



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

Codes of practice

26 Customer standards code

(1) In relation to services provided in the exercise of its core functions, Scottish Water must prepare and submit to the [F¹Commission] a code of practice (a “customer standards code”) making provision—

- (a) as to its standards of performance in providing services to [F²persons whose premises are connected to the public water supply system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both] ,
- (b) for procedures for dealing with complaints by [F³those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems] ,
- (c) as respects the circumstances in which it will pay compensation if or in so far as those standards are not attained,
- (d) as respects such matters as are incidental to the provision made under paragraphs (a) to (c), and such supplemental matters (if any) as it thinks fit.

F⁴(2)

(3) Subject to subsection (1), Scottish Water may from time to time—

- (a) vary, or
- (b) revoke and replace,

its customer standards code, and must submit the varied or new code to the [F¹Commission] .

(4) A customer standards code submitted to the [F¹Commission] under subsection (1) or (3) comes into force only when it is approved in accordance with section 27.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Cross Heading: Codes of practice. (See end of Document for details)

- (5) Scottish Water must endeavour to comply with its approved customer standards code; but contravention of that code does not of itself give rise to any criminal or civil liability.
- (6) Scottish Water must publish the approved customer standards code and provide a copy of the code to any person who requests it.
- (7) The [F5Commission] —
- (a) must monitor the compliance by Scottish Water with its approved customer standards code,
 - (b) may advise the Scottish Ministers on such compliance, and
 - (c) may require Scottish Water to review its customer standards code, or any provision of it, in such respects as the [F5Commission] may specify.

Textual Amendments

- F1** Words in s. 26(1)-(4) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), s. 37\(2\), sch. 5 para. 7\(1\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F2** Words in s. 26(1)(a) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), s. 37\(2\), sch. 5 para. 7\(4\)\(a\)\(i\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F3** Words in s. 26(1)(b) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), s. 37\(2\), sch. 5 para. 7\(4\)\(a\)\(ii\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F4** S. 26(2) repealed (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), s. 37\(2\), sch. 5 para. 7\(4\)\(b\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F5** Words in s. 26(7) substituted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\), s. 37\(2\), sch. 5 para. 7\(1\)](#) (with s. 36); S.S.I. 2005/351, art. 2, sch. 2

27 Approval of customer standards code

- (1) The [F6Commission] may, after consulting [F7every water services provider and sewerage services provider and][F8Consumer Scotland], approve a customer standards code submitted under section 26(1) or (3)—
- (a) without modifications, or
 - (b) with such modifications as are agreed by the [F6Commission] and Scottish Water.
- (2) Where—
- (a) the [F6Commission] is not prepared to give approval under subsection (1)(a), and
 - (b) Scottish Water does not agree to some or all of the modifications proposed by the [F6Commission] under subsection (1)(b),
- the [F6Commission] must send the code (with any modifications to it agreed by the [F6Commission] and Scottish Water) to the Scottish Ministers.
- (3) Where 3 months have elapsed since the [F6Commission] has received a customer standards code by virtue of section 26(1) or (3) and the [F6Commission] has neither—
- (a) given approval under subsection (1) of this section, nor
 - (b) sent the scheme to the Scottish Ministers under subsection (2) of this section,
- Scottish Water may require the [F6Commission] to send it to the Scottish Ministers.

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- (4) The Scottish Ministers may, after consulting [^{F9}every water services provider and sewerage services provider and][^{F10}Consumer Scotland], approve a code sent to them under subsection (2) or (3)—
 - (a) without modifications or further modifications, or
 - (b) with such modifications as, after consulting Scottish Water and the [^{F6}Commission] , they think fit.
- (5) Where the [^{F6}Commission] approves a customer standards code under subsection (1), the [^{F6}Commission] must send a copy of the code as so approved to the Scottish Ministers.
- (6) Where the Scottish Ministers approve a customer standards code under subsection (4), they must send a copy of the code as so approved to the [^{F6}Commission].

Textual Amendments

- F6** Words in s. 27 substituted (1.7.2005) by Water Services etc. (Scotland) Act 2005 (asp 3), s. 37(2), **sch. 5 para. 7(1)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2
- F7** Words in s. 27(1) inserted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 130(2)(a), 134(7)(8)**; S.S.I. 2011/278, art. 2(b)
- F8** Words in s. 27(1) substituted (10.11.2022) by The Consumer Scotland (Transfer of Functions) Regulations 2022 (S.S.I. 2022/296), reg. 1(1), **sch. para. 1(4)(a)** (with reg. 3)
- F9** Words in s. 27(4) inserted (15.8.2011) by Public Services Reform (Scotland) Act 2010 (asp 8), **ss. 130(2)(b), 134(7)(8)**; S.S.I. 2011/278, art. 2(b)
- F10** Words in s. 27(4) substituted (10.11.2022) by The Consumer Scotland (Transfer of Functions) Regulations 2022 (S.S.I. 2022/296), reg. 1(1), **sch. para. 1(4)(b)** (with reg. 3)

28 Consultation code

- (1) Scottish Water must prepare and submit to the Scottish Ministers a code of practice (a “consultation code”) making provision as to the consultation which it will carry out in relation to—
 - (a) proposals for, and
 - (b) the undertaking of,any significant activity in the exercise of its core functions.
- (2) The consultation code must, in particular, make provision—
 - (a) as to consultation with persons who live, work or carry on business in any area significantly affected by such an activity, or who represent the interests of such persons,
 - (b) as to the manner of such consultation, the information to be provided to consultees and the time to be allowed for consultees to express views,
 - (c) for Scottish Water to have regard to the views of the persons consulted in pursuance of the code,and may make different provision in relation to different cases or descriptions of case.
- (3) Before submitting the consultation code to the Scottish Ministers, Scottish Water—
 - (a) must consult [^{F11}every water services provider and sewerage services provider and][^{F12}Consumer Scotland] on the code and have regard to any comments on it made by [^{F11}any such provider or][^{F12}Consumer Scotland], and

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- (b) may adjust the code in light of those comments.
- (4) The Scottish Ministers may approve the consultation code—
 - (a) without modifications, or
 - (b) with such modifications as, after consulting Scottish Water, they think fit.
- (5) A consultation code submitted to the Scottish Ministers under subsection (1) comes into force only when it is approved in accordance with subsection (4).
- (6) Scottish Water must publish the approved consultation code and provide a copy of the code to any person who requests it.
- (7) Scottish Water must endeavour to comply with the approved consultation code; but contravention of the code does not of itself give rise to any criminal or civil liability.
- (8) Subject to subsection (1), Scottish Water may from time to time—
 - (a) vary, or
 - (b) revoke or replace,
 the consultation code; and this section applies to the varied or new code as it does to the original code.

Textual Amendments

- F11** Words in s. 28(3)(a) inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 130(3)**, 134(7)(8); S.S.I. 2011/278, art. 2(b)
- F12** Words in s. 28(3)(a) substituted (10.11.2022) by [The Consumer Scotland \(Transfer of Functions\) Regulations 2022 \(S.S.I. 2022/296\)](#), reg. 1(1), **sch. para. 1(5)** (with reg. 3)

Changes to legislation:

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