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## SCHEDULES

VALID FROM 01/10/2005

[<sup>F1</sup>SCHEDULE 3A U.K.]

Section 27A(11)

### THE CONSUMER COUNCIL FOR WATER

#### Textual Amendments

**F1** Sch. 3A inserted (1.10.2005) by Water Act 2003 (c. 37), ss. 35(2), 105(3), Sch. 2; S.I. 2005/2714, art. 2(a)(i) (with Sch. para. 8)

#### *Membership of Council*

- 1
- (1) The Council shall consist of—
    - (a) a chairman appointed by the Secretary of State;
    - (b) one other member appointed by the Assembly; and
    - (c) such other members as may be appointed by the Secretary of State.
  - (2) The Secretary of State shall consult the Assembly before appointing the chairman.
  - (3) The Secretary of State and the Assembly shall consult the chairman before appointing any other member.
  - (4) An appointment under this paragraph shall be for a term not exceeding five years.
  - (5) In appointing persons under this paragraph the Secretary of State and the Assembly shall have regard to the desirability of including among the members one or more persons who—
    - (a) have experience of work among, and the special needs of, disabled persons; or
    - (b) have or have had a disability.

#### *Membership of Council*

- 2
- (1) A person holding office as chairman or other member may resign that office by giving notice to the Secretary of State (in the case of a member appointed by him), or to the Assembly (in the case of a member appointed by the Assembly).
  - (2) The Secretary of State may remove any person appointed by him from office as chairman or other member on the ground of incapacity or misbehaviour.
  - (3) The Secretary of State shall consult the Assembly before removing any person appointed by him as chairman.

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- (4) The Assembly may remove any person appointed by it from office as member on the ground of incapacity or misbehaviour.
- (5) Otherwise, the chairman and other members shall hold and vacate office as such in accordance with the terms of their respective appointments.
- (6) A previous appointment as chairman or other member does not affect a person's eligibility for appointment to either office.

*Terms of appointment, remuneration, pensions etc*

- 3 The Council shall pay to the chairman and other members of the Council such remuneration, and such travelling and other allowances, as the Secretary of State may determine.

*Terms of appointment, remuneration, pensions etc*

- 4 (1) If the Secretary of State so determines in the case of any holder of the office of chairman or other member, the Council shall pay—
  - (a) such pension, allowance or gratuity to or in respect of him, or
  - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
 as the Secretary of State may determine.
- (2) If, when any person ceases to hold office as chairman or other member, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Council shall pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

*Members appointed by Assembly*

- 5 In relation to any member of the Council appointed by the Assembly, the matters mentioned in paragraphs 3 and 4 above shall be determined by the Assembly instead of by the Secretary of State.

*Staff*

- 6 (1) The Council shall, with the approval of the Secretary of State, appoint a principal officer on such terms of employment as it may, with that approval, determine.
- (2) The Council may, with the approval of the Secretary of State as to numbers and terms of employment, appoint such other employees as it may determine.
- (3) The persons to whom section 1 of the Superannuation Act 1972 (persons to or in respect of whom benefits may be provided by schemes under that section) applies shall include employees of the Council.
- (4) The Council shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to sub-paragraph (3) above in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

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#### *Annual reports*

- 7
- (1) As soon as practicable after the end of each financial year the Council shall report to the Secretary of State on its activities during the year.
  - (2) The annual report for each year shall include a report on the progress of the projects described in the Council's forward work programme for that year.
  - (3) In making any report under this paragraph the Council shall not include any information which relates to the affairs of a particular individual or body of persons (corporate or unincorporate) unless one or more of paragraphs (a) to (c) of sub-paragraph (4) below applies to the information.
  - (4) Information relating to a particular individual or body may be included in the report if—
    - (a) that individual or body has consented to its inclusion;
    - (b) it is information that is available to the public from some other source; or
    - (c) it is not information the publication of which would or might, in the opinion of the Council, seriously and prejudicially affect the interests of that individual or body.
  - (5) Before deciding to include any information relating to a particular individual or body in pursuance of sub-paragraph (4)(c) above, the Council shall—
    - (a) consult that person or body; and
    - (b) have regard to any opinion expressed by the Authority as to the application of sub-paragraph (4)(c) above to the information or as to the desirability or otherwise of its publication,and paragraph (b) applies whether the opinion is given in relation to information itself or to information of a description which applies to that information.
  - (6) In making any report under this paragraph the Council shall not include any information which it considers relates to any matter which is, or is likely to be, the subject of criminal proceedings.
  - (7) In considering whether information relates to any matter as mentioned in sub-paragraph (6) above, the Council shall have regard to any opinion expressed (whether in relation to the information itself or to information of a description which applies to that information) by the Secretary of State, the Assembly or the Director of Public Prosecutions.
  - (8) The Secretary of State shall lay a copy of each annual report of the Council before each House of Parliament.
  - (9) The Council shall send a copy of each annual report to the Authority and the Assembly and shall arrange for the report to be published in such further manner as it considers appropriate.

#### *Financial provisions and accounts*

- 8
- (1) It shall be the duty of the Council to comply with any notice given by the Secretary of State requiring it to perform duties of a financial nature specified in the notice.
  - (2) The Secretary of State shall consult the Assembly before giving any notice to the Council under sub-paragraph (1) above.

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*Financial provisions and accounts*

- 9 (1) The Council shall prepare, in respect of each financial year, a statement of accounts giving a true and fair view of the state of affairs and the income and expenditure of the Council.
- (2) The statement of accounts shall comply with any requirement which the Secretary of State has notified to the Council.
- (3) The Council shall, within such period after the end of the financial year to which it relates as the Secretary of State may specify by notice given to the Council, send copies of each statement of accounts of the Council to—
- (a) the Secretary of State and the Assembly; and
  - (b) the Comptroller and Auditor General.
- (4) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement sent to him under sub-paragraph (3) above; and
  - (b) lay a copy of the statement and of his report before each House of Parliament.

*Financial provisions and accounts*

- 10 The Secretary of State and the Assembly shall pay to the Council such sums as he or it thinks fit to enable it to meet its expenses.

*Regional committees*

- 11 (1) The Council shall not establish or abolish a regional committee, or alter the allocation of a relevant undertaker to a regional committee, without the approval of the appropriate authority.
- (2) If the Council proposes to do anything mentioned in sub-paragraph (1) above it shall, after consulting the appropriate authority, give notice—
- (a) describing its proposals; and
  - (b) specifying the time from the date of the notice (not being less than two months) within which representations may be made with respect to the proposals;
- and shall consider any representations that are duly made and not withdrawn.
- (3) A notice under sub-paragraph (2) above shall be given by publishing it in such manner as the Council considers appropriate for bringing the proposals to the attention of those likely to be affected.
- (4) An appropriate authority shall not give its approval under sub-paragraph (1) above until after the time specified in the notice under sub-paragraph (2) above.

*Regional committees*

- 12 (1) A regional committee of the Council shall consist of—
- (a) a chairman appointed by the appropriate authority;
  - (b) such other members as the Council may appoint.
- (2) Any regional committee may establish sub-committees.

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- (3) The members of a regional committee of the Council may include persons who are not members of the Council (and the members of a sub-committee of the committee may include persons who are not members of the committee or the Council).
- (4) In appointing members of a regional committee the Council shall take account of any guidance given to them by the appropriate authority.
- (5) The Council may pay to the chairman and other members of a regional committee, or a sub-committee, such remuneration, and such travelling and other allowances, as the appropriate authority may determine.

#### *Regional committees*

- 13
- (1) If the appropriate authority so determines in the case of any holder of the office of chairman or other member of a regional committee, or of any sub-committee of a regional committee, the Council shall pay—
    - (a) such pension, allowance or gratuity to or in respect of him; or
    - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,as the appropriate authority may determine.
  - (2) If, when any person ceases to hold office as chairman or other member of a regional committee, the appropriate authority determines that there are special circumstances which make it right that he should receive compensation, the Council shall pay to him a sum by way of compensation of such amount as may be determined by the appropriate authority.

#### *Regional committees*

- 14
- In paragraphs 11 to 13 above the “appropriate authority” means—
- (a) the Assembly, in relation to committees established (or proposed to be established) for relevant undertakers whose areas are wholly or mainly in Wales, to sub-committees of those committees, and to any relevant undertaker whose area is wholly or mainly in Wales;
  - (b) the Secretary of State, in relation to committees established (or proposed to be established) for other relevant undertakers, to sub-committees of those committees, and to any other relevant undertaker.

#### *Other committees*

- 15
- (1) The Council may establish committees other than regional committees and any such committee may establish sub-committees.
  - (2) The members of any such committee may include persons who are not members of the Council (and the members of a sub-committee may include persons who are not members of the relevant committee or the Council).
  - (3) The Council may pay to the chairman and other members of any such committee, or of a sub-committee, such remuneration, and such travelling and other allowances, as the Secretary of State may determine.

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#### *Other committees*

- 16 (1) If the Secretary of State so determines in the case of any holder of the office of chairman or other member of any such committee, or of any sub-committee of such a committee, the Council shall pay—
- (a) such pension, allowance or gratuity to or in respect of him; or
  - (b) such contributions or payments towards provision for such a pension, allowance or gratuity,
- as the Secretary of State may determine.
- (2) If, when any person ceases to hold office as chairman or other member of any such committee, or of any sub-committee of such a committee, the Secretary of State determines that there are special circumstances which make it right that he should receive compensation, the Council shall pay to him a sum by way of compensation of such amount as may be determined by the Secretary of State.

#### *Performance of functions of the Council*

- 17 Anything authorised or required to be done by the Council may be done by any member or employee of the Council who, or any regional or other committee of the Council which, is authorised for the purpose by the Council (whether generally or specially).

#### *Performance of functions of the Council*

- 18 The validity of anything done by the Council is not affected by a vacancy among its members or by a defect in the appointment of a member.

#### *Supplementary powers*

- 19 (1) The Council shall have power to do anything which is calculated to facilitate, or is incidental or conducive to, the performance of any of its functions.
- (2) That power includes, among other things, power to enter into agreements and to acquire and dispose of property.
- (3) The Council may make charges for facilities or services provided by it at the request of any person.

#### *First financial year of the Council*

- 20 (1) If the period beginning with the day on which the Council is established and ending with the next 31st March is six months or more, the first financial year of the Council is that period.
- (2) If the period mentioned in sub-paragraph (1) above is less than six months, the first financial year of the Council is the period beginning with the day on which the body is established and ending with 31st March in the following year.

#### *Compensation for members of customer service committees*

- 21 The Authority may pay to any person who immediately before the abolition by the Water Act 2003 of a customer service committee established under section 28(1) of this Act is the chairman of that body such sums by way of

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compensation for loss of office, or loss or diminution of pension rights, as the Secretary of State may determine.]

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