



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 1

#### WATER INDUSTRY COMMISSIONER AND <sup>[F1]</sup>THE REPRESENTATION OF CONSUMERS]

##### Annotations:

##### Amendments (Textual)

- F1** Words in Pt. 1 title substituted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), [sch. 2 para. 7](#); S.S.I. 2011/278, art. 2(d)

#### <sup>[F2]</sup>1 **Water Industry Commission for Scotland**

- (1) There is established a body to be known as the Water Industry Commission for Scotland (referred to in this Act as “the Commission”).
- (2) The Commission has the general function of promoting the interests of persons (taken as a whole) whose premises—
  - (a) are connected to the public water supply system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both, or
  - (b) might reasonably become connected to either or both of those systems, relating to the provision to them of water and sewerage services.
- (3) The Scottish Ministers may, after consulting the Commission, give the Commission directions of a general or specific character as to the financial management or administration of the Commission; and the Commission must comply with any such directions.
- (4) Schedule A1 makes further provision about the Commission.]

*Changes to legislation: There are currently no known outstanding effects for the  
 Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

- F2** S. 1 substituted (20.6.2005 for specified purposes, 1.7.2005 in so far as not already in force) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), **ss. 1(1), 37(2)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 1, sch. 2

**<sup>F3</sup>2 Water Customer Consultation Panels**

**Annotations:**

**Amendments (Textual)**

- F3** S. 2 repealed (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **sch. 2 para. 21**; S.S.I. 2011/278, art. 2(d)

**[<sup>F4</sup>2A [<sup>F5</sup>Citizens Advice Scotland] representations**

- (1) This section applies where [<sup>F6</sup>Citizens Advice Scotland] has exercised a function under section 8(1) of the Consumers, Estate Agents and Redress Act 2007 (c. 17) (representative functions) in relation to the activities of Scottish Water.
- (2) The persons listed in subsection (4) must have regard to any advice, information, proposal or representation made to them by [<sup>F7</sup>Citizens Advice Scotland] under section 8(1) of that Act.
- (3) Any persons listed in subsection (4) to whom a proposal is made under section 8(1) (b) of that Act must, within 6 months of receipt, publish a summary of their responses to the proposal.
- (4) The persons are—
  - (a) the Scottish Ministers,
  - (b) Scottish Water,
  - (c) the Water Industry Commission,
  - (d) the Drinking Water Quality Regulator for Scotland,
  - (e) the Scottish Environment Protection Agency.]

**Annotations:**

**Amendments (Textual)**

- F4** S. 2A inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7)(8), **sch. 2 para. 2**; S.S.I. 2011/278, art. 2(d)
- F5** Words in s. 2A heading substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 15(2)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F6** Words in s. 2A(1) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 15(2)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)*

**F7** Words in s. 2A(2) substituted (1.4.2014) by [The Public Bodies \(Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc\) Order 2014 \(S.I. 2014/631\)](#), art. 1(3), **Sch. 1 para. 15(2)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

### 3 Functions of the Commissioner

- <sup>F8</sup>(1) . . . . .
- (2) . . . . .
- (3) . . . . .
- (4) . . . . .
- (5) . . . . .
- (6) The [<sup>F9</sup>Commission] is to advise the Scottish Ministers on any matter which appears to the [<sup>F9</sup>Commission] or to them to relate to—
- (a) the standard of service provided by Scottish Water to [<sup>F10</sup>persons whose premises are connected to the public water supply system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both] , or
  - (b) the manner in which [<sup>F11</sup>Scottish Water conducts its relations with those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems] ,
- in the exercise of its core functions.
- (7) The [<sup>F9</sup>Commission] has power to do anything which is calculated to facilitate, or is incidental or conducive to, the exercise of the [<sup>F9</sup>Commission's] functions.

#### Annotations:

##### Amendments (Textual)

- F8** S. 3(1)-(5) repealed (1.4.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), **ss. 3(2)**, 37(2) (with s. 36); S.S.I. 2006/167, art. 2, sch. 1
- F9** Words in s. 3 substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), **sch. 5 para. 7(1)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F10** Words in s. 3(6)(a) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), **sch. 5 para. 7(2)(a)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F11** Words in s. 3(6)(b) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), **sch. 5 para. 7(2)(b)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2

### 4 Power of the Commissioner to require information

- (1) Scottish Water must, on being requested to do so by the [<sup>F12</sup>Commission] , provide the [<sup>F12</sup>Commission] with such information held by it as the [<sup>F12</sup>Commission] may reasonably seek in the exercise of the [<sup>F12</sup>Commission's] functions.
- [<sup>F13</sup>(2) Subsection (1) does not authorise the Commission to require the disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.

*Changes to legislation: There are currently no known outstanding effects for the  
 Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)*

- (3) Where Scottish Water considers that it is entitled to withhold information from the Commission—
- (a) because it is not reasonably sought, or
  - (b) by virtue of subsection (2),
- it must intimate that fact to the Commission in writing.]

[<sup>F14</sup>(4) Scottish Water must comply with any direction given to it by the Commission under section 25(5) of the Consumers, Estate Agents and Redress Act 2007 (enforcement by regulator of notice to provide [<sup>F15</sup>Citizens Advice Scotland] with information).]

**Annotations:**

**Amendments (Textual)**

- F12** Words in s. 4(1) substituted (1.7.2005) by *Water Services etc. (Scotland) Act 2005* (asp 3), s. 37(2), **sch. 5 para. 7(1)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F13** S. 4(2)(3) substituted for s. 4(2) (1.7.2005 in so far as not already in force) by *Water Services etc. (Scotland) Act 2005* (asp 3), **ss. 1(2), 37(2)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F14** S. 4(4) inserted (15.8.2011) by *Public Services Reform (Scotland) Act 2010* (asp 8), s. 134(7)(8), **sch. 2 para. 3**; S.S.I. 2011/278, art. 2(d)
- F15** Words in s. 4(4) substituted (1.4.2014) by *The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014* (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**5 Annual reports by, and information from, the Commissioner**

- (1) The [<sup>F16</sup>Commission] must—
- (a) as soon as practicable after the end of each financial year, submit to the Scottish Ministers, and publish, a report on the exercise of the [<sup>F16</sup>Commission's] functions during that year, and
  - (b) provide the Scottish Ministers with such information regarding the exercise of those functions as they may require.
- (2) A report under subsection (1)(a) must include a summary of—
- (a) action taken by the [<sup>F16</sup>Commission] during the year to which the report relates in response [<sup>F17</sup>to—
    - (i) any [<sup>F18</sup>advice, information or representation made to it by [<sup>F19</sup>Citizens Advice Scotland] under section 8(1)(a) or (c) of the Consumers, Estate Agents and Redress Act 2007 (representative functions)] , and
    - (ii) any [<sup>F20</sup>proposals made to it under section 8(1)(b) of that Act]] , and
  - (b) where the [<sup>F16</sup>Commission] has decided during that year not to take any action in response to any such [<sup>F21</sup>advice, information, proposal or] representation [<sup>F22</sup>... <sup>F23</sup>...], the reasons for that decision.
- (3) A report under subsection (1)(a) must set out any directions under section 1 which have been given to the [<sup>F16</sup>Commission] during the period to which the report relates.
- [<sup>F24</sup>(4) The Scottish Ministers must lay before the Parliament a copy of each report submitted to them under subsection (1)(a).]

*Changes to legislation:* There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)

#### Annotations:

#### Amendments (Textual)

- F16** Words in s. 5(1)-(3) substituted (1.7.2005) by Water Services etc. (Scotland) Act 2005 (asp 3), s. 37(2), **sch. 5 para. 7(1)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F17** Words in s. 5(2)(a) substituted (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), s. 37(2), **sch. 5 para. 7(3)(a)** (with s. 36); S.S.I. 2006/167, art. 2, sch. 1
- F18** Words in s. 5(2)(a)(i) substituted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 4(a)**; S.S.I. 2011/278, art. 2(d)
- F19** Words in s. 5(2)(a)(i) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(4)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F20** Words in s. 5(2)(a)(ii) substituted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 4(b)**; S.S.I. 2011/278, art. 2(d)
- F21** Words in s. 5(2)(b) inserted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 4(c)(i)**; S.S.I. 2011/278, art. 2(d)
- F22** Word in s. 5(2)(b) repealed (1.4.2006) by Water Services etc. (Scotland) Act 2005 (asp 3), s. 37(2), **sch. 5 para. 7(3)(b)** (with s. 36); S.S.I. 2006/167, art. 2, sch. 1
- F23** Words in s. 5(2)(b) repealed (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 4(c)(ii)**; S.S.I. 2011/278, art. 2(d)
- F24** S. 5(4) added (1.7.2005 in so far as not already in force) by Water Services etc. (Scotland) Act 2005 (asp 3), **ss. 1(3), 37(2)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2

## 6 Funding of the <sup>F25</sup>Commission][<sup>F26</sup>and <sup>F27</sup>Citizens Advice Scotland]]

- (1) The Scottish Ministers may make grants to the <sup>F25</sup>Commission] in respect of the <sup>F25</sup>Commission's] expenses.
- (2) Scottish Water must make to the <sup>F25</sup>Commission], in respect of the <sup>F25</sup>Commission's] expenses, payments of such amounts, and at such times, as the Scottish Ministers may direct.

<sup>F28</sup>(2A) Scottish Water must make to <sup>F29</sup>Citizens Advice Scotland], in respect of <sup>F30</sup>Citizens Advice Scotland's"] expenses (as respects its activities relating to Scottish Water), payments of such amounts, and at such times, as the Scottish Ministers may direct.

- (2B) Before making a direction under subsection (2A), the Scottish Ministers must consult <sup>F31</sup>Citizens Advice Scotland].]

#### Annotations:

#### Amendments (Textual)

- F25** Words in s. 6 substituted (1.7.2005) by Water Services etc. (Scotland) Act 2005 (asp 3), s. 37(2), **sch. 5 para. 7(1)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F26** Words in s. 6 title inserted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 6**; S.S.I. 2011/278, art. 2(d)
- F27** Words in s. 6 heading substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading's Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(5)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)*

- F28** S. 6(2A)(2B) inserted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 5**; S.S.I. 2011/278, art. 2(d)
- F29** Words in s. 6(2A) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(5)(b)(i)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F30** Words in s. 6(2A) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(5)(b)(ii)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F31** Words in s. 6(2B) substituted (1.4.2014) by The Public Bodies (Abolition of the National Consumer Council and Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/631), art. 1(3), **Sch. 1 para. 15(5)(c)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

**F32 6A Convener of Customer Panels to investigate complaints**

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**Annotations:**

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**Amendments (Textual)**

**F32** S. 6A repealed (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 21** (with sch. 3 para. 8(2)(4)); S.S.I. 2011/278, art. 2(d)

**F33 6B Annual reports and information regarding Customer Panels**

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**Annotations:**

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**Amendments (Textual)**

**F33** S. 6B repealed (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 21**; S.S.I. 2011/278, art. 2(d)

**F34 6C Co-operation between the Commission and Customer Panels**

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**Annotations:**

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**Amendments (Textual)**

**F34** S. 6C repealed (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), s. 134(7)(8), **sch. 2 para. 21**; S.S.I. 2011/278, art. 2(d)

**Changes to legislation:**

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Part 1.