SCOTTISH STATUTORY INSTRUMENTS

2002 No. 166

WATER SUPPLY

The Water Industry (Scotland) Act 2002 (Consequential and Savings Provisions) Order 2002

Made - - - -	*27th March 2002*
Laid before the Scottish Parliament - - - -	*28th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred by sections 24(3), 68(2) and (3) and 69 of the Water Industry (Scotland) Act 2002(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Water Industry (Scotland) Act 2002 (Consequential and Savings Provisions) Order 2002 and shall come into force on 1st April 2002.

(2) In this Order–

"the 1994 Act" means the Local Government etc. (Scotland) Act 1994(**2**);

"the 2002 Act" means the Water Industry (Scotland) Act 2002; and

"an authority" means a new water and sewerage authority.

General consequential and savings provisions

2. This Order is without prejudice to the provisions of the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999(**3**).

3.—(1) Any reference in any enactment to an authority shall, insofar as may be necessary or expedient for the purposes of the exercise of any function by Scottish Water, be construed as a reference to Scottish Water.

(**1**) 2002 asp 3.
(**2**) 1994 c. 39.
(**3**) S.I.1999/1379.

(2) Any thing done or treated by virtue of any enactment as having been done by, to or in relation to an authority in connection with the discharge of any of its functions shall be treated as having been done by, to or in relation to Scottish Water.

(3) The things referred to in paragraph (2) include, in particular –

(a) any agreement, charges scheme, instrument, decision, designation, determination, declaration or order made or treated as having been made by an authority;

(b) any notice or direction given or treated as given by or to an authority;

(c) any licence, certificate, permission, consent, approval, refusal, exemption, dispensation or annexation granted or treated as granted by or to an authority;

(d) any application, request, proposal or objection made or treated as made by or to an authority;

(e) any fee paid to or by an authority;

(f) any conditional requirement imposed or treated as opposed by or on an authority;

(g) any proceedings instituted by or against an authority;

(h) any appeal allowed by or in favour of or against an authority; or

(i) any obligation owed to or by an authority in respect of any order made under section 79 of the 1994 Act.

4.—(1) Subject to paragraph (2) below, the charges scheme made by each authority and approved under section 76 of the 1994 Act for the financial year beginning 1st April 2002 shall have effect as if made by Scottish Water under section 31 of the 2002 Act and approved under section 32 of that Act.

(2) Each scheme referred to in paragraph (1) above shall have effect in relation to the water area and the sewerage area of the authority that made it.

(3) The provisions of this article apply to any charges scheme referred to in the Water and Sewerage Charges (Exemption) (Scotland) Regulations 2002(**4**) as they apply to the charges schemes referred to in paragraph (1) above.

5.—(1) Subject to paragraph (2) below, the code of practice drafted by each authority and approved under section 66 of the 1994 Act which had effect on 31 March 2002 shall continue in effect until the customer standards code to be prepared under section 26 of the 2002 Act is approved under section 27 of that Act.

(2) Each code referred to in paragraph (1) above shall continue to have effect only in relation to the water area and sewerage area of the authority that drafted it.

The Water Services Charges (Billing and Collection) (Scotland) Order 2002

6.—(1) The Water Services Charges (Billing and Collection) (Scotland) Order 2002(**5**) is amended as follows.

(2) In Article 1(2) the definitions of "the appropriate water authority", "the East Authority", "the first added area", "the second added area", "the third added area", "the North Authority", "water authority" and "the West Authority" are deleted.

(3) In Article 2, for "a water authority" substitute "Scottish Water".

(4) In Article 3(1)–

(a) the words "(other than those referred to in Articles 4 and 5 below)" are deleted; and

(**4**) S.S.I. 2002/167.
(**5**) S.S.I. 2002/33.