

Draft Regulations laid before Parliament under section 36G of the Water Industry Act 1991, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2013 No. 0000

WATER INDUSTRY, ENGLAND AND WALES

**The Water Industry (Specified Infrastructure
Projects) (English Undertakers) Regulations 2013**

*Made - - - - - ***
Coming into force in accordance with regulation 1(1)
(b)*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 36A to 36F and 213(2)(a), (d), (e) and (f) of the Water Industry Act 1991(1) in relation to infrastructure which is provided or to be provided for the use of one or more English undertakers(2).

These Regulations make provision only in relation to projects or works that in the Secretary of State's opinion are of a size or complexity that threatens the undertaker's ability to provide services for its customers as required by section 36A(4)(a) of that Act.

The Secretary of State has consulted as required by section 36G(2) of that Act.

A draft of these Regulations has been laid before Parliament in accordance with section 36G(1)(a) of that Act(3) and approved by a resolution of each House of Parliament.

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- (1) 1991 c. 56; sections 36A to 36F were inserted by section 35(1) of the Flood and Water Management Act 2010 (c. 29). Section 213 was amended by section 35(2) of the Flood and Water Management Act 2010. There are other amendments, but none is relevant.
- (2) See the definition of "English undertaker" in section 36E(2)(a) of the Water Industry Act 1991; section 36E was inserted by section 35(1) of the Flood and Water Management Act 2010. The powers to make regulations in relation to infrastructure which is provided or to be provided for the use of one or more Welsh undertakers are exercisable by the Welsh Ministers. See the definition of "Welsh undertaker" in section 36E(2)(b) of the Water Industry Act 1991. The functions of the Secretary of State under section 213 of the Water Industry Act 1991 were exercisable by the National Assembly for Wales ("the Assembly") to the same extent as the powers to which that section applies were exercisable by the Assembly by virtue of article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry in Schedule 1 for the Water Industry Act 1991 as substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and amended by section 100(2) of the Water Act 2003 (c. 37); there are other amendments but none is relevant. By virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), functions conferred on the Assembly are exercisable by the Welsh Ministers. An amendment by the Flood and Water Management Act 2010 of another enactment does not prevent the continued operation of any transfer of functions by or by virtue of the Government of Wales Act 1998 (c. 38) or 2006 irrespective of whether the amendment amends an existing function or confers a new function (see section 49(6) of the Flood and Water Management Act 2010).
- (3) Section 36G was inserted by section 35(1) of the Flood and Water Management Act 2010.