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## SCHEDULES

### SCHEDULE 1

Section 1(2).

#### SCHEDULE TO BE INSERTED IN THE WATER INDUSTRY ACT 1991

##### “SCHEDULE 4A

###### PREMISES THAT ARE NOT TO BE DISCONNECTED FOR NON-PAYMENT OF CHARGES

- 1 (1) Any dwelling which is occupied by a person as his only or principal home.  
(2) In this paragraph “dwelling” means—
  - (a) a private dwelling-house (which may be a building or part of a building),
  - (b) a caravan within the meaning of Part I of the <sup>M1</sup>Caravan Sites and Control of Development Act 1960 (disregarding the amendment made by section 13(2) of the <sup>M2</sup>Caravan Sites Act 1968), or
  - (c) a boat or similar structure designed or adapted for use as a place of permanent habitation.
- 2 (1) Any house in multiple occupation which does not constitute a dwelling within the meaning of paragraph 1 above and in which any person has his only or principal home.  
(2) In this paragraph “house in multiple occupation” has the meaning given by section 345(1) of the <sup>M3</sup>Housing Act 1985.
- 3 (1) Accommodation for the elderly in which a person has his only or principal home.  
(2) In this paragraph “accommodation for the elderly” means residential accommodation to which sub-paragraph (3) or (4) below applies, but which is not a dwelling within the meaning of paragraph 1 above or a house in multiple occupation within the meaning of paragraph 2 above.  
(3) This sub-paragraph applies to residential accommodation—
  - (a) which is particularly suitable, having regard to its location, size, design, heating systems and other features, for occupation by elderly persons,
  - (b) which it is the practice of the landlord to let for occupation by persons aged 60 or more, and
  - (c) where the services of a warden are provided.  
(4) This sub-paragraph applies to any building or part of a building designed or adapted for use as residential accommodation for elderly persons.
- 4 A hospital within the meaning of section 11 of the <sup>M4</sup>Public Health (Control of Disease) Act 1984.
- 5 Premises used for the provision of medical services by a registered medical practitioner.
- 6 Premises used for the provision of dental services by a person who under the <sup>M5</sup>Dentists Act 1984 is permitted to practise dentistry.

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- 7 (1) Premises used for the provision of personal medical services or personal dental services under a pilot scheme.
- (2) In this paragraph “personal medical services”, “personal dental services” and “pilot scheme” have the same meaning as in Part I of the <sup>M6</sup>National Health Service (Primary Care) Act 1997.
- 8 (1) A residential care home, nursing home or mental nursing home.
- (2) In this paragraph—
- “mental nursing home” means anything which is a mental nursing home within the meaning of the <sup>M7</sup>Registered Homes Act 1984;
- “nursing home” means anything which is a nursing home within the meaning of the Registered Homes Act 1984 or which would be but for section 21(3)(a) of that Act;
- “residential care home” means—
- (a) an establishment in respect of which registration is required under Part I of the Registered Homes Act 1984 or would be so required but for section 1(4) (small homes) or section 1(5)(j) of that Act (establishments managed or provided by government departments, etc.), or
- (b) a building or part of a building in which residential accommodation is provided under section 21 of the <sup>M8</sup>National Assistance Act 1948.
- 9 (1) A children’s home.
- (2) In this paragraph “children’s home” means—
- (a) a community home within the meaning of section 53 of the <sup>M9</sup>Children Act 1989,
- (b) a voluntary home within the meaning of section 60(3) of that Act,
- (c) a children’s home registered under Part VIII of that Act,
- (d) a home providing (or usually providing or intended to provide) care and accommodation for three or fewer children at any one time, other than a home which is (or would, if it provided care and accommodation for more than three children at any one time, be) exempted from registration under Part VIII of that Act—
- (i) by or under any of subsections (4), (5), (7) or (12) of section 63 of that Act, or
- (ii) by regulations made for the purposes of subsection (3) of that section by the Secretary of State.
- 10 A school within the meaning of the <sup>M10</sup>Education Act 1996.
- 11 (1) Premises used by an institution within the further education sector or an institution within the higher education sector for, or in connection with, the provision of education.
- (2) In this paragraph the references to an institution within the further education sector or within the higher education sector are to be construed in accordance with section 91 of the <sup>M11</sup>Further and Higher Education Act 1992.
- 12 Premises used for the provision of day care for children by a person who is registered under section 71(1)(b) of the Children Act 1989 in respect of the premises.
- 13 (1) A prison or detention centre.
- (2) In this paragraph “prison” means—

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- (a) any prison, young offender institution or remand centre which is under the general superintendence of, or is provided by, the Secretary of State under the <sup>M12</sup>Prison Act 1952, including a contracted out prison within the meaning of Part IV of the <sup>M13</sup>Criminal Justice Act 1991,
  - (b) any secure training centre within the meaning of section 43(1)(d) of the <sup>M14</sup>Prison Act 1952, or
  - (c) a naval, military or air force prison.
- (3) In this paragraph “detention centre” means any premises which are used solely for detaining persons under the <sup>M15</sup>Immigration Act 1971 or the <sup>M16</sup>Asylum and Immigration Appeals Act 1993, but which are not a part of a prison.
- 14 Premises occupied for the purposes of a police force.
- 15 Premises occupied for the purposes of a fire brigade maintained in pursuance of the <sup>M17</sup>Fire Services Act 1947.
- 16 Premises occupied for the purposes of the provision of an ambulance service by a National Health Service trust established under Part I of the <sup>M18</sup>National Health Service and Community Care Act 1990.”

#### **Marginal Citations**

<b>M1</b>	1960 c.62.
<b>M2</b>	1968 c.52.
<b>M3</b>	1985 c.68.
<b>M4</b>	1984 c.22.
<b>M5</b>	1984 c.24.
<b>M6</b>	1997 c.46.
<b>M7</b>	1984 c.23.
<b>M8</b>	1948 c.29.
<b>M9</b>	1989 c.41.
<b>M10</b>	1996 c.56.
<b>M11</b>	1992 c.13.
<b>M12</b>	1952 c.52.
<b>M13</b>	1991 c.53.
<b>M14</b>	1952 c.52.
<b>M15</b>	1971 c.77.
<b>M16</b>	1993 c.23.
<b>M17</b>	1947 c.41.
<b>M18</b>	1990 c.19.

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## SCHEDULE 2

Section 12(4).

### SCHEDULE TO BE INSERTED IN THE LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994

#### “SCHEDULE 9A

#### THE WATER INDUSTRY COMMISSIONER FOR SCOTLAND AND CONSULTATIVE COMMITTEES

### PART I

#### THE COMMISSIONER

##### *Appointment*

- 1 (1) The Commissioner shall be appointed by the Secretary of State on such terms and conditions as he may determine.
- (2) Those terms and conditions may include arrangements for the payment of pensions, allowances or gratuities to, or in respect of, persons who have ceased to hold office as Commissioner.

##### *Staff*

- 2 (1) The Commissioner may, with the consent of the Secretary of State as to numbers, terms and conditions, appoint staff.
- (2) The Commissioner may make arrangements for the payment of pensions, gratuities or allowances to, or in respect of, any person who has ceased to be a member of staff of the Commissioner and may, in particular—
  - (a) make contributions or payments towards provision for such pensions, gratuities or allowances,
  - (b) establish and administer one or more pension schemes.
- (3) Arrangements under sub-paragraph (2) are subject to the approval of the Secretary of State.

##### *Status*

- 3 The Commissioner and his staff are not to be regarded as servants or agents of the Crown and do not have any status, immunity or privilege of the Crown.

### PART II

#### THE CONSULTATIVE COMMITTEES

##### *Membership*

- 4 (1) Each Consultative Committee shall consist of—
  - (a) the Commissioner, who shall be its chairman, and

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- (b) not fewer than 6 nor more than 9 other members appointed by the Commissioner in accordance with procedures, and on terms and conditions, approved by the Secretary of State.
- (2) The Commissioner shall, in accordance with those procedures, appoint one of the other members to be its deputy chairman.

#### *Allowances*

- 5 The deputy chairman and the ordinary members of a Consultative Committee shall be entitled to travelling and other allowances, to be paid by the Commissioner in accordance with arrangements determined by the Secretary of State, in respect of expenses properly incurred in the performance of their duties.

#### *Proceedings*

- 6 The proceedings of a Consultative Committee shall be conducted in accordance with arrangements determined by the Commissioner and approved by the Secretary of State.”

### SCHEDULE 3

Section 15(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

#### PART I

#### ENGLAND AND WALES

#### *Water Industry Act 1991 (c. 56)*

- 1 In section 148(1) of the Water Industry Act 1991 (restriction on charging for metering), for “to be used” there is substituted “capable of being used”.
- 2 In section 149(2)(a) of that Act (further provision relating to charging by volume), for “in relation to which the meter is to be used” there is substituted “to which the meter relates”.
- 3 After section 150A of that Act there is inserted—

#### *“ Interpretation of Chapter I*

#### **150B Meaning of “consumer” in Chapter I.**

In this Chapter “consumer”—

- (a) in relation to the supply of water by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall, and
- (b) in relation to the provision of sewerage services in respect of any premises, means a person who is for the time being the person on

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whom liability to pay charges to the undertaker in respect of those services would fall.”

- 4 (1) Section 195 of that Act (the Director’s register) is amended as follows.
- (2) At the end of subsection (1) there is inserted “ and of section 143 above ” .
- (3) After subsection (3) there is inserted—
- “(3A) The Director shall also cause to be entered on the register the provisions of any guidance given to him by the Secretary of State under section 143(7) above.”

## PART II

### SCOTLAND

#### *House of Commons Disqualification Act 1975 (c. 24)*

- 5 (1) Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership) is amended as follows.
- (2) In Part II (bodies of which all members are disqualified), the entry for the Scottish Water and Sewerage Customers Council and any committee established by it is repealed.
- (3) In Part III (other disqualifying offices), there is inserted in the appropriate place—
- “The Water Industry Commissioner for Scotland”.

#### *Water (Fluoridation) Act 1985 (c. 63)*

- 6 (1) The Water (Fluoridation) Act 1985 is amended as follows.
- (2) In section 4 (publicity and consultation about fluoridation schemes)—
- (a) in subsection (2)(b)(i), for “Customers Council” there is substituted “ Water Industry Commissioner for Scotland ”, and
- (b) in subsection (3), for the words from “each” to “subsection (2)(b)(i) and (ii)” there is substituted “ the Commissioner and each local authority to whom they are required by subsection (2)(b) ”.
- (3) In section 5 (interpretation), the definition of “Customers Council” is repealed.

#### *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) ”.

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- 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—
- “(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)—

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- (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)—
- (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 ”,



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

## SCHEDULE 4

### REPEALS

#### PART I

##### ENGLAND AND WALES

Chapter	Short title	Extent of repeal
1991 c. 56.	The Water Industry Act 1991.	Section 145 and the heading preceding it.
1995 c. 25.	The Environment Act 1995.	In Schedule 22, paragraph 114(2).

#### PART II

##### SCOTLAND

Chapter	Short title	Extent of repeal
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry for the Scottish Water and Sewerage Customers

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		Council and any committee established by it.
1985 c. 63.	The Water (Fluoridation) Act 1985.	In section 5, the definition of “Customers Council”.
1994 c. 39.	The Local Government etc. (Scotland) Act 1994.	Section 66(2).
		Section 67.
		In section 68, subsection (1), in subsection (3) the words “Without prejudice to subsection (1)(c) above”, and in subsection (5) the words from “and without prejudice” to the end.
		In section 76, in subsection (4), in paragraph (a) the words “in draft” and in paragraph (b) (ii) the words “the Council and”, and in subsection (5) the words “in draft”.
		In section 125, the definition of “the Customers Council”.
		In section 177(2), the entry for the Scottish Water and Sewerage Customers Council and any committee established by it.
		Schedule 9.
		In Schedule 13, paragraph 140(4)(c) and (5)(a).

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