

## SCHEDULE 2

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART VII

##### MISCELLANEOUS

###### Modification of drainage facilities

42.—(1) Without prejudice to the generality of Part V of Schedule 2 to this Order (Works and Land), where before the transfer date the Department was carrying out any works under regulation 4 of the 1973 Regulations, the works shall be carried out by the sewerage undertaker on or after that date under Article 170 of the 2006 Order, and the requirement as to notice in paragraph (3) of that Article (or in any other provision of the 2006 Order) in relation to any such works shall be deemed to have been satisfied in relation to them.

(2) Where any dispute has been referred to the Appeals Commission in accordance with paragraph (3) of regulation 4 of the 1973 Regulations in relation to paragraph (2) of that regulation, and that dispute has not been determined before the transfer date, it shall be determined by the Appeals Commission on or after that date notwithstanding the revocation of that regulation.

(3) Notwithstanding any repeal made by the 2006 Order, the provisions of Article 8 of the 1973 Order shall have effect for the purpose of an appeal determined by the Appeals Commission in accordance with this paragraph, but subject to the transfer effected by a scheme made under Article 270 of the 2006 Order.

(4) In the application of Article 8 of the 1973 Order to an appeal in accordance with this paragraph, references to the Department shall be taken as references to the Authority.