

2006 No. 167 (C. 16)

WATER INDUSTRY

**The Water Services etc. (Scotland) Act 2005 (Commencement
No. 3 and Savings) Order 2006**

Made - - - -

22nd March 2006

The Scottish Ministers, in exercise of the powers conferred by sections 34(2), 37(2) and 37(3) of the Water Services etc. (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Water Services etc. (Scotland) Act 2005 (Commencement No. 3 and Savings) Order 2006.

(2) In this Order “the 2005 Act” means the Water Services etc. (Scotland) Act 2005.

Appointed day

2. The provisions of the 2005 Act which are specified in column 1 of either Schedule 1 or Schedule 2 to this Order, the subject matter of which is described in column 2 of those Schedules shall, so far as not then in force, come into force on the day appointed in relation to that Schedule in the Table below; but where a particular purpose is specified in relation to any such provision in column 3 of those Schedules, that provision shall come into force on that day only for that purpose.

TABLE

<i>Schedule</i>	<i>Appointed Day</i>
1	1st April 2006
2	22nd April 2006

Savings provisions

3.—(1) Notwithstanding the amendment of section 1 of the Sewerage (Scotland) Act 1968(b), by virtue of article 2 of, and Schedule 1 to, this Order, that section shall continue to have effect, on and after 1st April 2006, as it had effect immediately before that date in relation to the determination on and after that date of any question mentioned in subsection (4) of that section, arising from a decision made by Scottish Water before that date.

(a) 2005 asp 3.

(b) 1968 c.47: section 1 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 75; the Water Industry (Scotland) Act 2002 (asp 3), Schedule 5, paragraphs 2, 3, 4 and 5; the Water Environment and Water Services (Scotland) Act 2003 (asp 3), section 29 and Schedule 3, paragraph 2; and the Water Services etc. (Scotland) Act 2005 (asp 3), sections 23 and 24.

(2) Notwithstanding the amendment of section 6 of the Water (Scotland) Act 1980(a) by virtue of article 2 of, and Schedule 1 to, this Order, that section shall continue to have effect, on and after 1st April 2006, as it had effect immediately before that date in relation to the determination on and after that date of any question mentioned in subsection (3) of that section, arising from a decision made by Scottish Water before that date.

RHONA BRANKIN

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
22nd March 2006

(a) 1980 c.45; section 6 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 119; the Water Industry (Scotland) Act 2002 (asp 3), Schedule 6, paragraph 3; the Water Environment and Water Services (Scotland) Act 2003 (asp 3), section 29; and the Water Services etc. (Scotland) Act 2005 (asp 3), sections 23 and 24.

SCHEDULE 1

Article 2

PROVISIONS OF THE 2005 ACT COMING INTO FORCE ON
1ST APRIL 2006

<i>Column 1 Provisions of 2005 Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
Section 3	Customer Panels	
Section 23	Determinations relating to provision of services	
Section 32	Amendments to enactments	Only for the purpose of bringing into force the provisions of Schedule 5 of the 2005 Act specified in column 1 of this Table below
Schedule 5, paragraphs 7(3), 8(a) and 9(a)	Amendments to enactments	

SCHEDULE 2

Article 2

PROVISIONS OF THE 2005 ACT COMING INTO FORCE ON
22ND APRIL 2006

<i>Column 1</i> <i>Provisions of 2005 Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 26, apart from subsection (10)	Monitoring and enforcement of sewerage code	
Section 26(10)	Monitoring and enforcement of sewerage code	Only in relation to any sewerage nuisance to which the Sewerage Nuisance (Code of Practice)(Scotland) Order 2006(a) applies

(a) S.S.I. 2006/155.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of, and Schedules 1 and 2 to, this Order bring into force further provisions of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”) on 1st and 22nd April 2006.

Section 3 of the 2005 Act amends provisions in Part 1 of the Water Industry (Scotland) Act 2002 relating to the Water Customer Consultation Panels, customer representation and investigation of complaints by customers of Scottish Water.

Section 23 of the 2005 Act amends section 1 of the Sewerage (Scotland) Act 1968 and section 6 of the Water (Scotland) Act 1980, which make provision, respectively, for determining the costs of new connections to the public sewerage and water supply systems. This is to give the Water Industry Commission for Scotland responsibility for determining disputes concerning costs rather than the Scottish Ministers.

Section 26 of the 2005 Act makes provision for the monitoring and enforcement of any sewerage code made under section 25.

Article 3 makes savings provisions in consequence of the commencement of section 23 of the 2005 Act, to enable the Scottish Ministers to continue to determine disputes concerning the costs of new connections to the public sewerage and water supply systems arising before 1st April 2006.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act were brought into force by the Water Services etc. (Scotland) Act 2005 (Commencement No. 1 and Savings) Order 2005 (S.S.I. 2005/351) and the Water Services etc. (Scotland) Act 2005 (Commencement No. 2) Order 2006 (S.S.I. 2006/40):

<i>Provisions commenced on 20th June 2005 by S.S.I. 2005/351</i>
Section 1(1) (partially)
Section 1(4) (partially)
Section 4, apart from subsection (6)
Section 5, apart from subsection (6)
Section 9 (partially)
Section 28
Section 29
Section 30 (Part 3)
Section 31
Schedule 1 (partially)
Schedule 4
<i>Provisions commenced on 1st July 2005 by S.S.I. 2005/351</i>
Section 1
Section 2
Section 21, apart from subsections (4) and (5)
Section 22
Section 24
Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 specified in this column below)
Schedule 1
Schedule 3
Schedule 5, paragraphs 1 to 6; 7(1) to (2); 7(4); 7(6); 7(8) to (9); 8(b); 9(b) and 10

<i>Provisions commenced on 10th February 2006 by S.S.I. 2006/40</i>

Section 25

Section 26 (partially)

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