Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Act 2014 (Commencement No. 5 and Transitional Provisions) Order 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

STATUTORY INSTRUMENTS

2015 No. 1938 (C. 119)

WATER INDUSTRY, ENGLAND AND WALES

The Water Act 2014 (Commencement No. 5 and Transitional Provisions) Order 2015

Made - - - - 24th November 2015

The Secretary of State and the Welsh Ministers make 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. 5 and Transitional Provisions) Order 2015.

(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 18th December 2015

2. The following provisions of the 2014 Act come into force on 18th December 2015—

(a) section 6 (arrangements with the Water Industry Commission for Scotland) as follows—

(i) subsection (1) so far as it relates to sub-paragraph (ii); and

(ii) subsection (2) so far as it inserts section 17FA into the 1991 Act;

(b) section 10 (agreements by water undertakers to adopt infrastructure)(**3**) as follows—

(i) subsection (1) so far as it relates to sub-paragraph (ii); and

(ii) subsection (3) so far as it inserts sections 51CD to 51CG into the 1991 Act;

(c) section 11 (agreements by sewerage undertakers to adopt infrastructure)(**4**) as follows—

(**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**) The Secretary of State is the appropriate authority for the purposes of section 10 in relation to wholly or mainly English undertakers and the Welsh Ministers are the appropriate authority in relation to wholly or mainly Welsh undertakers.

(**4**) The Secretary of State is the appropriate authority for the purposes of section 11 in relation to wholly or mainly English undertakers and the Welsh Ministers are the appropriate authority in relation to wholly or mainly Welsh undertakers.

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(i) subsection (1) so far as it relates to sub-paragraph (ii); and

(ii) subsection (3) so far as it inserts sections 105ZF to 105ZI into the 1991 Act;

(d) section 14 (exceptions to duty and undertakings in lieu of merger references), so far as not already in force;

(e) section 22 (primary duty to secure resilience)(**5**), so far as not already in force;

(f) section 56 (further amendments) so far as it relates to paragraph (g); and

(g) in Schedule 7 (further amendments)—

(i) paragraph 3(8)(b) so far as it relates to sections 51CD to 51CG and 105ZF to 105ZI of the 1991 Act;

(ii) paragraphs 2 and 3(1), (2) and (8)(a) and (c) so far as they relate to sub-paragraph (i);

(iii) paragraph 147; and

(iv) paragraph 143 so far as it relates to sub-paragraph (iii).

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

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

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

(i) subsection (1) so far as it substitutes section 17A(2) to (6) of the 1991 Act(**6**); and

(ii) subsection (2);

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

(i) subsection (1) so far as it inserts section 17BA(2) to (5) into the 1991 Act; and

(ii) subsection (2);

(c) section 56 so far as it relates to paragraph (f);

(d) Schedule 1 (water supply licences: authorisations);

(e) Schedule 3 (sewerage licences: authorisations); and

(f) in Schedule 7—

(i) paragraph 11;

(ii) paragraph 12(2);

(iii) paragraph 12(1) so far as it relates to sub-paragraph (ii);

(iv) paragraph 13;

(v) paragraph 15(3), (4)(a), (c) and (d) and (5);

(vi) paragraph 15(1) so far as it relates to sub-paragraph (v);

(vii) paragraphs 16 to 18; and

(viii) paragraph 2 so far as it relates to sub-paragraphs (i) to (vii).

(**5**) The Welsh Ministers are the appropriate authority for the purposes of section 22 in relation to wholly or mainly Welsh undertakers, (see section 94(2)(e) as regards commencement in relation to wholly or mainly English undertakers).

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

Transitional provisions

4.—(1) Despite the commencement of section 1 of the 2014 Act in relation to section 17A(5) of the 1991 Act, the general authorisation given by the Secretary of State to the Authority under section 17A(1) of the 1991 Act continues to have effect in relation to an old water supply licence, until the old water supply licence has been withdrawn or replaced with a new water supply licence.

(2) Until section 1 of the 2014 Act comes into force to the extent that it substitutes section 17A(1) of the 1991 Act, section 17A(2) to (6) of the 1991 Act continues to have effect in relation to an old water supply licence as it was prior to being substituted by the 2014 Act.

(3) Guidance issued by the Authority under section 17D(3) of the 1991 Act(**7**) on estimates of the quantity of water to be supplied to any premises applies to a new water supply licensee so far as its licence relates to the use of the supply system of a wholly or mainly Welsh undertaker as it currently applies to an old water supply licensee.

(4) Guidance issued by the Authority under section 17A(9) of the 1991 Act (prior to that section being substituted by the 2014 Act) on the factors to be taken into account in determining the extent of any premises for the purposes of section 17A(3) of the 1991 Act has effect as if it was published under paragraph 10 of Schedule 2A and paragraph 4 of Schedule 2B to the 1991 Act.

(5) In this article—

"the Authority" means the Water Services Regulation Authority(**8**);

"new water supply licence" has the meaning given in paragraph 11 of Schedule 11 to the 2014 Act(**9**);

"new water supply licensee" means a person who is the holder for the time being of a new water supply licence;

"old water supply licence" has the meaning given in paragraph 11 of Schedule 11 to the 2014 Act(**10**);

"old water supply licensee" means a person who is the holder for the time being of an old water supply licence.

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs
24th November 2015

Carl Sargeant
Minister for Natural Resources, one of the Welsh Ministers
24th November 2015

(**7**) Section 17D of the 1991 Act was inserted by paragraph 2 of Schedule 4 to the Water Act 2003.
(**8**) See section 1A(1) of the 1991 Act.
(**9**) "New water supply licence" is defined as "a water supply licence granted under new section 17A" (of the 1991 Act).
(**10**) "Old water supply licence" is defined as "a water supply licence granted under old section 17A" (of the 1991 Act).