

2006 No. 445 (C. 35)

WATER INDUSTRY

**The Water Services etc. (Scotland) Act 2005 (Commencement
No. 4) Order 2006**

Made - - - -

30th August 2006

The Scottish Ministers, in exercise of the powers conferred by sections 34(2) and 37(2) of the Water Services etc. (Scotland) Act 2005(a) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Water Services etc. (Scotland) Act 2005 (Commencement No. 4) Order 2006.

(2) In this Order “the 2005 Act” means the Water Services etc. (Scotland) Act 2005.

Appointed Day

2. The provisions of the 2005 Act which are specified in column 1 of the Schedule to this Order, the subject matter of which is described in column 2 of that Schedule shall, so far as not then in force, come into force on 7th September 2006 (“the appointed day”); but where a particular purpose is specified in relation to any such provision in column 3 of that Schedule, that provision shall come into force on the appointed day only for that purpose.

ROSS FINNIE

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
30th August 2006

SCHEDULE

Article 2

PROVISIONS OF THE 2005 ACT COMING INTO FORCE ON 7TH SEPTEMBER 2006

<i>Column 1 Provisions of the 2005 Act</i>	<i>Column 2 Subject Matter</i>	<i>Column 3 Purpose</i>
Sections 4(6) and 5(6)	Public water supply system and sewerage system: offences	
Sections 6 and 7	Licence authorisation and granting of licences	Only in relation to applications for licences submitted in respect of the business undertaking established under section 13 of the 2005 Act
Section 8	Compliance with licences	
Section 10	Licensed providers to give information	
Section 11	Participation of licensed providers	
Section 12	Licences and compliance: further provision	Only for the purpose of bringing into force the provisions of Schedule 2 to the 2005 Act specified in column 1 of this table below
Section 13	Water and sewerage services undertaking	
Section 14	Financing, borrowing and guarantees	
Section 15	Transfer of staff etc. to the undertaking	
Section 16	Scottish Water to provide services	
Section 17	Continuation of water services	
Section 18	Discontinuation of water services	
Section 19	Disconnections Code	
Section 20	Continuation and discontinuation of sewerage services	
Section 21(4) and (5)	Liability for charges for services arranged by licensed providers	
Section 27	Meaning of 'eligible premises'	
Section 32	Amendments to enactments	Only for the purpose of bringing into force the provisions of Schedule 5 to the 2005 Act specified in column 1 of this table below
Schedule 2, apart from paragraph 4	Licences and compliance: further provision	
Schedule 5, paragraph 7(7)	Amendments to enactments	

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of, and the Schedule to, this Order bring into force further provisions of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”) on 7th September 2006.

The Order commences various provisions in Part 2 of the 2005 Act which establishes a licensing system for the provision of water and sewerage services to eligible premises by water services and sewerage services providers.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the 2005 Act were brought into force by the Water Services etc. (Scotland) Act 2005 (Commencement No. 1 and Savings) Order 2005 (S.S.I. 2005/351), the Water Services etc. (Scotland) Act 2005 (Commencement No. 2) Order 2006 (S.S.I. 2006/40) and the Water Services etc. (Scotland) Act 2005 (Commencement No. 3 and Savings) Order 2006 (S.S.I. 2006/167):

<i>Provisions commenced on 20th June 2005 by S.S.I. 2005/351</i>
Section 1(1) (partially)
Section 1(4) (partially)
Section 4, apart from subsection (6)
Section 5, apart from subsection (6)
Section 9 (partially)
Section 28
Section 29
Section 30 (Part 3)
Section 31
Schedule 1 (partially)
Schedule 4
<i>Provisions commenced on 1st July 2005 by S.S.I. 2005/351</i>
Section 1
Section 2
Section 21, apart from subsections (4) and (5)
Section 22
Section 24
Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 specified in this column below)
Schedule 1
Schedule 3
Schedule 5, paragraphs 1 to 6; 7(1) to (2); 7(4); 7(6); 7(8) to (9); 8(b); 9(b) and 10
<i>Provisions commenced on 10th February 2006 by S.S.I. 2006/40</i>
Section 25
Section 26 (partially)
<i>Provisions commenced on 1st April 2006 by S.S.I. 2006/167</i>
Section 3
Section 23

Section 32 (only for the purpose of bringing into force the provisions of Schedule 5 specified in this column below)
Schedule 5, paragraphs 7(3), 8(a) and 9(a)
<i>Provisions commenced on 22nd April 2006 by S.S.I. 2006/167</i>
Section 26, apart from subsection (10)
Section 26(10) (only in relation to any sewerage nuisance to which the Sewerage Nuisance (Code of Practice) (Scotland) Order 2006 (S.S.I. 2006/155) applies)

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