



# Water Industry (Scotland) Act 2002

## 2002 asp 3

### PART 3

#### SCOTTISH WATER

#### *Charges*

#### **33 Commissioner's advice on charges**

- (1) The Commissioner must, when required by the Scottish Ministers, advise them on the matters to be taken into, or left out of, account by Scottish Water in fixing charges in charges schemes.
- (2) The advice is to apply in relation to charges schemes made during such period as the Scottish Ministers may specify (in this section referred to as “the period of the advice”).
- (3) In preparing advice, the Commissioner is to have regard to—
  - (a) the economy, efficiency and effectiveness with which Scottish Water is using its resources in exercising its core functions,
  - (b) the likely cost to Scottish Water, for the period of the advice, of exercising the functions specified in subsection (4),
  - (c) the likely resources, other than income from charges for goods and services, available to Scottish Water for the period of the advice,
  - (d) any guidance issued to Scottish Water by the Scottish Ministers, and
  - (e) any directions given under section 44 or 56.
- (4) The functions referred to in subsection (3)(b) are the core functions of Scottish Water so far as consisting of—
  - (a) complying with any duty to which it is subject by virtue of any enactment,
  - (b) complying with any such duty to which it will, or is likely to, become subject during the period of the advice,
  - (c) providing services to its customers at the same standard, and protection of the environment at the same level, as those at the time when the advice is given, or at such other standard or level as the Scottish Ministers may specify, and

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*Status: This is the original version (as it was originally enacted).*

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- (d) extending, in accordance with requirements made by the Scottish Ministers, the provision of public sewers and supplies of water to premises or areas not in receipt of such provision.
- (5) The Scottish Ministers must, within 3 months of receiving from the Commissioner advice under subsection (1)—
  - (a) accept the advice, with or without modifications, or
  - (b) reject the advice and substitute their own advice for it.
- (6) Where the Scottish Ministers accept the Commissioner’s advice with modifications or reject it, they must give reasons for doing so.
- (7) The Commissioner must publish advice as accepted, modified or substituted under subsection (5), together with any reasons given under subsection (6).