

SCHEDULE 2 LICENCES AND COMPLIANCE: FURTHER PROVISION

Revocation of licences

- 10 (1) A water services licence or sewerage services licence may be revoked in accordance with this paragraph.
- (2) If it appears to the Commission that a water services provider or sewerage services provider, on whom an enforcement notice has been served, has—
- (a) failed to rectify, or (as the case may be) failed to take steps to prevent the recurrence of, a contravention specified in the notice—
 - (i) by the date specified in relation to the contravention under sub-paragraph (2)(c) of paragraph 8; or
 - (ii) where a later date has been substituted for that date under sub-paragraph (11)(b) of that paragraph, by that later date; or
 - (b) failed to complete a step specified under sub-paragraph (2)(d) of paragraph 8—
 - (i) by the date specified in relation to that step under sub-paragraph (3) of that paragraph; or
 - (ii) where a later date has been substituted for that date under sub-paragraph (11)(b) of that paragraph, by that later date,
- the Commission may revoke the licence held by the provider by serving on the provider a notice of revocation.
- (3) If—
- (a) it appears to the Commission that a water services provider or a sewerage services provider has contravened a term or condition of the licence held by the provider; and
 - (b) the Commission considers that the provider would fail to comply with the terms of an enforcement notice pertaining to that contravention,
- the Commission may revoke the licence by serving on the provider a notice of revocation.
- (4) If (having special regard to the factors mentioned in paragraphs (a) and (b) of subsection (2) of section 7 and to any other matters specified under that subsection) the Commission considers that a water services provider or sewerage services provider no longer has the ability to perform adequately the activities authorised by the licence held by the provider, the Commission may (whether or not the provider has contravened a term or condition of the licence held by the provider) revoke the licence by serving on the provider a notice of revocation.
- (5) The Commission may, following a request made to the Commission by a water services provider or a sewerage services provider for the licence held by the provider to be revoked, revoke the licence by serving on the provider a notice of revocation.
- (6) The Commission must not revoke a licence under this paragraph unless satisfied that revocation is reasonable having regard to—
- (a) the terms and conditions of the licence;
 - (b) the provider's responsibilities to the provider's customers; and
 - (c) any other matters the Commission considers to be relevant.

Status: This is the original version (as it was originally enacted).

- (7) A notice of revocation must specify—
- (a) the reasons why it is served; and
 - (b) the date (which must be no earlier than the day after the last day on which an appeal against the notice may be made under sub-paragraph (8)) from which the revocation is to have effect.
- (8) A provider on whom a notice of revocation has been served under sub-paragraph (2), (3) or (4) may, by summary application made within 14 days of the date of service of the notice, appeal to the sheriff against the notice; and the revocation is of no effect until the appeal is withdrawn or finally determined.
- (9) In an appeal under sub-paragraph (8), the sheriff may make such order as the sheriff thinks fit; and the decision of the sheriff in the appeal is final.
- (10) As soon as practicable after a revocation under this paragraph has effect, the Commission must—
- (a) send a copy of the notice of revocation to—
 - (i) Scottish Water; and
 - (ii) the Scottish Ministers; and
 - (b) publish the notice.