

SCHEDULE 1

Transfer of certain functions of the National Consumer Council,
transfer of certain consumer advice scheme functions of the OFT and
consequential, supplementary, incidental and transitional provision

PART 2

Amendments to Acts of the Scottish Parliament

Water Industry (Scotland) Act 2002 (asp 3)

- 15.**—(1) The Water Industry (Scotland) Act 2002(1) is amended as follows.
- (2) In section 2A (National Consumer Council representations)(2)—
- (a) in the heading for “National Consumer Council” substitute “Citizens Advice Scotland”;
 - (b) in subsection (1) for “the National Consumer Council (“the Council”)” substitute “Citizens Advice Scotland”;
 - (c) in subsection (2) for “the Council” substitute “Citizens Advice Scotland”.
- (3) In section 4 (power of the Commission to require information)(3), in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (4) In section 5 (annual reports by, and information from, the Commission)(4), in subsection (2)(a)(i) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (5) In section 6 (funding of the Commission and the National Consumer Council)(5)—
- (a) in the heading for “the National Consumer Council” substitute “Citizens Advice Scotland”;
 - (b) in subsection (2A)—
 - (i) for “the National Consumer Council” substitute “Citizens Advice Scotland”;
 - (ii) for “the Council’s” substitute “Citizens Advice Scotland’s”;
 - (c) in subsection (2B) for “the Council” substitute “Citizens Advice Scotland”.
- (6) In section 27 (approval of customer standards code)(6)—
- (a) in subsection (1) for “the National Consumer Council” substitute “Citizens Advice Scotland”;

(1) 2002 asp 3.

(2) Section 2A was inserted by section 3(6) of and paragraphs 1 and 2 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010 asp 3.

(3) Section 4(1) was amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005 asp 3; section 4(2) and (3) was substituted by section 4(2) in section 1(2) of that Act; section 4(4) was inserted by section 3(6) of and paragraphs 1 and 3 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(4) The heading to section 5 and section 5(1) to (3) were amended by paragraph 7(1) and (3) of Schedule 5 to the Water Services etc (Scotland) Act 2005; section 5(4) was inserted by section 1(3) of that Act; section 5(1)(b), (2)(a)(i) and (ii) and (2)(b) was further amended by section 3(6) of and paragraphs 1 and 4 of Part 1 of Schedule 2 to Public Services Reform (Scotland) Act 2010.

(5) The heading to section 6 and section 6(1) and (2) were amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005; the heading to section 6 was also amended, and subsections (2A) and (2B) inserted, by section 3(6) of and paragraphs 1, 5 and 6 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(6) Section 27(1), (1)(b), (2), (2)(a) and (b), (3), (4)(b), (5) and (6) was amended by paragraph 7(1) of Schedule 5 to the Water Services etc (Scotland) Act 2005; section 27(1) and (4) was also amended by section 130(1) and (2) of the Public Services Reform (Scotland) Act 2010; section 27(1) and (4) was further amended by section 3(2) of and paragraphs 1 and 8 of Part 1 of Schedule 2 to that Act.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *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 No. 631*

- (b) in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (7) In section 28 (consultation code)(7), in subsection (3)(a)—
 - (a) for “the National Consumer Council” substitute “Citizens Advice Scotland”;
 - (b) for “the Council” substitute “Citizens Advice Scotland”.
- (8) In section 29B (determination of maximum charges)(8), in subsection (4)(a)(iii) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (9) In section 29D (statements regarding charges)(9), in subsection (5)(b) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (10) In section 56A (directions may set objectives)(10), in subsection (4) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (11) In section 57 (information and reports)(11), in subsection (6)(a) for “the National Consumer Council” substitute “Citizens Advice Scotland”.
- (12) In section 70 (interpretation), in subsection (1) at the appropriate place insert—
““Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux.”.

Scottish Public Services Ombudsman Act 2002 (asp 11)

16. In Part 2 of Schedule 2 to the Scottish Public Services Ombudsman Act 2002(12) (entries amendable by Order in Council: cross-border public authorities), omit “79 National Consumer Council”.

Freedom of Information (Scotland) Act 2002 (asp 13)

- 17.—**(1) The Freedom of Information (Scotland) Act 2002(13) is amended as follows.
- (2) In paragraph 79A of Part 7 of Schedule 1 (others)—
 - (a) for “function” substitute “functions”;
 - (b) at the end insert “and articles 3(1)(a), (b) and (d) of the Public Bodies (Abolition of the National Consumer Council and the Transfer of the Office of Fair Trading’s Functions in relation to Estate Agents etc) Order 2014 (S.I. 2014/...)”.

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

18.—(1) The Water Services etc (Scotland) Act 2005(14) is amended as follows.

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- (7) Section 28(3)(a) was amended by sections 3(6) and 130(1), (3)(a) and 3(b) and paragraphs 1, 9(a) and 9(b) of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.
 - (8) Section 29B was inserted by section 21(1) of the Water Services etc (Scotland) Act 2005 asp 3; section 29B(a)(ii) was amended, and subsection (ii) inserted by section 130(1) and (4) of the Public Services Reform (Scotland) Act 2010; section 29B(4)(a)(iii) was also inserted by section 3(6) of and paragraphs 1 and 10 of Part 1 of Schedule 2 to that Act.
 - (9) Section 29D was inserted by section 21(1) of the Water Services etc (Scotland) Act 2005; section 29D(5)(aa) was inserted by Public Services Reform (Scotland) Act 2010; section 29D(5)(b) was substituted by section 3(6) of and paragraphs 1 and 11 of Part 1 of Schedule 2 to that Act.
 - (10) Section 56A was inserted by section 22 of the Water Services etc (Scotland) Act 2005; section 56A(4) was amended by sections 3(6) and 130(1) and (6) of and paragraphs 1 and 12 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.
 - (11) Section 57(6) and (7) was amended by paragraph 7 of Schedule 5 to the Water Services etc (Scotland) Act 2005. Section 57(6) was also amended by sections 3(6) and 130(1) and (7) of and paragraph 13 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.
 - (12) 2002 asp 11.
 - (13) 2002 asp 13.
 - (14) 2005 asp 3.

(2) In section 19 (disconnections code)(**15**), in subsection (4)(c) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

(3) In section 20B (Commission’s scheme)(**16**), in subsection (4)(c) for “the National Consumer Council” substitute “Citizens Advice Scotland”.

Public Services Reform (Scotland) Act 2010 (asp 8)

19.—(1) The Public Services Reform (Scotland) Act 2010(**17**) is amended as follows.

(2) In section 3 (transfer to certain bodies of functions of Waterwatch Scotland)—

(a) in subsection (4) for “The National Consumer Council” substitute “Citizens Advice Scotland”;

(b) in subsection (5) for “the National Consumer Council” substitute “Citizens Advice Scotland”;

(c) after subsection (7) insert—

“(8) In this section “Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux.”.

(3) In Part 1 of Schedule 2 (transfer of Waterwatch Scotland functions: modifications of enactments), omit paragraphs 16 to 18.

(15) Section 19(4)(c) was substituted by section 3(6) of and paragraph 14 of Part 1 of Schedule 2 to the Public Services Reform (Scotland) Act 2010.

(16) Section 20B was inserted by section 32 of the Water Resources (Scotland) Act 2013 asp 5.

(17) 2010 asp 8.