Public Services Reform (Scotland) Act 2010

2010 asp 8

PART 10

MISCELLANEOUS AND GENERAL

Miscellaneous

129 Local Government (Scotland) Act 1973: minor amendment

In section 102(2A) of the Local Government (Scotland) Act 1973 (c. 65) (reports to Accounts Commission for Scotland by Controller of Audit), the words "(1) or" are repealed.

Commencement Information

I1 S. 129 in force at 1.8.2010 by S.S.I. 2010/221, art. 3(2), **Sch.**

130 Consultation by water and sewerage services providers

(1) The Water Industry (Scotland) Act 2002 (asp 3) is amended in accordance with this section (but see also schedule 2 which makes other amendments to that Act).

(2) In section 27 (approval of customer standards code)—

(a) in subsection (1), after "consulting" insert " every water services provider and sewerage services provider and ",

(b) in subsection (4), after "consulting" insert " every water services provider and sewerage services provider and ".

(3) In section 28 (consultation code), in subsection (3)(a)—

(a) after "consult" insert " every water services provider and sewerage services provider and ",

(b) after "by" insert " any such provider or ".

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(4) In section 29B (determination of maximum charges), in subsection (4)(a)—

(a) the word "and" immediately following sub-paragraph (ii) is repealed,

(b) after sub-paragraph (ii) insert—

"(iia) every water services provider and sewerage services provider, and".

(5) In section 29D(5) (statements regarding charges), after paragraph (a) insert—

"(aa) every water services provider and sewerage services provider,".

(6) In section 56A(4) (directions may set objectives), after "consult" insert " every water services provider and sewerage services provider and ".

(7) In section 57(6) (information and reports), after "Commission" insert " , every water services provider and sewerage services provider ".

(8) In section 70 (interpretation), after the entry for "the Parliament" insert—

""sewerage services provider" has the meaning given in section 6(4) of Water Services etc. (Scotland) Act 2005 (asp 3),

"water services provider" has the meaning given in section 6(2) of the Water Services etc. (Scotland) Act 2005.".

Commencement Information

I2 S. 130 in force at 15.8.2011 by S.S.I. 2011/278, **art. 2(b)**

131 Complaints about water services and sewerage services providers

In the Water Services etc. (Scotland) Act 2005 (asp 3), after section 11 insert—

"**11A Complaints about licensed providers**

(1) Subsections (2) to (4) apply where a water services provider or, as the case may be, a sewerage services provider ("the provider") has requested (in writing) that the Scottish Public Services Ombudsman ("the Ombudsman") investigate complaints made about the provider by occupiers of premises served by the provider.

(2) Subject to subsection (4), the Scottish Public Services Ombudsman Act 2002 applies to such complaints as it applies to complaints made under that Act about a listed authority.

(3) For the purposes of subsection (2), the provider is to be treated as a listed authority and the complainer as the person aggrieved.

(4) Paragraph 7 of schedule 4 to the Scottish Public Services Ombudsman Act 2002 (Ombudsman not to investigate contractual or commercial transactions relating to a listed authority) does not apply.

(5) Subsections (6) to (9) apply where—

(a) the provider has—

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(i) requested (in writing) that the Ombudsman may not investigate any new complaints relating to the provider,

(ii) sent a copy of that request to the Commission, and

(b) the Commission has agreed to that request and notified the Ombudsman accordingly.

(6) The Ombudsman may not investigate any new complaints relating to the provider from the date that the Ombudsman receives notification under subsection (5)(b).

(7) The Ombudsman is to continue investigating any undetermined complaints about the provider which have been made to the Ombudsman prior to the Ombudsman's receipt of notification under subsection (5)(b).

(8) For the purpose of enabling an undetermined complaint to continue to be dealt with, subsections (2) and (3) continue to apply and have effect as they applied and had effect immediately before the Ombudsman received notification under subsection (5)(b).

(9) For the purpose of subsection (7), a complaint is determined by the Ombudsman if the Ombudsman—

(a) has decided to conduct an investigation in relation to the complaint and that investigation is concluded, or

(b) has decided not to conduct an investigation in relation to the complaint.”.

Commencement Information

I3 S. 131 in force at 15.8.2011 by S.S.I. 2011/278, **art. 2(c)**

General

132 Ancillary provision

(1) The Scottish Ministers may by order make such consequential, supplemental, incidental, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in consequence of, or for the purposes of giving full effect to, any provision of this Act.

(2) An order under this section may modify any enactment, instrument or document.

133 Orders and regulations: Parts 8 and 10

(1) Any power conferred by Part 8 or this Part on the Scottish Ministers to make an order or regulations—

(a) must be exercised by statutory instrument,

(b) except an order under section 134(7), includes power to make such consequential, supplemental, incidental, transitional, transitory or saving provision as the Scottish Ministers think necessary or expedient,

(c) may be exercised so as to make different provision for different purposes.

(2) No—

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(a) order is to be made under section 115(9),
(b) regulations are to be made under section 117,
(c) order is to be made under section 132 containing provisions which add to, omit or replace any part of the text of an Act,
(d) order is to be made under section 134(4),

unless a draft of the statutory instrument containing the order or regulations has been laid before, and approved by resolution of, the Parliament.

(3) Any other statutory instrument containing an order under Part 8 or this Part (except an order under section 134(7)) is subject to annulment in pursuance of a resolution of the Parliament.

134 Short title and commencement

(1) This Act may be cited as the Public Services Reform (Scotland) Act 2010.

(2) Sections 103, 109, 132 and 133 and this section come into force on Royal Assent.

(3) Sections 14 to 30 and schedules 5, 6 and 7 cease to have effect 5 years after the date on which those sections and schedules (or the last of them) come into force.

(4) But the Scottish Ministers may by order extend, or (on one or more occasion) further extend, the period for which those sections and schedules have effect.

(5) An order made under subsection (4)—
(a) must be made before the end of the period referred to in that subsection, and
(b) has the effect of extending, or further extending, that period for the period of 5 years beginning with the day the order is made.

(6) Where, by virtue of subsection (3) (or that subsection read with subsection (4)) sections 14 to 30 and schedules 5 to 7 cease to have effect, that repeal does not affect any order made under section 14 or 17(1).

(7) The remaining provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(8) An order bringing into force section 3, 130 or 131 or schedule 2 or 3 may not be made before the expiry of the period of 12 months beginning with Royal Assent.

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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):

– s. 50(1A)(1B) inserted by 2024 asp 5 s. 28(2)(a)
– s. 59A inserted by 2024 asp 5 s. 28(3)
– s. 78(2A)(2B) inserted by 2024 asp 5 s. 28(4)
– s. 78A inserted by 2024 asp 5 s. 27(2)
– s. 190(1) words substituted by 2024 asp 5 s. 29(2)(a)
– s. 190(2)(2A) substituted for s. 190(2) by 2024 asp 5 s. 29(2)(b)
– sch. 12 para. 6-6B substituted for Sch. 12 para. 6 by 2024 asp 5 s. 27(4)