

*These Regulations supersede the draft of the same title which was laid before the Scottish Parliament and published on 13 December 2021 (ISBN 978-0-11-105264-8). They are being issued free of charge to all known recipients of those draft Regulations.*

*Draft Regulations laid before the Scottish Parliament under section 26(3)(a) of the Consumer Scotland Act 2020 for approval by resolution of the Scottish Parliament.*

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## DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2022 No.**

# CONSUMER PROTECTION

## The Consumer Scotland (Transfer of Functions) Regulations 2022

*Made* - - - - 2022

*Coming into force* - - 10th November 2022

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 20(1) and (2) and section 26(1)(b) of the Consumer Scotland Act 2020<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 26(3)(a) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 20(4) of that Act, the Scottish Ministers have consulted such persons as they consider appropriate, including Consumer Scotland and Citizens Advice Scotland.

### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Consumer Scotland (Transfer of Functions) Regulations 2022 and come into force on 10 November 2022.

(2) In these Regulations, “Citizens Advice Scotland” means the Scottish Association of Citizens Advice Bureaux<sup>(2)</sup>.

(3) Any modification made by these Regulations has the same extent as the provision modified.

### **Modifications of Acts of the Scottish Parliament**

2. The modifications specified in the schedule have effect.

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<sup>(1)</sup> 2020 asp 11.

<sup>(2)</sup> The Scottish Association of Citizens Advice Bureaux trading as Citizens Advice Scotland is a company limited by guarantee (no. SC089892) and a registered Scottish charity (no. SC016637).

### **Transitional and saving provision**

3.—(1) Nothing in these Regulations affects the validity of anything done (or having effect as if done) by or in relation to Citizens Advice Scotland before their coming into force.

(2) Anything done (or having effect as if done) at the coming into force of these Regulations by or in relation to Citizens Advice Scotland, so far as it relates to any function of Citizens Advice Scotland transferred to Consumer Scotland by these Regulations, has effect, so far as is necessary for continuing its effect after the coming into force of these Regulations, as if done by or in relation to Consumer Scotland.

(3) Anything (including legal proceedings) which at the coming into force of these Regulations is in the process of being done by or in relation to Citizens Advice Scotland, so far as it relates to any function transferred by these Regulations, may be continued by or in relation to Consumer Scotland.

(4) So far as may be necessary for the purposes of or in consequence of a transfer of a function by these Regulations, a reference to Citizens Advice Scotland in a Scottish instrument or other document is to be treated as a reference to Consumer Scotland.

St Andrew's House,  
Edinburgh  
Date

*Name*  
Authorised to sign by the Scottish Ministers

## SCHEDULE

Regulation 2

### MODIFICATIONS OF ACTS OF THE SCOTTISH PARLIAMENT

#### **Water Industry (Scotland) Act 2002**

1.—(1) The Water Industry (Scotland) Act 2002(3) is amended as follows.

(2) In section 4(4) (power of the Commission to require information), in subsection (4), after “Scotland”, insert “or Consumer Scotland”.

(3) In section 6(5) (funding of the Commission and Citizens Advice Scotland)—

(a) in the heading, for “Citizens Advice Scotland” substitute “Consumer Scotland”,

(b) in subsection (2A)—

(i) for “Citizens Advice Scotland” substitute “Consumer Scotland”,

(ii) for “Citizens Advice Scotland’s”, substitute “Consumer Scotland’s”, and

(c) in subsection (2B), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(4) In section 27(6) (approval of customer standards code)—

(a) in subsection (1), for “Citizens Advice Scotland” substitute “Consumer Scotland”,

(b) in subsection (4), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(5) In section 28(7) (consultation code), in subsection (3)(a) in both places it occurs, for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(6) In section 29B(8) (determination of maximum charges), in subsection (4)(a)(iii) for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(7) In section 29D(9) (statements regarding charges), in subsection (5)(b) for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(8) In section 56A(10) (directions may set objectives), in subsection (4) for “Citizens Advice Scotland” substitute “Consumer Scotland”.

(9) In section 57(11) (information and reports), in subsection (6)(a) for “Citizens Advice Scotland” substitute “Consumer Scotland”.

#### **Water Services etc. (Scotland) Act 2005**

2.—(1) The Water Services etc. (Scotland) Act 2005(12) is amended as follows.

(2) In section 19(13) (disconnections code), in subsection (4)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

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(3) 2002 asp 3.

(4) Subsection (4) was inserted by paragraph 3 of schedule 2 of the Public Services Reform (Scotland) Act 2010 (asp 8) (“the 2010 Act”) and amended by S.I. 2014/631.

(5) Subsections (2A) and (2B) were inserted by paragraph 3 of schedule 2 of the 2010 Act and amended by S.I. 2014/631.

(6) As relevantly amended by S.I. 2014/631.

(7) As relevantly amended by S.I. 2014/631.

(8) Section 29B was substituted by section 21(1) of the Water Services etc. (Scotland) Act 2005 (asp 3) (“the 2005 Act”); subsection (4)(a)(iii) was substituted by paragraph 10 of schedule 2 of the 2010 Act and amended by S.I. 2014/631.

(9) Section 29D was substituted by section 21(1) of the 2005 Act; subsection (5)(b) was substituted by paragraph 11 of schedule 2 of the 2010 Act and amended by S.I. 2014/631.

(10) Section 56A was inserted by section 22 of the 2005 Act; subsection (4) was relevantly amended by S.I. 2014/631.

(11) As relevantly amended by S.I. 2014/631.

(12) 2005 asp 3.

(13) Subsection (4)(c) was substituted by paragraph 14 of schedule 2 of the 2010 Act and amended by S.I. 2014/631.

(3) In section 20B(14) (Commission’s scheme), in subsection (4)(c), for “Citizens Advice Scotland” substitute “Consumer Scotland”.

### **Public Services Reform (Scotland) Act 2010**

3.—(1) The Public Services Reform (Scotland) Act 2010(15) is amended as follows.

(2) In section 3(16) (transfer to certain bodies of functions of Waterwatch Scotland)—

- (a) in subsection (4), for “Citizens Advice Scotland” substitute “Consumer Scotland”,
- (b) in subsection (5), for “Citizens Advice Scotland” substitute “Consumer Scotland”, and
- (c) omit subsection (8).

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision in consequence of the Consumer Scotland Act 2020 ([asp 11](#)) which establishes Consumer Scotland and makes provision about its functions.

Regulation 2 and the schedule make modifications to primary legislation in consequence of the Consumer Scotland Act 2020 to transfer certain functions from the Scottish Association of Citizens Advice Bureaux (“Citizens Advice Scotland”) to Consumer Scotland.

Regulation 3 makes transitional and saving provisions relating to the transfer of functions from Citizens Advice Scotland to Consumer Scotland.

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(14) Section 20B was inserted by section 32 of the Water Resources (Scotland) Act 2013 ([asp 5](#)) and subsection (4)(c) was amended by [S.I. 2014/631](#).

(15) [2010 asp 8](#).

(16) Section 3(4) and (5) was amended by [S.I. 2014/631](#) and section 3(8) was inserted by [S.I. 2014/631](#).