

SCHEDULE 5  
AMENDMENTS TO ENACTMENTS

*Water Industry (Scotland) Act 2002 (asp 3)*

- 7 (1) In each of the following provisions of the 2002 Act”, for the words “Commissioner” and “Commissioner's” wherever occurring there is substituted “Commission” and “Commission's” respectively—
- section 3;
  - section 4(1);
  - section 5(1) to (3);
  - section 6;
  - section 11(1)(a);
  - section 26(1) to (4) and (7);
  - section 27;
  - section 57(6)(a); and
  - in schedule 1, paragraphs 6(4), 7 and 8.
- (2) In section 3 (functions of the Commissioner) of that Act, in subsection (6)—
- (a) in paragraph (a), for the words “its customers” there is substituted “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”; and
  - (b) in paragraph (b), for the words “it conducts its relations with its customers or potential or former customers” there is substituted “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”.
- (3) In section 5 (annual reports by, and information from, the Commissioner), in subsection (2)—
- (a) in paragraph (a), for the words “to such representations, reports and recommendations as are mentioned in section 2(5)” there is substituted “to—
    - (i) any representations made to it by a Customer Panel, and
    - (ii) any recommendations made to it under section 2(4)”; and
  - (b) in paragraph (b), the word “, report” is repealed.
- (4) In section 26 (customer standards codes) of that Act—
- (a) in subsection (1)—
    - (i) in paragraph (a), for the words “its customers” there is substituted “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”; and
    - (ii) in paragraph (b), for the words “its customers or potential or former customers” there is substituted “those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems”; and
  - (b) subsection (2) is repealed.
- (5) Section 40 (reduced charges) of that Act is repealed.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In section 49 (interests of customers) of that Act, for the words “who is a customer or potential customer of Scottish Water” there is substituted “whose premises are connected to, or might reasonably become 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;”.
- (7) In section 57 (information and reports) of that Act, in subsection (7)—
- (a) the words from “any” to the end become paragraph (a); and
  - (b) after that paragraph there is inserted “, and
    - (b) the extent to which Scottish Water has, during that period, complied with any requirements made under section 13(2) or 15(1) or (5) of the Water Services etc. (Scotland) Act 2005 (asp 3).”.
- (8) In section 68 (orders and regulations) of that Act—
- (a) in subsection (4) after the words “41(5)” there is inserted “, 56B”; and
  - (b) in subsection (6), after the words “41(5)” there is inserted “or 56B”.
- (9) In section 70 (interpretation) of that Act, in subsection (1)—
- (a) in the definition of “charges scheme”, for the words “31(1)” there is substituted “29A(1)”; and
  - (b) for the definition of “the Commissioner” there is substituted—
    - ““the Commission” means the Water Industry Commission for Scotland established under section 1(1) of this Act.”.
- (10) Part 1 (the Commissioner) of schedule 1 to that Act is repealed.