

PUBLIC SERVICES REFORM (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Part 10 – Miscellaneous and General Provisions

Miscellaneous

Section 129 - Local Government (Scotland) Act 1973: minor amendment

347. This section amends section 102(2A) of the Local Government (Scotland) Act 1973 to repeal an obsolete reference.

Section 130 - Consultation by water and sewerage services providers

348. This section amends the Water Industry (Scotland) Act 2002 to make provision for the consultation of those persons who are licensed to provide water and/or sewerage services under section 6 of the Water Services etc. (Scotland) Act 2005 (“licensed providers”) on certain matters affecting the water industry. Licensed services may include meter reading, billing and charge collection. Subsections (1) to (6) amend the Water Industry (Scotland) Act 2002 to add licensed providers as a statutory consultee on certain matters relating to the water sector. Subsection (7) requires the Scottish Water to send licensed providers a copy of its annual report to Ministers

Section 131 - Complaints about water services and sewerage services providers

349. This section inserts a new section 11A into the Water Services etc. (Scotland) Act 2005 to make provision for the Scottish Public Services Ombudsman, on the request of the licensed provider, to exercise powers under the Scottish Public Services Ombudsman Act 2002 in respect of complaints made against that licensed provider. The section provides that once this arrangement has begun, it may only be brought to an end by the licensed provider with the agreement of the Water Industry Commission for Scotland.

General

Section 132 – Ancillary provision

350. This section allows the Scottish Ministers, by order, to make consequential, supplemental, incidental, transitional, transitory or saving provision for the purposes of, in consequence of, or for the purposes of giving full effect to, any provision of the Act.

Section 133 - Orders and regulations: Parts 8 and 10

351. This section regulates the powers conferred on Scottish Ministers by Parts 8 and 10 to make orders and regulations. It requires these powers to be exercised by statutory instrument and provides that the powers may be used to make different provisions for

*These notes relate to the Public Services Reform (Scotland) Act
2010 (asp 8) which received Royal Assent on 28 April 2010*

different purposes. It also establishes the type of Parliamentary procedure which applies to these instruments.

Section 134 – Short title and commencement

352. This section provides that sections 103, 109, 132, 133 and 134 come into force on Royal Assent, with the remaining provisions coming into force on such days as the Scottish Ministers may, by order, appoint.
353. Subsection (3) imposes a ‘sunset provision’ on the provisions in Part 2 by providing that sections 14 to 30 and schedules 5, 6 and 7 cease to have effect 5 years after they come into effect. Subsection (6) ensures that if this ‘sunset provision’ is triggered, the repeal of the provisions in Part 2 does not affect the provisions of any order already made under that Part. Subsection (4) allows the Scottish Ministers, by affirmative order, to extend or further extend, the period for which the order-making provisions in Part 2 have effect.