

2006 No. 464

WATER INDUSTRY

**The Water Services and Sewerage Services Licences (Scotland)
Order 2006**

Made - - - - - *12th September 2006*

Laid before the Scottish Parliament *13th September 2006*

Coming into force - - - *5th October 2006*

The Scottish Ministers, in exercise of the powers conferred by sections 13(6), 18(3), 20(8) and 34(2) of, and paragraphs 1(1), 1(4) and 12(1) of schedule 2 to, 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 and Sewerage Services Licences (Scotland) Order 2006 and shall come into force on 5th October 2006.

(2) In this Order—

“the 2005 Act” means the Water Services etc. (Scotland) Act 2005;

“the Commission” means the Water Industry Commission for Scotland(b); and

“the undertaking” means the business undertaking established under section 13(1) of the 2005 Act.

(3) A reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(c) which has been recorded in written form and is capable of being reproduced in that form.

Form and content of an application for a water services licence or sewerage services licence

2.—(1) An application for a water services licence or a sewerage services licence shall be made in writing to the Commission by, or on behalf of, an applicant on the application form provided by the Commission for that purpose.

(2) The application form shall require the provision of information about—

(a) the type of licence applied for and the anticipated use of such a licence;

(b) the applicant and any person controlling the applicant or involved in the direction or management of the applicant’s affairs;

(c) the applicant’s ability to perform the activities to be authorised by the licence, having regard to the factors specified in section 7(2) of the 2005 Act; and

(a) 2005 asp 3.

(b) Section 1 of the Water Services etc. (Scotland) Act 2005 establishes the body known as the Water Industry Commission for Scotland, which replaces the office of Water Industry Commissioner for Scotland.

(c) 2000 c.7.

- (d) any other matter which the applicant considers may be relevant to the Commission's determination of their application.

Publication of notice of, and representations with respect to, an application

3.—(1) Where the Commission is satisfied that the application contains sufficient information to enable the Commission to determine it, the Commission shall confirm in writing to the applicant—

- (a) that fact; and
- (b) the period within which representations with respect to the application may be made, which period shall be not less than 14 days from the date of publication of the notice under paragraph (2).

(2) Within 14 days of the date on which the applicant receives confirmation in writing under paragraph (1), the applicant shall publish a notice of the application, in the form prescribed in Schedule 1 to this Order, in at least one national newspaper and on the applicant's website, if any.

Modifications regarding the initial water services licence or sewerage services licence

4.—(1) Paragraphs 1 and 2 of schedule 2 to the 2005 Act have effect subject to the following provisions of this article.

(2) As regards any initial application for a water services or a sewerage services licence by the undertaking, reference in article 3(1)(b) and (2) to 14 days shall be read as reference to 7 days.

(3) Where—

- (a) in relation to that initial application, the licence is granted to the undertaking; and
- (b) thereafter, standard conditions are determined under paragraph 2(2) of schedule 2 to the 2005 Act,

those conditions (so far as applicable in relation to the licence) shall be incorporated into the licence.

(4) But paragraph (3) applies only if the requirements imposed by virtue of paragraph (5) are met.

(5) For the purpose of paragraph (4), paragraph 2(6) to (8) of schedule 2 to the 2005 Act applies in relation to incorporation under paragraph (3) as it applies in relation to a modification under paragraph 2(10) of that schedule.

(6) Paragraph 2(16) and (17) of schedule 2 to the 2005 Act applies in relation to incorporation under paragraph (3) as it applies in relation to modification of a condition included in a licence.

Notice of discontinuation of water services

5. The notice for the purpose of section 18(2) of the 2005 Act (discontinuation of water services) is that specified in Schedule 2 to this Order.

Notice of discontinuation of trade effluent services

6. The notice for the purpose of section 20(7) of the 2005 Act (continuation and discontinuation of sewerage services) is that specified in schedule 3 to this Order.

Form of register of water services and sewerage services licences

7. The register to be kept by the Commission under paragraph 12(1) of schedule 2 to the 2005 Act shall be kept in a printed or electronic form or both.

St Andrew's House,
Edinburgh
12th September 2006

RHONA BRANKIN
Authorised to sign by the Scottish Ministers

SCHEDULE 1

Article 3(2)

Water Services etc. (Scotland) Act 2005 – Section 6

Notice of Application for a Water Services Licence or a Sewerage Services Licence

[Insert name of applicant and full postal/registered office address] hereby gives notice that on *[insert date]* they made an application to the Water Industry Commission for Scotland (“the Commission”) for a *[insert either “water services licence” and/or “sewerage services licence”, as appropriate]* in terms of section 6 of the Water Services etc. (Scotland) Act 2005.

Any person who wishes to make representations on the application should send their representations, in writing (including by e-mail) to the Director of Corporate Affairs, the Water Industry Commission for Scotland, Ochil House, Springkerse Business Park, Stirling FK7 7XE or enquiries@watercommission.co.uk no later than *[date specified by the Commission under the Water Services and Sewerage Services Licences (Scotland) Order 2006]*. Further information on how to make representations, including information on the treatment of confidential information, can be obtained from the Commission at the above address or at www.watercommission.co.uk or by telephoning 01786430200.

Signed: *[insert full name and designation of applicant or the person authorised to sign this notice on behalf of the applicant (if appropriate)]*

For and on behalf of: *[insert name of applicant]*

Date: *[insert date of publication]*

SCHEDULE 2

Article 5

Water Services etc. (Scotland) Act 2005 - Section 18

Notice of intention to request Scottish Water to discontinue a supply of water

[Insert name and full postal/registered office address of the water services provider] hereby gives notice that they intend, not less than 14 days from the date of service of this notice, to request Scottish Water to discontinue the supply of water to *[insert address of the eligible premises]*, in terms of section 18 of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”).

Any representations in respect of this notice should be made in writing (including by e-mail) to *[insert appropriate contact details for the water services provider where representations may be made]* within 10 days from the date of service of the notice. In terms of section 18(4) of the 2005 Act, *[insert name of the water services provider]* must have regard to any such representations in determining whether to proceed with their intention to request Scottish Water to discontinue the supply of water to *[insert address of the eligible premises]*.

Further information on how to make representations on this notice, including information regarding the treatment of confidential information, can be obtained from *[insert appropriate contact details for the water services provider, including any e-mail address and any website where information on how to make representations is available]*.

In accordance with the provisions of section 18(2) of the 2005 Act, a copy of this notice has been served upon Scottish Water and the Water Industry Commission for Scotland.

Signed: *[insert name and designation of the person authorised to sign the notice]*

For and on behalf of: *[insert name of water services provider]*

Date:

SCHEDULE 3

Article 6

Water Services etc. (Scotland) Act 2005 - Section 20

Notice of intention to request Scottish Water to discontinue trade effluent services

[Insert name and full postal/registered office address of the sewerage services provider] hereby gives notice that they intend, not less than 14 days from the date of service of this notice, to request Scottish Water to discontinue trade effluent services to *[insert address of the eligible premises]*, in terms of section 20 of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”).

Any representations in respect of this notice should be made in writing (including by e-mail) to *[insert appropriate contact details for the sewerage services provider where representations may be made]* within 10 days from the date of service of the notice. In terms of section 20(9) of the 2005 Act, *[insert name of the water services provider]* must have regard to any such representations in determining whether to proceed with their intention to request Scottish Water to discontinue trade effluent services to *[insert address of the eligible premises]*.

Further information on how to make representations on this notice, including information regarding the treatment of confidential information, can be obtained from *[insert appropriate contact details for the sewerage services provider, including any e-mail address and any web-site where information on how to make representations is available]*.

In accordance with the provisions of section 20(7) of the 2005 Act, a copy of this notice has been served upon Scottish Water and the Water Industry Commission for Scotland.

Signed by: *[insert name and designation of person authorised to sign the notice]*

For and on behalf of: *[insert name of sewerage services provider]*

Date:

EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”) establishes, inter alia, a licensing regime for the provision of water services and sewerage services to eligible premises. Articles 2 and 3 of the Order make provision for the purposes of paragraph 1(1) and (4) of schedule 2 to the 2005 Act in relation to applications for water services and sewerage services licences and their notification.

Article 2 provides for the form and content of licence applications.

Article 3 provides for notification of licence applications in the form specified in Schedule 1 to the Order, and provides for representations in relation to notified licence applications.

Article 4 modifies the procedures for making representations in relation to, and the incorporation of standard conditions into, the initial licence application granted in respect of the business undertaking established under section 13(1) of the 2005 Act.

Articles 5 and 6 of, and Schedules 2 and 3 to, the Order prescribe notices for the discontinuation of water and trade effluent services, respectively.

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