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STATUTORY INSTRUMENTS

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**2005 No. 3172**

**The Water Services etc. (Scotland) Act 2005  
(Consequential Provisions and Modifications) Order 2005**

**Commission to consult on proposals**

- 6.—(1) Before making its report under article 7, the Commission—
- (a) shall, so far as practicable, consult—
    - (i) as the case may be, the water services provider or sewerage services provider or Scottish Water, who made the request under article 3 to which the reference relates; and
    - (ii) the WIC; and
  - (b) may, so far as practicable, consult such other persons as it considers appropriate, on the matters the Commission proposes to include in its report.
- (2) In considering what is practicable for the purposes of paragraph (1), the Commission shall, in particular, have regard to—
- (a) the time limit for making a report referred to in article 4; and
  - (b) the following considerations before disclosing any information—
    - (i) the need to exclude from disclosure (so far as practicable) any information whose disclosure the Commission thinks is contrary to the public interest;
    - (ii) the need to exclude from disclosure (so far as practicable) any commercial information whose disclosure the Commission thinks might significantly harm the legitimate business interests of the person to which it relates;
    - (iii) the need to exclude from disclosure (so far as practicable) any information relating to the private affairs of an individual whose disclosure the Commission thinks might significantly harm the individual's interests; and
    - (iv) the extent to which the disclosure of the information mentioned in paragraph (ii) or (iii) is necessary for the purposes of the consultation.
- (3) For the purposes of the law relating to defamation, absolute privilege attaches to any consultation undertaken by the Commission pursuant to this article.