



Aquavitae (UK) Limited – Revocation of licences

At its July meeting, the Water Industry Commission for Scotland (**the Commission**) decided that it was minded to revoke the water services licence and the sewerage services licence it granted to Aquavitae (UK) Limited (**Aquavitae**) on 15 October 2007.

Following its decision, the Commission gave Aquavitae an opportunity to respond. No representations were received from Aquavitae and the Commission therefore decided to revoke Aquavitae's licences.

In accordance with the requirements of the Water Services etc. (Scotland) Act 2005 (**the 2005 Act**), on 15 August 2008 the Commission served Aquavitae with a Notice of Revocation specifying the reasons for service and the date from which the revocation was to have effect (2 September 2008).

As the revocation of Aquavitae's licences has now been effected, the Commission hereby publishes a copy of the Notice of Revocation. In accordance with the 2005 Act, the Commission has also sent a copy of the Notice of Revocation to Scottish Ministers and Scottish Water.

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Notice of Revocation

of a water or sewerage services licence under
paragraph 10 of schedule 2 to the Water Services etc (Scotland) Act 2005

1. Water Services Licence, granted to Aquavitae (UK) Limited (registered number 04151711) under section 6(1) of the Water Services etc (Scotland) Act 2005 (the "**2005 Act**") on 15 October 2007; and
2. Sewerage Services Licence, granted to Aquavitae (UK) Limited (registered number 04151711) under section 6(3) of the 2005 Act on 15 October 2007.

(together the "**Licences**")

The Water Industry Commission for Scotland (the "**Commission**"), having informed the administrators of Aquavitae (UK) Limited ("**Aquavitae**") that it was minded to revoke the Licences, invited representations on that proposal¹ and having received no such representations, is satisfied that, having regard to a) the terms and conditions of the Licences; b) Aquavitae's responsibilities to its customers; and c) all other matters which it considers to be relevant, it would be reasonable to revoke the Licences under paragraph 10 of schedule 2 to the 2005 Act.

For the following reasons (which were previously referred to in the Commission's letter of 3 July a copy of which was posted on the Commission's website), the Commission hereby serves this Notice of Revocation (the "**Notice**") on Aquavitae and revokes the Licences:

- The Commission considers that Aquavitae no longer has the ability to perform adequately the activities authorised by the Licences, having special regard to the factors mentioned in subsection 7(2) of the 2005 Act²; and
- It appears to the Commission that Aquavitae has contravened a term or condition of the Licences and the Commission considers that Aquavitae would fail to comply with the terms of an enforcement notice pertaining to that contravention.

Pursuant to sub-paragraph 10(8) of Schedule 2 to the 2005 Act, Aquavitae may, by summary application made by 1 September 2008, appeal to the sheriff against the Notice.

Subject to any such appeal, the revocation of the Licences will take effect from 2 September 2008.

¹ By way of letter addressed to Vantis, the administrators of Aquavitae (UK) Limited, dated 3 July 2008.

² The factors mentioned in that subsection 7(2) are the licensed provider's (a) knowledge, expertise and experience; and (b) financial acumen and business viability.