
Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Paragraph 3. (See end of Document for details)

SCHEDULE 3 SCOTTISH WATER: STATUS, CONSTITUTION, PROCEEDINGS ETC.

Tenure and removal from office

- 3 (1) Each member other than the chief executive—
- (a) is to be appointed for such period as is specified in the appointment,
 - (b) may, by written notice to—
 - (i) in the case of a non-executive member, the Scottish Ministers,
 - (ii) in the case of an executive member, Scottish Water,resign as a member,
 - (c) in other respects, holds and vacates office on such terms and conditions as—
 - (i) in the case of a non-executive member, the Scottish Ministers,
 - (ii) in the case of an executive member, Scottish Water with the approval of the Scottish Ministers,may determine,
 - (d) after ceasing to hold office is eligible for reappointment as a member.
- (2) The Scottish Ministers may remove a non-executive member, and Scottish Water may, with the approval of the Scottish Ministers, remove an executive member, from office if satisfied that—
- (a) the member's estate has been sequestrated or the member has been adjudged bankrupt, has made an arrangement with creditors or has granted a trust deed for creditors or a composition contract, or
 - (b) the member—
 - (i) is incapacitated by physical or mental illness,
 - (ii) has been absent from meetings of Scottish Water for a period longer than 3 consecutive months without the permission of Scottish Water, or
 - (iii) is otherwise unable or unfit to discharge the member's functions as a member or is unsuitable to continue as a member.
- (3) Without prejudice to its powers under sub-paragraph (2), Scottish Water may, with the approval of the Scottish Ministers, remove an executive member from office if it considers it necessary or expedient to do so in connection with the management of the affairs of Scottish Water.
- (4) An executive member ceases to hold office as such on ceasing to be an employee of Scottish Water.
- (5) A person who ceases to be an executive member does not, by reason only of that, cease to be an employee of Scottish Water.

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