



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 3

#### SCOTTISH WATER

#### *Codes of practice*

#### 26 Customer standards code

(1) In relation to services provided in the exercise of its core functions, Scottish Water must prepare and submit to the [F<sup>1</sup>Commission] a code of practice (a “customer standards code”) making provision—

- (a) as to its standards of performance in providing services to [F<sup>2</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] ,
- (b) for procedures for dealing with complaints by [F<sup>3</sup>those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems] ,
- (c) as respects the circumstances in which it will pay compensation if or in so far as those standards are not attained,
- (d) as respects such matters as are incidental to the provision made under paragraphs (a) to (c), and such supplemental matters (if any) as it thinks fit.

<sup>F4</sup>(2) .....

(3) Subject to subsection (1), Scottish Water may from time to time—

- (a) vary, or
- (b) revoke and replace,

its customer standards code, and must submit the varied or new code to the [F<sup>1</sup>Commission] .

(4) A customer standards code submitted to the [F<sup>1</sup>Commission] under subsection (1) or (3) comes into force only when it is approved in accordance with section 27.

*Status: Point in time view as at 01/04/2014.*

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

- (5) Scottish Water must endeavour to comply with its approved customer standards code; but contravention of that code does not of itself give rise to any criminal or civil liability.
- (6) Scottish Water must publish the approved customer standards code and provide a copy of the code to any person who requests it.
- (7) The [F5Commission] —
  - (a) must monitor the compliance by Scottish Water with its approved customer standards code,
  - (b) may advise the Scottish Ministers on such compliance, and
  - (c) may require Scottish Water to review its customer standards code, or any provision of it, in such respects as the [F5Commission] may specify.

#### Textual Amendments

- F1** Words in s. 26(1)-(4) 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
- F2** Words in s. 26(1)(a) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(4\)\(a\)\(i\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F3** Words in s. 26(1)(b) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(4\)\(a\)\(ii\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F4** S. 26(2) repealed (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(4\)\(b\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F5** Words in s. 26(7) 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

## 27 Approval of customer standards code

- (1) The [F6Commission] may, after consulting [F7every water services provider and sewerage services provider and][F8Citizens Advice Scotland], approve a customer standards code submitted under section 26(1) or (3)—
  - (a) without modifications, or
  - (b) with such modifications as are agreed by the [F6Commission] and Scottish Water.
- (2) Where—
  - (a) the [F6Commission] is not prepared to give approval under subsection (1)(a), and
  - (b) Scottish Water does not agree to some or all of the modifications proposed by the [F6Commission] under subsection (1)(b),
 the [F6Commission] must send the code (with any modifications to it agreed by the [F6Commission] and Scottish Water) to the Scottish Ministers.
- (3) Where 3 months have elapsed since the [F6Commission] has received a customer standards code by virtue of section 26(1) or (3) and the [F6Commission] has neither—
  - (a) given approval under subsection (1) of this section, nor
  - (b) sent the scheme to the Scottish Ministers under subsection (2) of this section,
 Scottish Water may require the [F6Commission] to send it to the Scottish Ministers.

*Status: Point in time view as at 01/04/2014.*

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- (4) The Scottish Ministers may, after consulting [<sup>F9</sup>every water services provider and sewerage services provider and][<sup>F10</sup>Citizens Advice Scotland], approve a code sent to them under subsection (2) or (3)—
- (a) without modifications or further modifications, or
  - (b) with such modifications as, after consulting Scottish Water and the [<sup>F6</sup>Commission] , they think fit.
- (5) Where the [<sup>F6</sup>Commission] approves a customer standards code under subsection (1), the [<sup>F6</sup>Commission] must send a copy of the code as so approved to the Scottish Ministers.
- (6) Where the Scottish Ministers approve a customer standards code under subsection (4), they must send a copy of the code as so approved to the [<sup>F6</sup>Commission] .

#### Textual Amendments

- F6** Words in s. 27 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
- F7** Words in s. 27(1) inserted (15.8.2011) by *Public Services Reform (Scotland) Act 2010 (asp 8)*, **ss. 130(2)(a)**, 134(7)(8); S.S.I. 2011/278, art. 2(b)
- F8** Words in s. 27(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(6)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F9** Words in s. 27(4) inserted (15.8.2011) by *Public Services Reform (Scotland) Act 2010 (asp 8)*, **ss. 130(2)(b)**, 134(7)(8); S.S.I. 2011/278, art. 2(b)
- F10** Words in s. 27(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(6)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

## 28 Consultation code

- (1) Scottish Water must prepare and submit to the Scottish Ministers a code of practice (a “consultation code”) making provision as to the consultation which it will carry out in relation to—
- (a) proposals for, and
  - (b) the undertaking of,
- any significant activity in the exercise of its core functions.
- (2) The consultation code must, in particular, make provision—
- (a) as to consultation with persons who live, work or carry on business in any area significantly affected by such an activity, or who represent the interests of such persons,
  - (b) as to the manner of such consultation, the information to be provided to consultees and the time to be allowed for consultees to express views,
  - (c) for Scottish Water to have regard to the views of the persons consulted in pursuance of the code,
- and may make different provision in relation to different cases or descriptions of case.
- (3) Before submitting the consultation code to the Scottish Ministers, Scottish Water—
- (a) must consult [<sup>F11</sup>every water services provider and sewerage services provider and][<sup>F12</sup>Citizens Advice Scotland] on the code and have regard to any

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- comments on it made by [<sup>F11</sup>any such provider or][<sup>F13</sup>Citizens Advice Scotland], and
- (b) may adjust the code in light of those comments.
- (4) The Scottish Ministers may approve the consultation code—
- (a) without modifications, or
- (b) with such modifications as, after consulting Scottish Water, they think fit.
- (5) A consultation code submitted to the Scottish Ministers under subsection (1) comes into force only when it is approved in accordance with subsection (4).
- (6) Scottish Water must publish the approved consultation code and provide a copy of the code to any person who requests it.
- (7) Scottish Water must endeavour to comply with the approved consultation code; but contravention of the code does not of itself give rise to any criminal or civil liability.
- (8) Subject to subsection (1), Scottish Water may from time to time—
- (a) vary, or
- (b) revoke or replace,
- the consultation code; and this section applies to the varied or new code as it does to the original code.

#### Textual Amendments

- F11** Words in s. 28(3)(a) inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 130(3)**, 134(7)(8); S.S.I. 2011/278, art. 2(b)
- F12** Words in s. 28(3)(a) 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(7)(a)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)
- F13** Words in s. 28(3)(a) 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(7)(b)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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