



Local Government etc. (Scotland) Act 1994

1994 CHAPTER 39

PART II

WATER AND SEWERAGE REORGANISATION

[^{F1} The Water Industry Commissioner for Scotland]

Textual Amendments

F1 [S. 67A](#) and crossheading inserted (1.11.1999) by [1999 c. 9, s. 12\(1\)](#); [S.S.I. 1999/133, art. 2\(a\)](#)

[^{F2}67A Water Industry Commissioner for Scotland and Consultative Committees.

- (1) There shall be a Water Industry Commissioner for Scotland (in this Part of this Act referred to as “the Commissioner”), who shall have the general function of promoting the interests of customers of the new water and sewerage authorities.
- (2) In respect of each new water and sewerage authority there shall be a Water Industry Consultative Committee, which shall have the general function of advising the Commissioner on the promotion of the interests of customers of that authority.
- (3) In exercising his functions in relation to an authority the Commissioner shall have regard to any advice given to him by the Consultative Committee in respect of that authority.
- (4) The Secretary of State may, after consulting the Commissioner, give him directions of a general or specific character as to the exercise of his functions; and the Commissioner shall comply with those directions.
- (5) Schedule 9A to this Act (which makes further provision about the Commissioner and Water Industry Consultative Committees) shall have effect.]

Status: Point in time view as at 01/11/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Water Industry Commissioner for Scotland. (See end of Document for details)

Textual Amendments

F2 S. 67A inserted (1.11.1999) by 1999 c. 9, s. 12(1); S.S.I. 1999/133, art. 2(a)

68 Functions of Customers Council.

^{F3}(1)

^{F4}(2) The Commissioner shall investigate any complaint made to him, or to the appropriate Consultative Committee, by a current, potential or former customer of a new water and sewerage authority, as respects a function of that authority (whether as a water authority or as a sewerage authority).

(2A) The Commissioner need not investigate such a complaint if—

- (a) the complainer has not pursued the complaint with the authority, or
- (b) it appears to the Commissioner that the complaint is vexatious or frivolous.]

(3) ^{F5}., Where the [^{F6}Commissioner] considers it appropriate [to do so in connection with a complaint investigated by [^{F6}him] under subsection (2) above, [^{F6}he] shall make representations on behalf of the complainer to the authority in question about any matter—

- (a) to which the complaint relates; or
- (b) which appears to [^{F6}him] to be relevant to the subject matter of the complaint.

(4) The [^{F7}Commissioner] shall advise the Secretary of State on any matter which appears to [^{F7}either of them], to relate to—

- (a) the standard of service provided by a new water and sewerage authority to their customers; or
- (b) the manner in which any such authority conduct their relations with their customers or potential or former customers.

(5) The [^{F8}Commissioner] shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the performance of any of [^{F8}his] functions under this Act; ^{F9}.

Textual Amendments

F3 S. 68(1) repealed (1.11.1999) by 1999 c. 9, s. 15(1)(2), Sch. 3 Pt. II para. 10(2), Sch. 4 Pt. II; S.S.I. 1999/133, art. 2(b)(c)(e)(f)

F4 S. 68(2)(2A) substituted for s. 68(2) (1.11.1999) by 1999 c. 9, s. 15(1), Sch. 3 Pt. II para. 10(3); S.S.I. 1999/133, art. 2(b)(e)

F5 Words in s. 68(3) repealed (1.11.1999) by 1999 c. 9, s. 15(1)(2), Sch. 3 Pt. II para. 10(4)(a), Sch. 4 Pt. II; S.S.I. 1999/133, art. 2(b)(c)(e)(f)

F6 Words in s. 68(3) substituted (1.11.1999) by 1999 c. 9, s. 15(1), Sch. 3 Pt. II para. 10(4)(b)(c)(d); S.S.I. 1999/133, art. 2(b)(e)

F7 Words in s. 68(4) substituted (1.11.1999) by 1999 c. 9, s. 15(1), Sch. 3 Pt. II para. 10(5)(a)(b); S.S.I. 1999/133, art. 2(b)(e)

F8 Words in s. 68(5) substituted (1.11.1999) by 1999 c. 9, s. 15(1), Sch. 3 Pt. II para. 10(6)(a)(b); S.S.I. 1999/133, art. 2(b)(e)

F9 Words in s. 68(5) repealed (1.11.1999) by 1999 c. 9, s. 15(1)(2), Sch. 3 Pt. II para. 10(6)(c), Sch. 4 Pt. II; S.S.I. 1999/133, art. 2(b)(c)(e)(f)

Status: Point in time view as at 01/11/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Water Industry Commissioner for Scotland. (See end of Document for details)

Commencement Information

- II** S. 68 wholly in force at 1.4.1996; s. 68 not in force at Royal Assent see s. 184(2); s. 68(1)(4)(5) in force at 30.10.1995 by S.I. 1995/2866, **art. 2(b)**; s. 68(2)(3) in force at 1.4.1996 by S.I. 1996/323, **art. 4(1)(a), Sch. 1**

69 Power of Customers Council to require information.

A new water and sewerage authority shall, on being requested to do so by the [^{F10}Commissioner], supply the [^{F10}Commissioner] with such information held by them as [^{F10}he] may reasonably seek in the exercise of [^{F10}his] functions under this Act; but where the authority and the [^{F10}Commissioner] cannot agree as to whether the information is sought reasonably, either of them may refer the matter to the Secretary of State, whose determination in that regard shall be final.

Textual Amendments

- F10** Words in s. 69 substituted (1.11.1999) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. II para. 11**; S.S.I. 1999/133, **art. 2(b)(e)**

70 Annual reports by, and information from, Customers Council.

- [^{F11}(1) Without prejudice to subsection (3) below, the Commissioner shall, as soon as practicable after the end of each financial year, submit to the Secretary of State a report on his exercise of his functions during that financial year.]
- (2) The [^{F12}Commissioner] shall arrange for the report to be published in such manner as [^{F12}he] considers appropriate.
- (3) The [^{F13}Commissioner] shall furnish the Secretary of State with such information regarding the exercise, or proposed exercise, of [^{F13}his] functions under this Act as he may from time to time require.

Textual Amendments

- F11** S. 70(1) substituted (1.11.1999) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. II para. 12(2)**; S.S.I. 1999/133, **art. 2(b)(e)**
- F12** Words in s. 70(2) substituted (1.11.1999) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. II para. 12(3)(a)(b)**; S.S.I. 1999/133, **art. 2(b)(e)**
- F13** Words in s. 70(3) substituted (1.11.1999) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. II para. 12(4)(a)(b)**; S.S.I. 1999/133, **art. 2(b)(e)**

71 Funding of Customers Council.

- (1) The Secretary of State may, ^{F14}. . . defray or contribute towards the expenses of the [^{F15}Commissioner].
- (2) Any sums required by the Secretary of State for the purposes of subsection (1) above shall be paid out of money provided by Parliament.

Status: Point in time view as at 01/11/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, Cross Heading: The Water Industry Commissioner for Scotland. (See end of Document for details)

- (3) A new water and sewerage authority shall contribute towards the expenses of the Customers Council by making payments of such amounts, and at such times, to the Council as the Secretary of State may direct.

Textual Amendments

- F14** Words in s. 71(1) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 116(1)(2)**, Pt. IV; S.I. 1998/3178, **art. 3**
- F15** Words in s. 71(1) substituted (1.11.1999) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. II para. 13**; S.S.I. 1999/133, **art. 2(b)(e)**

72 References to Monopolies and Mergers Commission.

In section 11(3) of the ^{M1}Competition Act 1980 (entities as respects which references may be made to the Monopolies and Mergers Commission), after paragraph (c) there shall be inserted the following paragraph—

“(cc) the new water and sewerage authorities, within the meaning of the Local Government etc. (Scotland) Act 1994;”.

Marginal Citations

- M1** 1980 c. 21.

Status:

Point in time view as at 01/11/1999.

Changes to legislation:

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