



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

Miscellaneous

56 Directions

- (1) The Scottish Ministers must give Scottish Water directions—
 - (a) as to the exercise of its powers under section 25 and schedule 3, and
 - [^{F1}(aa) requiring it to promote water conservation and water-use efficiency,]
 - (b) otherwise as to how its affairs are to be managed and conducted.
- (2) Directions under subsection (1) may be of a general or specific character and may, in particular, include provision—
 - (a) as to the nature and allocation of the responsibilities of the members and employees of Scottish Water,
 - (b) requiring Scottish Water to obtain the approval of, or to consult, the Scottish Ministers before exercising such of its powers, or exercising them in such ways, as the directions may specify,
 - (c) for any matter to which the directions relate to be determined, in such manner (if any) as the directions may specify, by a person other than the Scottish Ministers.
- (3) The Scottish Ministers may give Scottish Water other directions of a general or specific character as to the exercise of its functions.
- (4) Before giving any direction under this section, the Scottish Ministers must consult Scottish Water.
- (5) Scottish Water must comply with directions given under this Part.

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

Textual Amendments

- F1** S. 56(1)(aa) inserted (31.10.2009) by [Climate Change \(Scotland\) Act 2009 \(asp 12\)](#), **ss. 74, 100(2)** (with s. 95); [S.S.I. 2009/341](#), **art. 2(2)(a)**

Commencement Information

- II** S. 56 wholly in force at 1.4.2002; s. 56 not in force at Royal Assent see s. 72(1); s. 56 in force at 8.3.2002 for certain purposes by [S.S.I. 2002/118](#), **art. 2(2)**, **Sch.**; s. 56 in force at 1.4.2002 insofar as not already in force by [S.S.I. 2002/118](#), **art. 2(3)**

[^{F2}56A Directions may set objectives

- (1) In particular, directions under section 56 may in respect of a period specified under section 29B(2) set objectives as to—
 - (a) the standard of the services to be provided in the exercise of Scottish Water's core functions, and
 - (b) the time by which—
 - (i) a particular standard of any of those services is to be attained,
 - (ii) any particular work required for or in connection with the provision of those services is (in part or whole) to be commenced or completed.
- (2) Different objectives may be set for different cases or categories of case.
- (3) In formulating objectives of a type referred to in subsection (1) for inclusion in directions under section 56, the Scottish Ministers must have regard to Scottish Water's duty under section 51(1).
- (4) Before giving directions under section 56 which set objectives of a type referred to in subsection (1), the Scottish Ministers must consult [^{F3}every water services provider and sewerage services provider and][^{F4}Consumer Scotland] on the objectives.

Textual Amendments

- F2** Ss. 56A, 56B inserted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), **ss. 22, 37(2)** (with s. 36); [S.S.I. 2005/351](#), **art. 2, sch. 2**
- F3** Words in s. 56A(4) inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), **ss. 130(6), 134(7)(8)**; [S.S.I. 2011/278](#), **art. 2(b)**
- F4** Words in s. 56A(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(8)** (with reg. 3)

56B Supplementary functions

- (1) The Scottish Ministers may by order confer on Scottish Water such additional or supplementary functions relating to the provision of water and sewerage services by Scottish Water as the Scottish Ministers consider appropriate so to confer.
- (2) The Scottish Ministers are to consult Scottish Water and the Commission on any order they propose to make under subsection (1).]

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

Textual Amendments

F2 Ss. 56A, 56B inserted (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), ss. 22, 37(2) (with s. 36); [S.S.I. 2005/351](#), art. 2, sch. 2

57 Information and reports

- (1) Scottish Water must provide the Scottish Ministers with such information relating to the exercise of its functions as they may require.
- (2) For that purpose Scottish Water must—
 - (a) permit any person authorised to do so by the Scottish Ministers to inspect and make copies of its accounts and other records, and
 - (b) provide that person with such explanations in relation to those accounts and records as the person or the Scottish Ministers may require.
- (3) Scottish Water must prepare—
 - (a) a report on its activities during the period from the beginning of each financial year to 30th September in that year, and
 - (b) a report on its activities during the whole of each financial year, as soon as practicable after the end of the period to which the report relates.
- (4) A report prepared under subsection (3)(a) must include a statement of accounts for the period to which the report relates; and subsection (2) of section 45 applies to such a statement of accounts as it applies to a statement of accounts prepared in accordance with that section.
- (5) A report prepared under subsection (3)(b) must include—
 - (a) a description of the manner in which Scottish Water has complied, during the period to which the report relates, with its duties under sections 26, 28, 50 and 51, and
 - (b) the reasons for any failure, during that period, to comply with its duties under sections 26 and 28.
- (6) Scottish Water must—
 - (a) send a copy of each report prepared under subsection (3) to the Scottish Ministers, the [^{F5}Commission][^{F6}, every water services provider and sewerage services provider] and [^{F7}Consumer Scotland], and
 - (b) publish the report.
- (7) A report prepared under subsection (3) must set out—
 - [^{F8}(a)] any directions under section 56 which have been given to Scottish Water during the period to which the report relates [^{F9}, and
 - (b) the extent to which Scottish Water has, during that period, complied with any requirements made under section 13(2) or 15(1) or (5) of the Water Services etc. (Scotland) Act 2005 (asp 3).]
- (8) The Scottish Ministers must lay a copy of a report sent to them under subsection (6) before the Parliament.

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

Textual Amendments

- F5** Words in s. 57(6)(a) 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
- F6** Words in s. 57(6) inserted (15.8.2011) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), [ss. 130\(7\)](#), [134\(7\)\(8\)](#); S.S.I. 2011/278, art. 2(b)
- F7** Words in s. 57(6)(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\(9\)](#) (with reg. 3)
- F8** Words in s. 57(7) renumbered as s. 57(7)(a) (7.9.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(7\)\(a\)](#) (with s. 36); S.S.I. 2006/445, art. 2, sch.
- F9** S. 57(7)(b) and word inserted (7.9.2006) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), s. 37(2), [sch. 5 para. 7\(7\)\(b\)](#) (with s. 36); S.S.I. 2006/445, art. 2, sch.

58 Records

- (1) This section applies to all records (in whatever form or medium)—
- transferred to Scottish Water by virtue of this Act,
 - created or acquired by it in the exercise of any of its functions, or
 - otherwise in its keeping.

^{F10}(2)

^{F10}(3)

^{F10}(4)

- (5) Scottish Water—
- must ensure that the Keeper has, at all reasonable hours, unrestricted access to the records preserved by it,
 - may afford facilities for any person to inspect and, on payment of a reasonable fee, to obtain copies of or extracts from those records.
- (6) Nothing in subsection (5)(b) permits infringement of copyright or contravention of conditions subject to which records are in the keeping of Scottish Water.
- (7) If any enactment makes provision relating to records of a specific kind which is inconsistent with subsections (1) to (6), those subsections are subject to that enactment.

Textual Amendments

- F10** S. 58(2)-(4) repealed (1.1.2013) by [Public Records \(Scotland\) Act 2011 \(asp 12\)](#), [ss. 14\(e\)](#), [16\(1\)](#); S.S.I. 2012/247, art. 2

59 Validity of actings

The validity of any actings of Scottish Water is not affected by any failure to comply with a duty imposed on it under or by virtue of this Part.

60 Private legislation

- (1) Scottish Water may, if it thinks fit—

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

- (a) with the consent of the Scottish Ministers, promote private legislation in the Scottish Parliament,
 - (b) oppose private legislation in the Parliament of the United Kingdom or the Scottish Parliament.
- (2) An application for consent under subsection (1)(a) must be accompanied by a concise summary of the purposes of the proposed legislation.
- (3) Such consent must be withheld if the Scottish Ministers consider that the powers sought by the private legislation could be obtained by means of an order under the 1968 Act or, as the case may be, the 1980 Act.

61 Supply of goods and services to and by local authorities

The Local Authorities (Goods and Services) Act 1970 (c.39) has effect as if Scottish Water were both a local authority and a public body for the purposes of that Act.

62 Information from local authorities and assessors

- (1) The Scottish Ministers may by regulations require a local authority or an assessor to provide Scottish Water with relevant information in such form as the regulations may specify.
- (2) For the purposes of subsection (1), information is relevant if—
- (a) it is information falling within subsection (3), and
 - (b) its possession by Scottish Water would, in the opinion of the Scottish Ministers, be likely to assist Scottish Water to make a charges scheme or to collect, or arrange to have collected, such charges as may be fixed by a charges scheme made by it.
- (3) Information falls within this subsection if it is held—
- (a) by the local authority in connection with their—
 - (i) setting, levying or collecting council tax or council water charges (within the meaning of Part II of the Local Government Finance Act 1992 (c.14)) or the non-domestic water rate or non-domestic sewerage rate (as defined in paragraphs (c) and (d) of section 99(2) of that Act before the repeal of those paragraphs by the 1994 Act), or
 - (ii) levying or collecting the non-domestic rate (as for the time being defined in section 37(1) of the Local Government (Scotland) Act 1975 (c.30), or
 - (b) as the case may be, by the assessor in connection with the assessor's functions under any enactment.
- (4) In this section—
- “assessor” is to be construed in accordance with section 27 of the 1994 Act,
 - “information” includes, in particular, a copy of the whole, or of any part of, a valuation roll or valuation list.

Changes to legislation:

There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002,
Cross Heading: Miscellaneous.