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SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

SCOTLAND

Local Government etc. (Scotland) Act 1994 (c. 39)

- 7 The Local Government etc. (Scotland) Act 1994 is amended as follows.
- 8 In section 63(4) (consultation about alteration of water areas and sewerage areas), for “Customers Council” there is substituted “ Commissioner (established under section 67A(1) of this Act) ”.
- 9 In section 66 (codes of practice)—
- (a) subsection (2) is repealed,
 - (b) in subsection (4), for “Customers Council” there is substituted “ Commissioner ”,
 - (c) in subsection (5), for the words from “apply” in the second place where it occurs to the end there is substituted “ to a charges scheme made under that section ”, and
 - (d) after subsection (6) there is inserted—
 - “(7) The Commissioner—
 - (a) shall monitor the compliance by each authority with their code of practice as so approved,
 - (b) may advise the Secretary of State on such compliance, and
 - (c) may request an authority to review their code of practice, or any provision of it, in such respects as the Commissioner may specify.”
- 10 (1) Section 68 (functions of Customers Council) is amended as follows.
- (2) Subsection (1) is repealed.
 - (3) For subsection (2) there is substituted—

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- “(2) The Commissioner shall investigate any complaint made to him, or to the appropriate Consultative Committee, by a current, potential or former customer of a new water and sewerage authority, as respects a function of that authority (whether as a water authority or as a sewerage authority).
- (2A) The Commissioner need not investigate such a complaint if—
- (a) the complainer has not pursued the complaint with the authority, or
 - (b) it appears to the Commissioner that the complaint is vexatious or frivolous.”
- (4) In subsection (3)—
- (a) the words “Without prejudice to subsection (1)(c) above” are repealed,
 - (b) for “Customers Council” there is substituted “ Commissioner ”,
 - (c) for “it” in the second place where it occurs there is substituted “ him ”, and in the third place where it occurs there is substituted “ he ”, and
 - (d) for “the Council” there is substituted “ him ”.
- (5) In subsection (4)—
- (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “the Council, or to him” there is substituted “ either of them ”.
- (6) In subsection (5)—
- (a) for “Customers Council” there is substituted “ Commissioner ”,
 - (b) for “its” there is substituted “ his ”, and
 - (c) the words from “and without prejudice” to the end are repealed.
- 11 In section 69 (power of Customers Council to require information)—
- (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”, and
 - (b) for “it” and “its” there is substituted “ he ” and “ his ”.
- 12 (1) Section 70 (annual reports and information) is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) Without prejudice to subsection (3) below, the Commissioner shall, as soon as practicable after the end of each financial year, submit to the Secretary of State a report on his exercise of his functions during that financial year.”
- (3) In subsection (2)—
- (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “it” there is substituted “ he ”.
- (4) In subsection (3)—
- (a) for “Customers Council” there is substituted “ Commissioner ”, and
 - (b) for “its” there is substituted “ his ”.
- 13 In section 71 (funding of Customers Council)—

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- (a) in subsection (1), for “Customers Council” there is substituted “Commissioner ”,
 - (b) in subsection (3), for “Customers Council” and “Council” there is substituted “ Commissioner ”.
- 14 (1) Section 76 (charges schemes) is amended as follows.
- (2) In subsection (4)—
- (a) for “the Customers Council” and for “the Council” in the first four places where the expression occurs there is substituted “ the Commissioner ”,
 - (b) in paragraph (a), the words “in draft” are repealed,
 - (c) in paragraph (b), for “it” in the first place where it occurs there is substituted “ he ”, and for “draft” there is substituted “ scheme ”, and
 - (d) in paragraph (b)(ii), the words “the Council and” are repealed.
- (3) In subsection (5)—
- (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”,
 - (b) the words “in draft” are repealed, and
 - (c) for “draft” in the second place where it occurs there is substituted “ scheme ”.
- (4) In subsection (6)—
- (a) for “Customers Council” and “Council” there is substituted “ Commissioner ”, and
 - (b) for “it” there is substituted “ he ”.
- (5) In subsection (7)—
- (a) for “Customers Council” there is substituted “ Commissioner ”,
 - (b) after “shall” there is inserted “ (a) ”, and
 - (c) at the end there is inserted “and
 - (b) have regard to any advice published under section 75A of this Act in force at the time of the making of the scheme under subsection (1) above.”
- 15 In section 125 (interpretation of Part II)—
- (a) after the definition of “charges scheme” there are inserted the following definitions—
 - “the Commissioner” means the Water Industry Commissioner for Scotland (established under section 67A(1));
 - “Consultative Committee” means a Water Industry Consultative Committee established under section 67A(2);”
 - (b) the definition of “the Customers Council” is repealed.
- 16 In section 177(2) (Parliamentary disqualification), the entry for the Scottish Water and Sewerage Customers Council or any committee established by it is repealed.
- 17 Schedule 9 (Customers Council) is repealed.

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- 18 In Schedule 13 (minor and consequential amendments), paragraph 140(4)(c) and (5)(a) is repealed.

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