 41 (breaking open of roads etc.)—
- 37 In section 42(1) (execution of works by sewerage authorities for...
- 38 In section 44 (power of sewerage authorities to require information...
- 39 In section 48(1) (powers of entry)— (a) in paragraph (d),...
- 40 In section 55(2) (application of Act to Crown), for the...
- 41 In section 59(interpretation)— (a) for the definition of “area” substitute
—...

SCHEDULE 6 — Modifications of Water (Scotland) Act 1980

- 1 The Water (Scotland) Act 1980 (c.45) is amended as follows....
- 2 In section 1 (general duties of Scottish Ministers and of...
- 3 (1) Section 6 (duty of authority to provide supply) is...
- 4 In section 8 (water supplied for domestic purposes to be...
- 5 (1) Section 9 (supply of water for non-domestic purposes) is...
- 6 In section 9A (no charge for supply of water for...
- 7 In section 10 (compensation for damage resulting from exercise of...
- 8 (1) Section 11 (power of Scottish Ministers on default of...
- 9 Section 12(supply of water to premises outwith limits of supply)...
- 10 (1) Section 13 (supply of water in bulk) is amended...
- 11 In section 13A (supply of water for use outwith Scotland)—...
- 12 In section 14 (power of water authority to give guarantee...
- 13 (1) Section 16 (powers of survey and search for water...
- 14 (1) Section 17 (acquisition of water rights) is amended as...
- 15 In section 18(1) (compulsory acquisition of land for water works)—...

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- 16 In section 21 (power to carry out works)—
- 17 In section 22 (power to break open roads)—
- 18 (1) Section 23 (power to lay mains etc.) is amended...
- 19 (1) Section 24A (keeping of map showing water mains etc.)...
- 20 In section 25(1) (power of authority to provide public wells)—...
- 21 In section 26 (power to close, or restrict use of,...
- 22 In section 28 (water works code)— (a) in subsection (1),...
- 23 In section 29 (applications of enactments by order)—
- 24 In section 31(1) (consultation with authorities in England)—
- 25 In section 32(1) (power of water undertakers to supply water...
- 26 (1) Section 33 (temporary discharge of water into watercourses) is...
- 27 In section 34 (persons supplying water to supply to authority)—...
- 28 In section 35 (power to supply water fittings)—
- 29 In section 36 (power to execute work on behalf of...
- 30 In section 38(1) (entry of premises)— (a) for “a water...
- 31 In section 41A (supply of water by meter)—
- 32 (1) Section 50 (power to require supply by meter) is...
- 33 In section 51 (power to require supplies for refrigerating apparatus...
- 34 In section 52 (power to require supply for hose pipe...
- 35 In section 53(1) (provision as to supply to tents, vans,...
- 36 In section 54 (register of meter to be evidence)—
- 37 (1) Section 55 (charges for water supplied by meter) is...
- 38 In section 56 (provision as to supply of water to...
- 39 (1) Section 58 (termination of right to supply of water...
- 40 In section 59 (limitation of liability of water authority to...
- 41 In section 63 (provision of water supply for new buildings...
- 42 In section 68(1) (agreements as to drainage)—
- 43 In section 69 (power to restrict use of hose pipes)—...
- 44 (1) Section 70 (byelaws for preventing misuse of water) is...
- 45 (1) Section 71 (byelaws for preventing pollution of water) is...
- 46 In section 72(2) (general provision as to byelaws)—
- 47 In section 73 (power of Scottish Ministers to require the...
- 48 (1) Section 76 (acquisition of land for protection of water)...
- 49 (1) Section 76A (duties of water authorities with respect to...
- 50 (1) Section 76B (regulations for preserving water quality) is amended...
- 51 In section 76C (offence of supplying water unfit for human...
- 52 In section 76D (provision of water where piped supplies insufficient...
- 53 In section 76E (enforcement of sections 76A to 76D)—
- 54 In section 76F (general functions of local authorities in relation...
- 55 In section 76G(6)(a) (remedial powers of local authorities in relation...
- 56 In section 76H(5)(b) (effect, confirmation and variation of notice under...
- 57 In section 76I(2) (incidental powers of local authorities), for “a...
- 58 In section 76L (interpretation etc. of Part VIA), in the...
- 59 In section 100(2) (orders), for the words from “all” to...
- 60 In section 103 (notices to be in writing), for “water...
- 61 In section 107 (repeal, amendment and adaptation of local enactments)
—...
- 62 In section 109 (interpretation)— (a) in subsection (1)—
- 63 In section 110(2) (further provisions as to communication pipes etc.)
—...
- 64 (1) Schedule 1 (procedure for making orders and making and...

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- 65 In Schedule 2 (orders under section 17 authorising compulsory acquisition...
- 66 (1) Schedule 3 (provisions as to breaking open roads and...
- 67 In Schedule 10 (amendment of enactments), Part I is repealed....

SCHEDULE 7 — Modifications of other enactments

- 1 *Fire Services Act 1947 (c.41)*
- 2 *Rivers (Prevention of Pollution) (Scotland) Act 1951 (c.66)*
- 3 *Flood Prevention (Scotland) Act 1961 (c.41)*
- 4 *Local Government (Scotland) Act 1966 (c.51)*
- 5 *Countryside (Scotland) Act 1967 (c.86)*
- 6 *Local Government (Scotland) Act 1973 (c.65)*
- 7 *Reservoirs Act 1975 (c.23)*
- 8 *House of Commons Disqualification Act 1975 (c.24)*
- 9 *Race Relations Act 1976 (c.74)*
- 10 *Competition Act 1980 (c.21)*
- 11 *Wildlife and Countryside Act 1981 (c.69)*
- 12 *Local Government and Planning (Scotland) Act 1982 (c.43)*
- 13 *Civic Government (Scotland) Act 1982 (c.45)*
- 14 *Roads (Scotland) Act 1984 (c.54)*
- 15 *Water (Fluoridation) Act 1985 (c.63)*
- 16 *Bankruptcy (Scotland) Act 1985 (c.66)*
- 17 *Debtors (Scotland) Act 1987 (c.18)*
- 18 *Housing (Scotland) Act 1987 (c.26)*
- 19 *Food Safety Act 1990 (c.16)*
- 20 *Environmental Protection Act 1990 (c.43)*
- 21 *New Roads and Street Works Act 1991 (c.22)*
- 22 *Natural Heritage (Scotland) Act 1991 (c.28)*
- 23 *Local Government etc. (Scotland) Act 1994 (c.39)*
- 24 *Environment Act 1995 (c.25)*
- 25 *Planning (Consequential Provisions) (Scotland) Act 1997 (c.11)*
- 26 *Water Industry Act 1999 (c.9)*
- 27 *Public Finance and Accountability (Scotland) Act 2000 (asp 1)*
- 28 *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

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