



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 1

#### WATER INDUSTRY COMMISSIONER AND CUSTOMER PANELS

#### **1 Water Industry Commissioner for Scotland**

- (1) There is to continue to be a Water Industry Commissioner for Scotland (referred to in this Act as the “Commissioner”).
- (2) The Commissioner has the general function of promoting the interests of customers of Scottish Water in relation to the provision of services by it in the exercise of its core functions.
- (3) The Scottish Ministers may, after consulting the Commissioner, give the Commissioner directions of a general or specific character as to the exercise of the Commissioner’s functions; and the Commissioner must comply with any such direction.
- (4) Part 1 of schedule 1 makes further provision about the Commissioner.

#### **2 Water Customer Consultation Panels**

- (1) The Scottish Ministers shall by order establish panels of individuals to be known as Water Customer Consultation Panels (each referred to in this Part as a “Customer Panel”).
- (2) An order under subsection (1) must, in relation to each Customer Panel established by it, specify, or make provision for determining—
  - (a) the area for which the Panel is established, and
  - (b) the number of members of the Panel.
- (3) Each Customer Panel is to have the general function of representing the views and interests of the customers of Scottish Water in the Panel’s area in relation to the provision of services by Scottish Water in the exercise of its core functions.
- (4) A Customer Panel must—

*Status: Point in time view as at 30/12/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Part 1. (See end of Document for details)*

- (a) publish reports on any matter it considers relevant to the interests of those customers in relation to such provision,
  - (b) make such recommendations as it considers appropriate to the Commissioner as to the promotion of the interests of those customers in relation to such provision, either generally or in relation to any specific matter.
- (5) In exercising functions in relation to Scottish Water, the Commissioner must have regard to—
- (a) any representations made to the Commissioner by a Customer Panel,
  - (b) any reports published under subsection (4)(a), and
  - (c) any recommendations made under subsection (4)(b).
- (6) Part 2 of schedule 1 makes further provision about the Customer Panels.

### **3 Functions of the Commissioner**

- (1) The Commissioner must investigate any complaint made to the Commissioner or a Customer Panel by a current, potential or former customer of Scottish Water as respects any of its core functions.
- (2) A Customer Panel must refer to the Commissioner any such complaint which is made to it.
- (3) The Commissioner need not investigate a complaint under subsection (1) if—
  - (a) the complainer has not pursued the complaint with Scottish Water, or
  - (b) it appears to the Commissioner that the complaint is vexatious or frivolous.
- (4) The Commissioner may, on behalf of the complainer in a complaint investigated under subsection (1), make representations to Scottish Water about any matter—
  - (a) to which the complaint relates, or
  - (b) which appears to the Commissioner to be relevant to the subject matter of the complaint.
- (5) Where the Commissioner investigates a complaint referred by a Customer Panel under subsection (2), or decides not to investigate such a complaint, the Commissioner must send to the Panel a report of the investigation or, as the case may be, a statement of the reasons for not investigating the complaint.
- (6) The Commissioner is to advise the Scottish Ministers on any matter which appears to the Commissioner or to them to relate to—
  - (a) the standard of service provided by Scottish Water to its customers, or
  - (b) the manner in which it conducts its relations with its customers or potential or former customers,
 in the exercise of its core functions.
- (7) The Commissioner has power to do anything which is calculated to facilitate, or is incidental or conducive to, the exercise of the Commissioner's functions.

### **4 Power of the Commissioner to require information**

- (1) Scottish Water must, on being requested to do so by the Commissioner, provide the Commissioner with such information held by it as the Commissioner may reasonably seek in the exercise of the Commissioner's functions.

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- (2) Where Scottish Water and the Commissioner cannot agree as to whether information is sought reasonably, either of them may refer the matter to the Scottish Ministers, whose decision is final.

## **5 Annual reports by, and information from, the Commissioner**

- (1) The Commissioner must—
- (a) as soon as practicable after the end of each financial year, submit to the Scottish Ministers, and publish, a report on the exercise of the Commissioner's functions during that year, and
  - (b) provide the Scottish Ministers with such information regarding the exercise of those functions as they may require.
- (2) A report under subsection (1)(a) must include a summary of—
- (a) action taken by the Commissioner during the year to which the report relates in response to such representations, reports and recommendations as are mentioned in section 2(5), and
  - (b) where the Commissioner has decided during that year not to take any action in response to any such representation, report or recommendation, the reasons for that decision.
- (3) A report under subsection (1)(a) must set out any directions under section 1 which have been given to the Commissioner during the period to which the report relates.

## **6 Funding of the Commissioner**

- (1) The Scottish Ministers may make grants to the Commissioner in respect of the Commissioner's expenses.
- (2) Scottish Water must make to the Commissioner, in respect of the Commissioner's expenses, payments of such amounts, and at such times, as the Scottish Ministers may direct.

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