

Changes to legislation: Public Services Reform (Scotland) Act 2010, SCHEDULE 2 is up to date with all changes known to be in force on or before 14 April 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

(introduced by section 3(6))

TRANSFER OF WATERWATCH SCOTLAND FUNCTIONS: MODIFICATIONS OF ENACTMENTS

PART 1

AMENDMENTS

Water Industry (Scotland) Act 2002 (asp 3)

1 The Water Industry (Scotland) Act 2002 is amended as follows.

Commencement Information

II Sch. 2 para. 1 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

2 After section 2 (Water Customer Consultation Panels) insert—

“2A National Consumer Council representations

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- (1) This section applies where the National Consumer Council (“the Council”) 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 the Council 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.”.

Commencement Information

I2 Sch. 2 para. 2 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

3 In section 4 (power of the Commission to require information) after subsection (3) insert—

- “(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

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2007 (enforcement by regulator of notice to provide the National Consumer Council with information).”.

Commencement Information

I3 Sch. 2 para. 3 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 4 In section 5 (annual reports by, and information from, the Commission), in subsection (2)—
- (a) in paragraph (a)(i), for “representations made to it by a Customer Panel” substitute “ advice, information or representation made to it by the National Consumer Council under section 8(1)(a) or (c) of the Consumers, Estate Agents and Redress Act 2007 (representative functions) ”,
 - (b) in paragraph (a)(ii), for “recommendations made to it under section 2(4)” substitute “ proposals made to it under section 8(1)(b) of that Act ”,
 - (c) in paragraph (b)—
 - (i) after “such” insert “ advice, information, proposal or ”,
 - (ii) the words “or recommendation” are repealed.

Commencement Information

I4 Sch. 2 para. 4 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 5 In section 6 (funding of the Commission), after subsection (2) insert—
- “(2A) Scottish Water must make to the National Consumer Council, in respect of the Council’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 the Council.”.

Commencement Information

I5 Sch. 2 para. 5 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 6 In the title to section 6 (funding of the Commission), after “Commission” insert “ and the National Consumer Council ”.

Commencement Information

I6 Sch. 2 para. 6 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 7 In the title to Part 1 (Water Industry Commission and Customer Panels), for “Customer Panels” substitute “ the representation of consumers ”.

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I7 Sch. 2 para. 7 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

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- 8 In section 27 (approval of customer standards code)—
- (a) in subsection (1), for “each Water Customer Consultation Panel” substitute “ the National Consumer Council ”,
 - (b) in subsection (4), for “each Water Customer Consultation Panel” substitute “ the National Consumer Council ”.

Commencement Information

I8 Sch. 2 para. 8 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 9 In section 28 (consultation code), in subsection (3)(a)—
- (a) for “each Water Customer Consultation Panel” substitute “ the National Consumer Council ”,
 - (b) for “any Panel” substitute “ the Council ”.

Commencement Information

I9 Sch. 2 para. 9 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 10 In section 29B (determination of maximum charges), in subsection (4)(a), for subparagraph (iii) substitute—
- “(iii) the National Consumer Council.”.

Commencement Information

I10 Sch. 2 para. 10 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 11 In section 29D(5) (statements regarding charges), for paragraph (b) substitute—
- “(b) the National Consumer Council.”.

Commencement Information

I11 Sch. 2 para. 11 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 12 In section 56A (directions may set objectives), in subsection (4), for the words “Convener” to “whole” substitute “ National Consumer Council ”.

Commencement Information

I12 Sch. 2 para. 12 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

- 13 In section 57 (information and reports), in subsection (6)(a), for “Convener of the Water Customer Consultation Panels” substitute “ National Consumer Council ”.

Commencement Information

I13 Sch. 2 para. 13 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

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Water Services etc. (Scotland) Act 2005 (asp 3)

- 14 In section 19 of the Water Services etc. (Scotland) Act 2005 (disconnections code), in subsection (4), for paragraph (c) substitute—
“(c) the National Consumer Council;”.

Commencement Information

I14 Sch. 2 para. 14 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

Consumers, Estate Agents and Redress Act 2007 (c. 17)

- 15 The Consumers, Estate Agents and Redress Act 2007 is amended as follows.

Commencement Information

I15 Sch. 2 para. 15 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

^{F1}16

Textual Amendments

F1 Sch. 2 paras. 16-18 omitted (1.4.2014) by virtue of [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. 19(3)** (with Sch. 1 para. 28, Sch. 2 paras. 13-15)

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- 19 In section 24(9) (provision of information to the Council), after paragraph (c) insert—
“(ca) the Water Industry Commission for Scotland;”.

Commencement Information

I16 Sch. 2 para. 19 in force at 15.8.2011 by [S.S.I. 2011/278](#), **art. 2(d)**

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- 20 In section 25 (enforcement by regulator of Council notice requiring the provision of information), at the appropriate place in the table in subsection (3) insert—

| | |
|------------------|---|
| “Scottish Water. | The Water Industry Commission for Scotland.”. |
|------------------|---|

Commencement Information

I17 Sch. 2 para. 20 in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(d\)](#)

PART 2

REPEALS

- 21 The enactments referred to in the first column of the following table are repealed to the extent specified in the second column.

| <i>Enactment</i> | <i>Extent of repeal</i> |
|--|--|
| Water Industry (Scotland) Act 2002 (asp 3) | Section 2. Section 6A. Section 6B. Section 6C. In schedule 1, Part 2. |
| Scottish Public Services Ombudsman Act 2002 (asp 11) | In schedule 2, paragraph 21B. |
| Freedom of Information (Scotland) Act 2002 (asp 13) | In schedule 1, paragraph 62B. Section 3. |
| Water Services etc. (Scotland) Act 2005 (asp 3) | Section 3. In schedule 5, paragraph 7(3). In schedule 5, sub-paragraph (a) of paragraph 8. In schedule 5, sub-paragraph (a) of paragraph 9. |

Commencement Information

I18 Sch. 2 para. 21 in force at 15.8.2011 by [S.S.I. 2011/278](#), [art. 2\(d\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 5 Ch. 3A inserted by [2019 asp 6 s. 12\(2\)](#)