



Water Industry (Scotland) Act 2002

2002 asp 3

PART 3

SCOTTISH WATER

Charges

[^{F1}29E Departure from certain charges

- (1) Scottish Water may, in any particular case, apply to the Commission for its consent to depart from a charges scheme in respect of charges to be paid for services provided to a water services or sewerage services provider.
- (2) The Commission may consent to a departure from a charges scheme only if satisfied that—
 - (a) a customer of the provider has done, or has agreed to, something which reduces or increases the costs incurred by Scottish Water in providing the services to the provider, and
 - (b) the departure is otherwise justified in the circumstances of the case.
- (3) Where the Commission consents to a departure, it may do so subject to such reasonable conditions as it considers are appropriate in the case.
- (4) Where the Commission withholds its consent to a departure, it must give its reasons for doing so.
- (5) The Commission is to make provision in writing which specifies—
 - (a) the procedure to be followed for the purposes of determining applications made under subsection (1), and
 - (b) any matters to be taken into account and the criteria to be applied in—
 - (i) determining whether a departure from a charges scheme is justified, and
 - (ii) the fixing, by Scottish Water, of lower or (as the case may be) higher charges to be paid for the services in question where it is determined that a departure is justified.
- (6) The Commission may from time to time revise the provision.

Changes to legislation: There are currently no known outstanding effects for the Water Industry (Scotland) Act 2002, Section 29E. (See end of Document for details)

- (7) In preparing or revising the provision, the Commission must consult—
- (a) the Scottish Ministers and Scottish Water, and
 - (b) such other persons as it thinks fit,
- as to the procedure to be followed in considering applications made under subsection (1).
- (8) The Commission must send a copy of the provision to—
- (a) the Scottish Ministers,
 - (b) Scottish Water, and
 - (c) every water services and sewerage services provider.
- (9) Scottish Water must publish details of every departure from a charges scheme.]

Textual Amendments

- F1** Ss. 29-29G substituted for s. 29 (1.7.2005) by [Water Services etc. \(Scotland\) Act 2005 \(asp 3\)](#), **ss. 21(1), 37(2)** (with s. 36); S.S.I. 2005/351, art. 2, sch. 2

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