

EXPLANATORY NOTES

WATER SERVICES ETC. (SCOTLAND) ACT 2005

INTRODUCTION

THE ACT

COMMENTARY ON SECTIONS

PART 1: WATER INDUSTRY COMMISSION AND CUSTOMER PANELS

Section 1: Water Industry Commission for Scotland

Section 2: Dissolution of office of Commissioner

Section 3: Customer Panels

PART 2: PROVISION OF WATER AND SEWERAGE SERVICES

Offences

Section 4: Public water supply system: offences

Section 5: Public sewerage system: offences

Licensing of services provided to eligible premises

Section 6: Licence authorisation

Section 7: Granting of licence

Section 8: Compliance with licences

Section 9: Fees relating to licences

Section 10: Licensed providers to give information

Section 11: Participation of licensed providers

Section 12: Licences and compliance: further provision

Scottish Water: water and sewerage services undertaking

Section 13: Water and sewerage services undertaking

Section 14: Financing, borrowing and guarantees

Section 15: Transfer of staff etc. to the undertaking

Scottish Water: services via licensed providers

Section 16: Scottish Water to provide services

Section 17: Continuation of water services

Section 18: Discontinuation of water services

Section 19: Disconnections code

Section 20: Continuation and discontinuation of sewerage services

Scottish Water: charges and functions

Section 21: Scottish Water's charges for water and sewerage services

Subsection (1): the new section 29 of the 2002 Act: Charges for goods and services

Subsection (1): the new section 29A of the 2002 Act: Charges schemes

Subsection (1): the new section 29B of the 2002 Act: Determination of maximum charges

Subsection (1): the new section 29C of the 2002 Act: Exercise of functions regarding charges

Subsection (1): the new section 29D of the 2002 Act: Statements regarding charges

Subsection (1): the new section 29E of the 2002 Act: Departure from certain charges

Subsection (1): the new section 29F of the 2002 Act: Review of determinations and charges

Subsection (1): the new section 29G of the 2002 Act: Effective exercise of core functions

Subsection (2): Scottish Water's charges for water and sewerage services

Subsection (3): Repeal of sections 31 to 34 of the 2002 Act

Subsections (4) and (5): Liability of occupiers etc. for charges

Section 22: Scottish Water's functions: powers of the Scottish Ministers

Section 23: Determinations relating to provision of services

Section 24: Qualification of duty to provide services

Sewerage nuisance: Code of Practice

Section 25: Sewerage nuisance: code of practice

Section 26: Monitoring and enforcement

Definitions for Part

Section 27: Meaning of “eligible premises”

Section 28: Meaning of “public water supply system”

Section 29: Meaning of “public sewerage system”

PART 3: COAL MINE WATER POLLUTION

Section 30: Control of water from coal mines

PART 4: MISCELLANEOUS AND GENERAL

Miscellaneous

Section 31: Offences by bodies corporate and partnerships

Section 32: Amendments to enactments

Section 33: Ancillary provision

General

Section 34: Orders and regulations

Section 35: Interpretation

Section 36: Crown application

Section 37: Short title and commencement

Schedule 1: Water Industry Commission for Scotland

Schedule A1: Water Industry Commission for Scotland

Paragraph 1: Status

Paragraph 2: Membership

Paragraph 3: Tenure and removal from office

Paragraph 4: Disqualification

Paragraph 5: Chairing

Paragraph 6: Remuneration, allowances and pensions

Paragraph 7: Chief executive

Paragraph 8: Staff

Paragraph 9: Transfer of property and liabilities

Paragraph 10: Committees

Paragraph 11: Delegation of powers

These notes relate to the Water Services etc. (Scotland) Act 2005 (asp 3)

Paragraph 12: Proceedings

Paragraph 13: General powers

Paragraph 14: Accounts

Schedule 2: Licences and Compliance: Further Provision

Paragraph 1: Application for licence

Paragraph 2: Conditions of licence

Paragraph 3: Conditions: sustainable development

Paragraph 4: Transfer of licence

Paragraph 5: Powers of entry etc.

Paragraph 6: Powers of entry etc.: further provision

Paragraph 7: Warrants

Paragraph 8: Enforcement notices

Paragraph 9: Enforcement notices: offences

Paragraph 10: Revocation of licences

Paragraph 11: Penalties for contravention of licence

Paragraph 12: Register of licences

Schedule 3: Certain Pre-Existing Agreements as to Charges

Paragraph 1

Paragraph 2

Paragraph 3

Schedule 4: Powers of Entry under the Coal Industry Act 1994

Schedule 5: Amendments to Enactments

Paragraph 1: Sewerage (Scotland) Act 1968 (c.47)

Paragraph 2: House of Commons Disqualification Act 1975 (c.24)

Paragraph 3: Race Relations Act 1976 (c.74)

Paragraph 4: Water (Fluoridation) Act 1985 (c.63)

Paragraph 5: Public Finance and Accountability (Scotland) Act 2000 (asp 1)

Paragraph 6: Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)

Paragraph 7: Water Industry (Scotland) Act 2002 (asp 3)

These notes relate to the Water Services etc. (Scotland) Act 2005 (asp 3)

Paragraph 8: Scottish Public Services Ombudsman Act 2002 (asp 11)

Paragraph 9: Freedom of Information (Scotland) Act 2002 (asp 13)

Paragraph 10: Public Appointments and Public Bodies etc.(Scotland) Act 2003 (asp 4)

Parliamentary History