
STATUTORY INSTRUMENTS

2004 No. 2528

**The Water Act 2003 (Commencement No. 2,
Transitional Provisions and Savings) Order 2004**

Provisions coming into force on 1st October 2004

2. The following provisions of the Act shall come into force on 1st October 2004—
- (a) section 26 (recovery of compensation from new licence-holder);
 - (b) sections 28 and 29 (water resources management schemes);
 - (c) section 31 (bulk supplies);
 - (d) in section 38 (forward work programmes and annual reports)—
 - (i) subsection (1); and
 - (ii) subsection (2) in so far as it repeals section 193 of the WIA;
 - (e) section 48(1) (financial penalties) in so far as it inserts into the WIA—
 - (i) in section 22A, subsection (4) in so far as that subsection has effect for the purpose of defining “enforcement authority”, subsection (11) in so far as it has effect for the purpose of enabling the Secretary of State to make an order, and subsection (12); and
 - (ii) section 22B;
 - (f) section 49 (enforcement of certain provisions);
 - (g) section 50 (links between directors' pay and standards of performance);
 - (h) sections 54 (determination references under section 12 of the WIA) and 55 (conditions of appointment under the WIA);
 - (i) section 59 (charges for services provided with the help of an undertaker);
 - (j) section 62 (water resources management plans) and section 63 (drought plans) in so far as these sections have effect for the purpose of enabling the Secretary of State to make regulations and give directions in relation to drought plans under section 39B of the WIA or 37B, as applied by section 39B(5) of the WIA;
 - (k) section 74 (Environment Agency to be enforcement authority under the Reservoirs Act 1975);
 - (l) section 76 (service of documents);
 - (m) section 77 (flood plans: large raised reservoirs);
 - (n) section 78 (national security);
 - (o) section 79 (offences);
 - (p) section 80 (Crown application);
 - (q) in section 86 (contaminated land: pollution of controlled waters)—
 - (i) in subsection (2), paragraph (f); and
 - (ii) subsection (1) in so far as it relates to that paragraph;
 - (r) section 87 (transfer of discharge consents);

- (s) in section 100 (devolution: Wales)—
- (i) subsection (1);
 - (ii) subsection (2)(a)(ii), (vi) and (ix), (b)(ii), (iv) and (x), (d) and (g) in so far as they relate to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
 - (iii) subsection (3) in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
 - (iv) subsection (4)(a);
 - (v) subsection (6), in so far as it relates to any Act generally or to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and
 - (vi) subsection (7), in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (v)) or the amendments made by subsections (1), (2), (3) and (4) (so far as brought into force by sub-paragraphs (i) to (iv));
- (t) section 101(1) (minor and consequential amendments and repeals), in so far as it relates to the amendments made—
- (i) by paragraph 2 of Schedule 7 and by paragraph 1 of Schedule 7 in so far as it relates to paragraph 2;
 - (ii) in paragraph 32 of Schedule 7, by sub-paragraph (4)(b) for all remaining purposes, and by sub-paragraph (1) in so far as it relates to sub-paragraph (4)(b) as brought into force by this article;
 - (iii) by paragraph 38 of Schedule 7;
 - (iv) by paragraph 20 of Schedule 8 and by paragraph 2 of that Schedule in so far as it relates to paragraph 20; and
 - (v) in paragraph 50 of Schedule 8, by sub-paragraph (3) in so far as the provision it introduces has effect for the purposes of the provisions of the WIA amended or introduced by a provision brought into force by this article, and by paragraph 2 of that Schedule in so far as it relates to that sub-paragraph; and
- (u) section 101(2), in so far as it relates to the following repeals specified in Schedule 9—
- (i) the repeal of section 12(3)(b)(i), (4) and (5) of the WIA;
 - (ii) the repeal of section 193 of the WIA;
 - (iii) the repeals in relation to section 22(1) of and Schedule 1 to the Reservoirs Act 1975⁽¹⁾;
 - (iv) the repeals in relation to paragraph 11 of Schedule 10 to the WRA⁽²⁾;
 - (v) the repeal of paragraph 13(2) of Schedule 10 to the Competition Act 1998⁽³⁾; and
 - (vi) the repeal in relation to the references in the National Assembly for Wales (Transfer of Functions) Order 1999⁽⁴⁾ to sections 18 to 22 of the WIA (in so far as it relates to sections 18 and 20 as amended by the provisions of the Act which are brought into force by virtue of this article) and sections 68 to 70 of the WIA (in so far as it relates to section 70).

(1) 1975 c. 23.

(2) The expression “the WRA” means the Water Resources Act 1991 (c. 57) (section 105(2) of the Act).

(3) 1998 c. 41.

(4) S.I. 1999/672.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*
