
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 464

**The Water Services and Sewerage
Services Licences (Scotland) Order 2006**

Citation and interpretation

1.—(1) This Order may be cited as the Water Services and Sewerage Services Licences (Scotland) Order 2006 and shall come into force on 5th October 2006.

(2) In this Order—

“the 2005 Act” means the Water Services etc. (Scotland) Act 2005;

“the Commission” means the Water Industry Commission for Scotland⁽¹⁾; and

“the undertaking” means the business undertaking established under section 13(1) of the 2005 Act.

(3) A reference in this Order to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000⁽²⁾ which has been recorded in written form and is capable of being reproduced in that form.

Form and content of an application for a water services licence or sewerage services licence

2.—(1) An application for a water services licence or a sewerage services licence shall be made in writing to the Commission by, or on behalf of, an applicant on the application form provided by the Commission for that purpose.

(2) The application form shall require the provision of information about—

(a) the type of licence applied for and the anticipated use of such a licence;

(b) the applicant and any person controlling the applicant or involved in the direction or management of the applicant’s affairs;

(c) the applicant’s ability to perform the activities to be authorised by the licence, having regard to the factors specified in section 7(2) of the 2005 Act; and

(d) any other matter which the applicant considers may be relevant to the Commission’s determination of their application.

Publication of notice of, and representations with respect to, an application

3.—(1) Where the Commission is satisfied that the application contains sufficient information to enable the Commission to determine it, the Commission shall confirm in writing to the applicant—

(a) that fact; and

(b) the period within which representations with respect to the application may be made, which period shall be not less than 14 days from the date of publication of the notice under paragraph (2).

(1) Section 1 of the Water Services etc. (Scotland) Act 2005 establishes the body known as the Water Industry Commission for Scotland, which replaces the office of Water Industry Commissioner for Scotland.

(2) 2000 c. 7.

(2) Within 14 days of the date on which the applicant receives confirmation in writing under paragraph (1), the applicant shall publish a notice of the application, in the form prescribed in Schedule 1 to this Order, in at least one national newspaper and on the applicant's website, if any.

Modifications regarding the initial water services licence or sewerage services licence

4.—(1) Paragraphs 1 and 2 of schedule 2 to the 2005 Act have effect subject to the following provisions of this article.

(2) As regards any initial application for a water services or a sewerage services licence by the undertaking, reference in article 3(1)(b) and (2) to 14 days shall be read as reference to 7 days.

(3) Where—

- (a) in relation to that initial application, the licence is granted to the undertaking; and
- (b) thereafter, standard conditions are determined under paragraph 2(2) of schedule 2 to the 2005 Act,

those conditions (so far as applicable in relation to the licence) shall be incorporated into the licence.

(4) But paragraph (3) applies only if the requirements imposed by virtue of paragraph (5) are met.

(5) For the purpose of paragraph (4), paragraph 2(6) to (8) of schedule 2 to the 2005 Act applies in relation to incorporation under paragraph (3) as it applies in relation to a modification under paragraph 2(10) of that schedule.

(6) Paragraph 2(16) and (17) of schedule 2 to the 2005 Act applies in relation to incorporation under paragraph (3) as it applies in relation to modification of a condition included in a licence.

Notice of discontinuation of water services

5. The notice for the purpose of section 18(2) of the 2005 Act (discontinuation of water services) is that specified in Schedule 2 to this Order.

Notice of discontinuation of trade effluent services

6. The notice for the purpose of section 20(7) of the 2005 Act (continuation and discontinuation of sewerage services) is that specified in schedule 3 to this Order.

Form of register of water services and sewerage services licences

7. The register to be kept by the Commission under paragraph 12(1) of schedule 2 to the 2005 Act shall be kept in a printed or electronic form or both.

St Andrew's House,
Edinburgh
12th September 2006

RHONA BRANKIN
Authorised to sign by the Scottish Ministers