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STATUTORY INSTRUMENTS

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**2017 No. 462**

**The Water Act 2014 (Commencement No. 9  
and Transitional Provisions) Order 2017**

**Transitional provisions in relation to new charging rules for adoption agreements**

**15.**—(1) Before 1st April 2018, old section 51C of the 1991 Act<sup>(1)</sup> continues to have effect in relation to a section 51A agreement.

(2) In relation to a section 51A agreement, from 1st April 2018 the new charging rules do not apply and old section 51C of the 1991 Act continues to have effect, where before that date—

- (a) a section 51A agreement has been made,
- (b) an appeal has been made to the Authority under old section 51B of the 1991 Act<sup>(2)</sup>,
- (c) an application has been made to the Authority for an order under new section 51B(4) of the 1991 Act<sup>(3)</sup>, or
- (d) a person and a relevant undertaker have agreed that old section 51C of the 1991 Act is to continue to be the basis for the calculation of charges and that the new charging rules are not to apply.

(3) In relation to a section 104 agreement, from 1st April 2018 the new charging rules do not apply, where before that date—

- (a) a section 104 agreement has been made,
- (b) an appeal has been made to the Authority under old section 105 of the 1991 Act<sup>(4)</sup>,
- (c) an application has been made to the Authority for an order under new section 105ZA(4) of the 1991 Act<sup>(5)</sup>, or
- (d) a person and a relevant undertaker have agreed that the new charging rules are not to apply.

(4) The transitional arrangements provided for in paragraphs (2)(d) and (3)(d) end on 31st March 2023 and from 1st April 2023 the new charging rules must be used as the basis for the calculation of charges.

(5) In this article—

“new charging rules” means rules about charges issued by the Authority under section 51CD or 105ZF of the 1991 Act<sup>(6)</sup>;

“section 51A agreement” means an agreement between a water undertaker and a person constructing or proposing to construct a water main or a service pipe made under either old section 51A of the 1991 Act<sup>(7)</sup> or new section 51A of the 1991 Act<sup>(8)</sup>;

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(1) Old section 51C was inserted by section 92(1) of the Water Act 2003.  
(2) Old section 51B was inserted by section 92(1) of the Water Act 2003.  
(3) Section 51B(4) was substituted by section 10(3) of the 2014 Act.  
(4) Old section 105 was amended by sections 36(2) and 96(5) of the Water Act 2003 and section 42(2) of the Flood and Water Management Act 2010.  
(5) Section 105ZA was inserted by section 11(3) of the 2014 Act.  
(6) Sections 51CD and 105ZF were inserted by sections 10(3) and 11(3) of the 2014 Act respectively.  
(7) Old section 51A was inserted by section 92(1) of the Water Act 2003.  
(8) Section 51A was amended by section 10(2) of the 2014 Act.

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

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“section 104 agreement” means an agreement between a sewerage undertaker and a person constructing or proposing to construct a sewer, a drain or a sewage disposal works made under old section 104 of the 1991 Act<sup>(9)</sup> or new section 104 of the 1991 Act<sup>(10)</sup>.

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<sup>(9)</sup> Old section 104 was amended by section 96(4) of, and paragraph 1 of Schedule 9(3) to, the Water Act 2003 and section 42(3) of the Flood and Water Management Act 2010.

<sup>(10)</sup> Section 104 was amended by section 11(2) of, and paragraph 91 of Schedule 7, to the 2014 Act.