

## SCHEDULE 5

(introduced by section 32)

### AMENDMENTS TO ENACTMENTS

#### *Sewerage (Scotland) Act 1968 (c. 47)*

- 1 In section 29 (which makes provision relating to consent to discharge of trade effluent) of the 1968 Act, paragraph (j) of subsection (3) is repealed.

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 2 In the House of Commons Disqualification Act 1975, in Part III of Schedule 1 (disqualifying offices), the entry relating to the Water Industry Commissioner for Scotland is repealed.

#### *Race Relations Act 1976 (c. 74)*

- 3 In the Race Relations Act 1976, in Part II of Schedule 1A (bodies and other persons subject to general statutory duty), the entry relating to the Water Industry Commissioner for Scotland is repealed.

#### *Water (Fluoridation) Act 1985 (c. 63)*

- 4 In the Water (Fluoridation) Act 1985, in subsections (2)(b)(i) and (3) of section 4 (publicity and consultation), for the word “Commissioner” in each place where it occurs there is substituted “Commission”.

#### *Public Finance and Accountability (Scotland) Act 2000 (asp 1)*

- 5 In the Public Finance and Accountability (Scotland) Act 2000, in subsection (7) of section 23 (economy, efficiency and effectiveness examinations), for the word “Commissioner” there is substituted “Commission”.

#### *Ethical Standards in Public Life etc. (Scotland) Act 2000 (asp 7)*

- 6 In the Ethical Standards in Public Life etc. (Scotland) Act 2000—
- (a) in section 19 (action on finding of contravention)—
    - (i) in subsection (4), the words from “and” in the second place where it occurs to the end are repealed; and
    - (ii) in subsection (5), paragraph (c) and the word “; or” immediately preceding it are repealed;
  - (b) sections 25 and 26 (which make special provision for the Water Industry Commissioner for Scotland) are repealed;
  - (c) in section 30 (modification of enactments etc.), the words “or the Water Industry Commissioner for Scotland” are repealed;
  - (d) in schedule 1 (the Standards Commission for Scotland), in paragraph 3, the words “or the Water Industry Commissioner for Scotland” are repealed; and
  - (e) in schedule 3 (devolved public bodies), after the entry relating to the State Hospitals Board for Scotland, there is inserted—

“The Water Industry Commission for Scotland”.

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*Water Industry (Scotland) Act 2002 (asp 3)*

- 7 (1) In each of the following provisions of the 2002 Act”, for the words “Commissioner” and “Commissioner's” wherever occurring there is substituted “Commission” and “Commission's” respectively—
- section 3;
  - section 4(1);
  - section 5(1) to (3);
  - section 6;
  - section 11(1)(a);
  - section 26(1) to (4) and (7);
  - section 27;
  - section 57(6)(a); and
  - in schedule 1, paragraphs 6(4), 7 and 8.
- (2) In section 3 (functions of the Commissioner) of that Act, in subsection (6)—
- (a) in paragraph (a), for the words “its customers” there is substituted “persons 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”; and
  - (b) in paragraph (b), for the words “it conducts its relations with its customers or potential or former customers” there is substituted “Scottish Water conducts its relations with those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems”.
- (3) In section 5 (annual reports by, and information from, the Commissioner), in subsection (2)—
- (a) in paragraph (a), for the words “to such representations, reports and recommendations as are mentioned in section 2(5)” there is substituted “to—
    - (i) any representations made to it by a Customer Panel, and
    - (ii) any recommendations made to it under section 2(4)”; and
  - (b) in paragraph (b), the word “, report” is repealed.
- (4) In section 26 (customer standards codes) of that Act—
- (a) in subsection (1)—
    - (i) in paragraph (a), for the words “its customers” there is substituted “persons 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”; and
    - (ii) in paragraph (b), for the words “its customers or potential or former customers” there is substituted “those persons or persons whose premises have been, or might reasonably become, connected to either or both of those systems”; and
  - (b) subsection (2) is repealed.
- (5) Section 40 (reduced charges) of that Act is repealed.
- (6) In section 49 (interests of customers) of that Act, for the words “who is a customer or potential customer of Scottish Water” there is substituted “whose premises are connected to, or might reasonably become connected to, the public water supply

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system or the public sewerage system (within the meaning of Part 2 of the Water Services etc. (Scotland) Act 2005 (asp 3)) or both;”.

- (7) In section 57 (information and reports) of that Act, in subsection (7)—
- (a) the words from “any” to the end become paragraph (a); and
  - (b) after that paragraph there is inserted “, 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) In section 68 (orders and regulations) of that Act—
- (a) in subsection (4) after the words “41(5)” there is inserted “, 56B”; and
  - (b) in subsection (6), after the words “41(5)” there is inserted “or 56B”.
- (9) In section 70 (interpretation) of that Act, in subsection (1)—
- (a) in the definition of “charges scheme”, for the words “31(1)” there is substituted “29A(1)”; and
  - (b) for the definition of “the Commissioner” there is substituted—

““the Commission” means the Water Industry Commission for Scotland established under section 1(1) of this Act.”.
- (10) Part 1 (the Commissioner) of schedule 1 to that Act is repealed.

*Scottish Public Services Ombudsman Act 2002 (asp 11)*

- 8 In the Scottish Public Services Ombudsman Act 2002, in schedule 2 (listed authorities)—
- (a) after paragraph 21A there is inserted—

“21B The Convener of the Water Customer Consultation Panels (appointed under paragraph 5(1) of schedule 1 to the Water Industry (Scotland) Act 2002 (asp 3)) and those Panels.”; and
  - (b) in paragraph 55, for the word “Commissioner” there is substituted “Commission”.

*Freedom of Information (Scotland) Act 2002 (asp 13)*

- 9 In the Freedom of Information (Scotland) Act 2002, in schedule 1 (Scottish public authorities)—
- (a) after paragraph 62A there is inserted—

“62B The Convener of the Water Customer Consultation Panels (appointed under paragraph 5(1) of schedule 1 to the Water Industry (Scotland) Act 2002 (asp 3)) and those Panels.”; and
  - (b) in paragraph 106, for the word “Commissioner” there is substituted “Commission”.

*Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

- 10 In the Public Appointments and Public Bodies etc. (Scotland) Act 2003, in schedule 2 (specified authorities)—

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- (a) the entry relating to the Water Industry Commissioner for Scotland is repealed; and
- (b) after the entry relating to the Scottish Tourist Board there is inserted—  
“Water Industry Commission for Scotland”.