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STATUTORY INSTRUMENTS

2016 No. 465 (C. 26)

WATER INDUSTRY, ENGLAND AND WALES

The Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016

Made - - - - 22nd March 2016

The Secretary of State makes the following Order in exercise of the powers conferred by sections 91(1) and 94(3) of the Water Act 2014(**1**).

Citation and interpretation

1.—(1) This Order may be cited as the Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016.

(2) In this Order—

"the 1991 Act" means the Water Industry Act 1991(**2**);

"the 2014 Act" means the Water Act 2014.

Provisions of the 2014 Act coming into force on 1st April 2016

2. The following provisions of the 2014 Act come into force on 1st April 2016—

(a) section 1 (types of water supply licence and arrangements with water undertakers) as follows—

(i) subsection (1) so far as it—

(aa) substitutes section 17A(1) of the 1991 Act(**3**), but only in relation to the grant of a water supply licence with a retail authorisation or a restricted retail authorisation;

(bb) substitutes section 17A(7) of the 1991 Act; and

(cc) inserts section 17AA(3) to (5) into the 1991 Act; and

(ii) subsection (3) so far as it relates to the provisions in paragraph (j);

(**1**) 2014 c.21. The power in section 94(3) to appoint a day on which the remaining provisions of the 2014 Act come into force is vested in the "appropriate authority". Section 94(6) provides that the appropriate authority is the Secretary of State except as stated in the table in Schedule 12.

(**2**) 1991 c.56.

(**3**) Section 17A of the 1991 Act was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 (c.37).

(b) section 4 (types of sewerage licence and arrangements with sewerage undertakers) as follows—

(i) subsection (1) so far as it inserts—

(aa) section 17BA(1) into the 1991 Act, but only in relation to the grant of a sewerage licence with a retail authorisation;

(bb) section 17BA(7) into the 1991 Act; and

(cc) section 17BB(2) to (4) into the 1991 Act; and

(ii) subsection (3) so far as it relates to the provisions in paragraph (k);

(c) section 6 (arrangements with the Water Industry Commission for Scotland) so far as not already in force;

(d) section 17 (rules about charges for connections etc)(**4**) so far as not already in force;

(e) section 23 (general duty as regards undue preference in the provision of services)(**5**) so far as not already in force;

(f) section 25 (procedure for granting water supply and sewerage licences) so far as not already in force;

(g) section 37 (appeals relating to revisions of codes);

(h) section 38 (guidance relating to rules about charges)(**6**) so far as not already in force;

(i) section 56 (further amendments) so far as it relates to the provisions in paragraph (m);

(j) Schedule 2 (water undertakers' duties as regards water supply licensees) as follows—

(i) paragraph 4 so far as it inserts section 66DB(1) into the 1991 Act and is not already in force;

(ii) paragraph 9(2) and (3); and

(iii) paragraph 9(1) so far as it relates to the provisions in sub-paragraph (ii);

(k) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—

(i) section 117G(2)(e);

(ii) section 117P(4); and

(iii) sections 117R and 117S;

(l) Schedule 6 (procedure on appeals under section 207A of the Water Industry Act 1991); and

(m) the provisions of Schedule 7 (further amendments) specified in Schedule 1 to this Order.

Provisions of the 2014 Act coming into force on 1st September 2016

3. The following provisions of the 2014 Act come into force on 1st September 2016—

(a) subsection (3) of section 1 (types of water supply licence and arrangements with water undertakers) so far as it relates to the provisions in paragraph (e);

(b) subsection (3) of section 4 (types of sewerage licence and arrangements with sewerage undertakers) so far as it relates to the provisions in paragraph (f);

(c) section 34 (register relating to undertakers and licensees) as follows—

(**4**) The Secretary of State is the appropriate authority for the purposes of section 17 in relation to wholly or mainly English undertakers. Section 17 is only partially commenced in relation to wholly or mainly Welsh undertakers.

(**5**) The Secretary of State is the appropriate authority for the purposes of section 23 in relation to wholly or mainly English undertakers.

(**6**) The Secretary of State is the appropriate authority for the purposes of section 38 in relation to wholly or mainly English undertakers.

(i) subsection (3) so far as it inserts subsection (3D)(b) and (d) into section 195 of the 1991 Act(**7**); and

(ii) subsection (1) so far as it relates to that provision;

(d) section 56 (further amendments) so far as it relates to the provisions in paragraph (g);

(e) paragraph 5 of Schedule 2 (water undertakers' duties as regards water supply licensees) so far as—

(i) it substitutes section 66E of the 1991 Act(**8**), but only in relation to rules about charges that may be imposed by a water undertaker under a section 66D agreement(**9**) where a water supply licensee with a retail authorisation or a restricted retail authorisation is a party to that agreement; and

(ii) it inserts sections 66EA, 66EB(8), 66EC and 66ED into the 1991 Act;

(f) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—

(i) section 117I so far as it relates to rules about charges that may be imposed by a sewerage undertaker under a section 117E agreement(**10**) where a sewerage licensee with a retail authorisation is a party to that agreement;

(ii) section 117J;

(iii) section 117K(2)(e) and (8); and

(iv) section 117L; and

(g) in Schedule 7 (further amendments)—

(i) paragraph 3(8)(b) so far as it relates to sections 66E, 66EA, 66EC, 66ED, 117I, 117J and 117L of the 1991 Act; and

(ii) paragraphs 2 and 3(1), (2) and (8)(a) and (c) so far as they relate to those provisions.

Transitional provisions, savings and revocations

4. The transitional provisions, savings and revocations in Schedule 2 to this Order have effect.

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

22nd March 2016

(**7**) Section 195 was amended by paragraph 42 of Schedule 8 to the Water Act 2003 and section 34(2) of the 2014 Act.
(**8**) Section 66E was inserted into the 1991 Act by paragraph 3 of Schedule 4 to the Water Act 2003.
(**9**) "Section 66D agreement" is defined by section 66D(9) of the 1991 Act (to be substituted by paragraph 3 of Schedule 2 to the 2014 Act).
(**10**) "Section 117E agreement" is defined by section 117E(9) of the 1991 Act (to be inserted by Schedule 4 to the 2014 Act).

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SCHEDULE 1

Article 2

Provisions of Schedule 7 (further amendments) coming into force on 1st April 2016

1. The following paragraphs of Schedule 7 (further amendments) come into force on 1st April 2016—

(a) paragraph 1;

(b) paragraph 2 so far as it relates to the provisions in sub-paragraphs (c) to (bb) in this Schedule;

(c) paragraph 3 as follows—

(i) sub-paragraph (1) so far as it relates to the provisions in paragraphs (ii) to (iv);

(ii) sub-paragraphs (3), (6) and (7);

(iii) sub-paragraph (8)(b) so far as it relates to sections 117R, 117S, 144ZA and 144ZC of the 1991 Act; and

(iv) sub-paragraphs (2) and (8)(a) and (c) so far as they relate to those provisions in paragraph (iii);

(d) paragraphs 4 to 6;

(e) paragraph 9;

(f) paragraph 10(4), and paragraph 10(1) so far as it relates to that provision;

(g) paragraph 12(3), and paragraph 12(1) so far as it relates to that provision;

(h) paragraph 14;

(i) paragraph 15 so far as not already in force;

(j) paragraphs 19 to 34;

(k) paragraphs 39 to 53;

(l) paragraphs 62 and 63;

(m) paragraphs 65 to 72;

(n) paragraph 74(2), and paragraph 74(1) so far as it relates to that provision;

(o) paragraphs 75 to 84;

(p) paragraph 86;

(q) paragraph 99;

(r) paragraphs 101 to 103;

(s) paragraph 105(2)(a), and paragraph 105(1) so far as it relates to that provision;

(t) paragraph 106;

(u) paragraph 108 except for—

(i) sub-paragraph (4)(d); and

(ii) sub-paragraph (1) so far as it relates to that provision;

(v) paragraphs 109 and 110;

(w) paragraph 112(3), and paragraph 112(1) so far as it relates to that provision;

(x) paragraphs 113 and 114;

(y) paragraph 115(b);

(z) paragraphs 116 and 117;

(aa) paragraph 120(2) so far as not already commenced, and paragraph 120(1) so far as it relates to that provision;

(bb) paragraphs 121 and 122;

(cc) paragraphs 124 to 127;

(dd) paragraphs 133 and 134, and paragraph 131 so far as it relates to those provisions;

(ee) paragraph 135; and

(ff) paragraph 144, and paragraph 143 so far as it relates to that provision.

SCHEDULE 2

Article 4

Transitional provisions, savings and revocations

1. During the period beginning with 1st April 2016 and ending with 3rd April 2017, the following provisions of the 1991 Act continue to have effect in relation to an old water supply licence as if the amendments made to them by the 2014 Act had not been brought into force—

(a) section 6 (appointment of relevant undertakers);

(b) Chapter 1A of Part 2 (licensing of water suppliers);

(c) sections 18 to 22F (enforcement orders and financial penalties);

(d) sections 27 to 29 (protection of customers etc);

(e) section 38B (publication of statistical information about complaints);

(f) section 39A (information to be given to customers about overall performance);

(g) sections 63AA (supply by licensed water supplier: domestic supply) and 63AC (interim duty of water undertaker: domestic and non-domestic supply);

(h) section 66I (prohibition on unauthorised use of supply system);

(i) sections 68 (duties of water undertakers and licensed water suppliers with respect to water quality) and 69 (regulations for preserving water quality);

(j) sections 72 to 75 (contamination of water sources);

(k) section 78 (local authority functions in relation to undertakers' supplies);

(l) section 86 (assessors for the enforcement of water quality);

(m) sections 87, 87C and 90 (fluoridation of water supplies);

(n) section 93 (interpretation of Part 3);

(o) sections 93A to 93D (promotion of the efficient use of water);

(p) section 150 (fixing maximum charges for services provided with the help of undertakers' services);

(q) section 152 (grants for national security purposes);

(r) section 154A (financial assistance to reduce charges);

(s) sections 162 (works in connection with metering) and 163 (power to fit stopcocks);

(t) sections 174 (offences of interference with works etc) and 175 (offence of tampering with meter);

(u) section 195A (reasons for decisions);

(v) sections 201 (publication of certain information and advice) and 202 (duties of undertakers to furnish the Secretary of State with information);