STATUTORY RULES OF NORTHERN IRELAND

2007 No. 194 (C. 11)

WATER AND SEWERAGE

The Water and Sewerage Services (2006 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 2007

Made - - - - 22nd March 2007

The Department for Regional Development, in exercise of the powers conferred on it by Article 1(2) and (5) of the Water and Sewerage Services (Northern Ireland) Order 2006(**1**) makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Water and Sewerage Services (2006 Order) (Commencement No. 1 and Transitional Provisions) Order (Northern Ireland) 2007.

(2) In this Order—

"the 1973 Order" means the Water and Sewerage Services (Northern Ireland) Order 1973(**2**);

"the 1999 Order" means the Water (Northern Ireland) Order 1999(**3**); and

"the 2006 Order" means the Water and Sewerage Services (Northern Ireland) Order 2006.

Appointed days

2.—(1) Subject to Article 3, and except in so far as they are already in operation in accordance with Article 1(3) of the 2006 Order, the provisions of the 2006 Order specified in Part I of Schedule 1 shall have effect on the date this Order is made to the extent so specified.

(2) Subject to Article 3, and except in so far as they are already in operation in accordance with Article 1(3) of the 2006 Order, the provisions of the 2006 Order specified in Part II of Schedule 1 shall come into operation on the 1st April 2007 to the extent so specified.

Transitional, transitory and saving provisions

3. The transitional, transitory and saving provisions in Schedule 2 shall have effect.

(**1**) S.I. 2006/3336 (N.I. 21)
(**2**) S.I. 1973/70 (N.I. 2)
(**3**) S.I. 1999/662 (N.I. 6)

Sealed with the Official Seal of the Department for Regional Development on 22nd March 2007

L.S.

John Mills
A senior officer of the
Department for Regional Development

SCHEDULE 1 Article 2

PART I

PROVISIONS COMING INTO OPERATION ON THE DATE OF THIS ORDER

Provision and extent	*Subject matter*
In Part III: Article 13 except 13(1)(b) and (6) Article 18 Article 19(1) and (2)	Appointment and regulation of undertakers
In Part XI: In Article 288, paragraph (1) in so far as it relates to: (a) Article 9(1) and 9(2) of the 1999 Order; (b) Article 9(3) of the 1999 Order in so far as it gives effect to Schedule 1 of that Order, except paragraphs 1(1)(b), 2(1)(b), 2(3)(a) and 3 of that Schedule; and (c) Articles 10 and 13 of the 1999 Order.	Amendments to the Water Order

PART II

PROVISIONS COMING INTO OPERATION ON THE 1ST APRIL 2007

Provision and extent	*Subject matter*
Part II except: Article 6(5)(b) in so far as it relates to charges in respect of, and to the extent to, which undue preference or undue discrimination arises by reason of any grant or provision of financial assistance under Article 213(3) or Article 278(1) or the application or use of any such grant or assistance; and Article 6(5)(c)	Regulatory Authorities and their general duties
In Part III Chapter I: Article 13 in so far as not already in operation; Article 14; Article 19 in so far as not already in operation; and	Appointments

Provision and extent	*Subject matter*
Articles 20 to 29	
Part III Chapter II and Schedule 1 in so far as it relates to it except Article 44(1)(c)	Enforcement and Insolvency
Part III Chapter III	Consumer Protection: The General Consumer Council
Part III Chapter IV	Miscellaneous and Supplementary
Part IV Chapter I except Articles 70 to73	General Duties of Water Undertakers
Part IV Chapter II and Schedules 2 and 3 except: Articles 74, 75, 86, 87, 88, and 90(2); and Article 90(1) except in so far as relating to Article 89.	Supply duties
Part IV Chapter III and Schedule 4 in so far as it relates to it	Quality and Sufficiency of Supply
Part IV Chapter V	Supplemental provisions of Part IV
Part V Chapter I and Schedules 5 and 6	Drought
Part V Chapter II	Promotion of the efficient use of water
Part VI Chapter I	General Functions of the Sewerage Undertakers
Part VI Chapter II except Articles 157, 159(7)(b), 160(1), (2) and (4) and 167	Provision of Sewerage Services
Part VI Chapter III	Trade Effluent
Part VII Chapter I in so far as not already in operation except Articles 200(6) and 201(4)	Financial Provisions
Part VII Chapter II	Financial assistance for Undertakers
Part VIII and Schedule 4, except paragraph 5, and Schedules 7, 8, 9 and 10	Undertakers' Powers and Works
Part IX except: Article 255(1) in so far as it relates to: (i) any consent which, by virtue of Part III of Schedule 2 to this Order (Trade Effluent), is deemed to be given or has effect under Chapter III of Part VI of the 2006 Order; (ii) any agreement which by virtue of Part III of Schedule 2 to this Order (Trade Effluent), has effect as if entered into by the sewerage undertaker under Article 187 of the 2006 Order, or (iii) any consent or agreement which is given, or entered into, on or after the transfer date pursuant to a notice served, or	Information

Provision and extent	*Subject matter*
application made, before the transfer date which, by virtue of Part III of Schedule 2 to this Order (Trade Effluent), is deemed to be given or have effect under Chapter III of Part VI of the 2006 Order; and Article 263	
In Part XI: Article 280 except, in the application of it or the new Article 7 of the 1999 Order substituted by it, in so far as it relates to a discharge from a public sewer or public sewage treatment works operated by a sewerage undertaker under an operating agreement (as the terms "public sewer", "public sewage treatment works", "sewerage undertaker" and "operating agreement" are respectively defined in Articles 2 and 9(6) of the 1999 Order as in force immediately before 1 April 2007); Articles 281 to 287; Article 288 in so far as not already in operation; Article 289; Article 290 except, in the application of paragraph (4) or the provision substituted by it in so far as it relates to a discharge from a public sewer or public sewage treatment works operated by a sewerage undertaker under an operating agreement (as those terms are respectively defined in the 1999 Order as in force immediately before 1 April 2007); and Article 291 except, in the application of any provision of or substituted by it, in so far as it relates to a discharge from a public sewer or public sewage treatment works operated by a sewerage undertaker under an operating agreement (as those terms are respectively defined in the 1999 Order as in force immediately before 1 April 2007).	Amendments to the Water Order
Part XII: Articles 292 to 307; Article 308(1) and Schedule 12 except, in the application of any provision of or substituted	Miscellaneous and Supplemental