

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);
- (w) sections 205 (exchange of metering information between undertakers) and 206 (restriction on disclosure of information);
- (x) section 208 (directions in the interests of national security);
- (y) section 219 (general interpretation);
- (z) Schedule 1A (the Water Services Regulation Authority); and
- (aa) Schedule 2 (transitional provision on termination of appointments).

2. During the period beginning with 1st April 2016 and ending with 3rd April 2017, in the following provisions of the 1991 Act, references to a water supply licence are to be read as including an old water supply licence, and references to a water supply licensee are to be read as including an old water supply licensee—

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- (a) section 2 (general duties with respect to water industry);
 - (b) section 2A (strategic priorities and objectives: England);
 - (c) section 2B (strategic priorities and objectives: Wales);
 - (d) sections 37A to 37D (water resources management plans);
 - (e) section 39ZA (procedure for regulations under section 38ZA);
 - (f) sections 39B and 39C (drought plans);
 - (g) section 66DB (codes under section 66DA: procedure);
 - (h) section 66EB (rules under section 66E: procedure);
 - (i) section 144ZB (rules under section 144ZA: procedure);
 - (j) section 144ZE (general guidance on charges); and
 - (k) section 147 (charging for emergency use of water).
- 3.** During the period beginning with 1st April 2016 and ending with 3rd April 2017, the following provisions 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 174 (general restrictions on disclosure of information) of the Water Act 1989⁽¹⁾;
 - (b) sections 203 (exchange of information with respect to pollution incidents etc) and 204 (restriction on disclosure of information) of the Water Resources Act 1991⁽²⁾;
 - (c) Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999⁽³⁾;
 - (d) sections 52 (co-operation between water regulators) and 58 (fluoridation of water supplies) of the Water Act 2003⁽⁴⁾;
 - (e) paragraph 19 of Schedule 7 (Acts of the Assembly) to the Government of Wales Act 2006⁽⁵⁾; and
 - (f) section 6 (other Part 1 definitions) of the Flood and Water Management Act 2010⁽⁶⁾.
- 4.** Section 17FB of the 1991 Act (applications forwarded to the Water Industry Commission for Scotland)⁽⁷⁾ does not apply to an application for the grant of an old water supply licence.
- 5.** On or after 1st September 2016—
- (a) section 66E of the 1991 Act as it was prior to being substituted by Schedule 2 to the 2014 Act continues to apply to an old water supply licence; and
 - (b) references to section 66D in sections 66E to 66ED of the 1991 Act are to be read as if paragraph 3 of Schedule 2 to the 2014 Act was in force.
- 6.** The following transitional provisions are revoked on 1st April 2016—
- (a) article 3(1) of the Water Act 2014 (Commencement No. 2 and Transitional Provisions) Order 2014⁽⁸⁾;

⁽¹⁾ 1989 c.15; section 174 was amended by paragraph 50 of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991 (c.60) and paragraph 1 of Schedule 8 to the Water Act 2003 (c. 37).

⁽²⁾ 1991 c.57; section 203 was amended by paragraph 53 of Schedule 8 to the Water Act 2003 and section 204 was amended by paragraph 28 of Schedule 7 and paragraph 53 of Schedule 8 to the Water Act 2003.

⁽³⁾ S.I. 1999/672, the entry in Schedule 1 relating to the 1991 Act was amended by section 100 of the Water Act 2003; there are other amendments to Schedule 1 which are not relevant.

⁽⁴⁾ 2003 c.37; section 52 was amended by S.I. 2013/755 (W. 90).

⁽⁵⁾ 2006 c.32; paragraph 19 of Schedule 7 was amended by S.I. 2007/2143.

⁽⁶⁾ 2010 c.29.

⁽⁷⁾ Section 17FB was inserted by section 6 of the 2014 Act.

⁽⁸⁾ 2014/3320.

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- (b) article 5(a) of the Water Act 2014 (Commencement No. 3 and Transitional Provisions) Order 2015⁽⁹⁾;
- (c) article 5(1) and (2) of the Water Act 2014 (Commencement No. 4 and Transitional Provisions) Order 2015⁽¹⁰⁾; and
- (d) article 4(2) of the Water Act 2014 (Commencement No. 5 and Transitional Provisions) Order 2015⁽¹¹⁾.

7. In this Schedule—

“old water supply licence” has the meaning given by paragraph 11 of Schedule 11 to the 2014 Act⁽¹²⁾;

“old water supply licensee” means a company who is the holder of an old water supply licence.

⁽⁹⁾ 2015/773.

⁽¹⁰⁾ 2015/1469.

⁽¹¹⁾ 2015/1938.

⁽¹²⁾ “Old water supply licence” is defined as “a water supply licence granted under old section 17A” (of the 1991 Act).

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Changes and effects yet to be applied to :

- Sch. 2 para. 1 words substituted by [S.I. 2017/462 art. 16](#)
- Sch. 2 para. 2 words substituted by [S.I. 2017/462 art. 16](#)
- Sch. 2 para. 3 words substituted by [S.I. 2017/462 art. 16](#)