

SCHEDULE 9

Section 67(2).

CONSTITUTION AND PROCEEDINGS ETC. OF THE SCOTTISH WATER AND SEWERAGE CUSTOMERS COUNCIL.

Incorporation

- 1 The Customers Council shall be a body corporate.

Status

- 2 The Customers Council shall not be regarded as a servant or agent of the Crown and shall not have any status, immunity or privilege of the Crown.

Membership

- 3 The members of the Customers Council shall be not fewer than eight, nor more than twelve, persons appointed under this paragraph by the Secretary of State from persons who appear to him to have knowledge or experience relevant to the discharge of the functions of the Council but who are not members or employees of any of the new water and sewerage authorities; so however that he shall seek to ensure that the appointees include persons appropriate to represent, both as respects domestic and as respects non-domestic services, the interests of, respectively—

- (a) customers and potential customers such as are mentioned in section 65(2)(a)(ii) of this Act; and
- (b) other customers and potential customers.

- 4 For the purposes of paragraph 3 above, services are domestic if provided to dwellings (“dwelling” having the same meaning as in Part II of the ^{M1}Local Government Finance Act 1992) and are otherwise non-domestic.

Marginal Citations

M1 1992 c. 14.

- 5 The Secretary of State shall appoint one of the members of the Customers Council to be its chairman and another of them to be its deputy chairman.

- 6 A member of the Customers Council shall hold and vacate office in accordance with the terms of the instrument appointing him and shall, on ceasing to hold office, be eligible for re-appointment; but his membership shall terminate forthwith on his becoming a member or employee of any of the new water and sewerage authorities.

Status: Point in time view as at 01/07/1999.

Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 9. (See end of Document for details)

Members' remuneration, pensions and allowances

- 7 (1) The Customers Council shall pay to its chairman, deputy chairman and members—
- (a) such remuneration as the Secretary of State may, ^{F1} . . . determine; and
 - (b) such reasonable allowances as may be so determined in respect of expenses properly incurred in the performance (as chairman, deputy chairman or as the case may be members) of duties.
- (2) Where a person ceases to be a member of the Customers Council otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances which might make it right for the person to receive compensation, the Secretary of State may, ^{F1} . . . direct the Council to pay to the person such amount as the Secretary of State may, ^{F2} . . . determine.

Textual Amendments

- F1** Words in *Sch. 9 para. 7(1)(a)(2)* repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 116(3)**, Pt. IV; S.I. 1998/3178, **art. 3**
- F2** Words in *Sch. 9 para. 7(2)* repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 116(8)**, Pt. IV; S.I. 1998/3178, **art. 3**

- 8 The Secretary of State may, ^{F3} . . . determine that in respect of any office held by a person as chairman, deputy chairman or member of the Customers Council, the Council shall pay—
- (a) such pension, allowance or gratuity to, or in respect of, that person on his retirement or death;
 - (b) such contribution or other payment towards provision for such pension, allowance or gratuity,
- as may be so determined.

Textual Amendments

- F3** Words in *Sch. 9 para. 8* repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, **Sch. 2 Pt. I para. 116(4)**, Pt. IV; S.I. 1998/3178, **art. 3**

Staff

- 9 (1) The Customers Council may appoint on such terms and conditions as it may with the approval of the Secretary of State, ^{F4} . . . determine, such employees as it considers appropriate.
- (2) The Customers Council shall not appoint a person to act as its principal officer except after consultation with the Secretary of State.
- (3) The Council shall, as regards such of its employees as it may with the approval of the Secretary of State, ^{F4} . . . determine, make such arrangements as it considers appropriate for providing, to or in respect of those employees, pensions,

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allowances or gratuities; and such arrangements may include the establishment and administration, by the Council or otherwise, of one or more pension schemes.

- (4) The reference in sub-paragraph (3) above to the provision of pensions, allowances or gratuities includes a reference to their provision by way of compensation for loss of office or employment or loss or diminution of emoluments.
- (5) If a person employed by the Customers Council becomes a member of the Council and was by virtue of that employment a participant in a pension scheme administered by the Council for the benefit of its employees, the Council may determine that his service as a member shall be treated for the purposes of the scheme as service as an employee whether or not any benefits are to be payable to or in respect of him by virtue of paragraph 8 above; but if the Council does so determine, then any discretion as to the benefits payable to or in respect of the person which the scheme confers on the Council shall be exercisable only with the consent of the Secretary of State ^{F5} . . .

Textual Amendments

- F4** Words in Sch. 9 para. 9(1)(3) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 para. 116(9) Pt. IV; S.I. 1998/3178, art. 3
- F5** Words in Sch. 9 para. 9(5) repealed (1.7.1999) by S.I. 1999/1820, arts. 1(2), 4, Sch. 2 Pt. I para. 116(5), Pt. IV; S.I. 1998/3178, art. 3

Committees

- 10 (1) For or in connection with the discharge of such of its functions, or the exercise of such of its powers, as the Customers Council may determine, it shall establish three committees, the first for the eastern water area and the eastern sewerage area, the second for the western water area and the western sewerage area and the third for the northern water area and the northern sewerage area.
- (2) Each committee shall consist of—
- (a) a chairman, appointed by the Customers Council, with the approval of the Secretary of State, from the members of the Council; and
 - (b) not fewer than seven, nor more than eleven, members appointed by the Council from persons who are neither members nor employees of the Council or of a new water and sewerage authority, so however that the Council shall seek to ensure, as respects its appointments under this paragraph, that which the Secretary of State is required to seek to ensure as respects his appointments under paragraph 3 (as read with paragraph 4) of this Schedule.
- (3) The terms on which a person appointed under sub-paragraph (2)(b) above shall hold office shall be determined by the Customers Council but his membership of the committee in question shall terminate forthwith on his becoming a member or an employee of any of the new water and sewerage authorities or a member or employee of the Council.
- (4) The Customers Council may pay to a person appointed under sub-paragraph (2) (b) above (in respect of his activities as committee member) travelling and other allowances in accordance with such arrangements as may be determined by the Secretary of State ^{F6} . . .

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Changes to legislation: There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 9. (See end of Document for details)

Textual Amendments

- F6** Words in [Sch. 9 para. 10\(4\)](#) repealed (1.7.1999) by [S.I. 1999/1820, art. 1\(2\), 4](#), [Sch. 2 Pt. I para. 116\(3\)](#), [Pt. IV](#); [S.I. 1998/3178, art. 3](#)

Public Committee Meetings

- 11 In every financial year, at least one meeting of each committee established under paragraph 10 above shall be open to all members of the public.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Local Government etc. (Scotland) Act 1994, SCHEDULE 9.