

2007 No. 3520

WATER INDUSTRY, ENGLAND

**The Mid Kent Water and South East Water (Amendment of
Local Enactments and Supplemental Provisions) Order 2007**

Made - - - - *13th December 2007*

Coming into force - - *14th December 2007*

The Water Services Regulation Authority (“the Authority”) has made a variation to an appointment under Chapter I of Part II of the Water Industry Act 1991(a) replacing Mid Kent Water Limited (“Mid Kent”) as a water undertaker with South East Water Limited (“South East”).

Mid Kent has made a scheme under Schedule 2 to that Act for the transfer of property, rights and liabilities from Mid Kent to South East. The Authority has approved the scheme and the scheme has come into force.

The Secretary of State thinks it appropriate to make an Order for the purposes of, or in connection with, the variation and the scheme.

In exercise of the powers conferred by paragraph 7 of Schedule 2 to the Water Industry Act 1991(b), the Secretary of State makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mid Kent Water and South East Water (Amendment of Local Enactments and Supplemental Provisions) Order 2007.

(2) This Order comes into force on 14th December 2007.

(3) In this Order, the “relevant enactments” means—

- (a) the Local Authorities (England) (Property etc.) Order 1973(c);
- (b) the Local Authorities etc. (Staff Transfer and Protection) Order 1974(d);
- (c) the Local Government Superannuation (Transferred Water Employees) Regulations 1983(e);

(a) 1991 c. 56.

(b) The functions of the Secretary of State under paragraph 7 of Schedule 2 to the Water Industry Act 1991 were transferred to the National Assembly for Wales (“the Assembly”) so far as exercisable in relation to Wales by 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); 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.

(c) S.I. 1973/1861, to which there are amendments but none is relevant.

(d) S.I. 1974/483, to which there are amendments but none is relevant.

(e) S.I. 1983/178, to which there are amendments but none is relevant.

- (d) the Mid Kent Water (Constitution and Regulation) Order 1990(a), and the provisions in the enactments referred to in the first column of Parts I and II of Schedule 2 to that Order (provisions of the Mid Kent Water Acts and Orders 1888 to 1985 repealed) in so far as such provisions have not been repealed;
- (e) the Water Undertakers (Extension of Byelaws) Order 1998(b);
- (f) the Water Supply (Water Fittings) Regulations 1999(c);
- (g) the Water and Sewerage Undertakers (Pipelaying and Other Works) (Code of Practice) Order 1999(d); and
- (h) the Enterprise Act 2002 (Enforcement Undertakings and Orders) Order 2006(e).

Amendment of local statutory provisions and supplemental provisions

2.—(1) Except in the relevant enactments—

- (a) in every local statutory provision, for “Mid Kent Water plc” or any reference to the undertaking of Mid Kent Water Limited, substitute “South East Water Limited”; and
- (b) in any other enactment, any reference to Mid Kent Water plc, Mid Kent Water Limited or to the undertaking of Mid Kent Water Limited has effect as a reference to South East Water Limited.

(2) Every charges scheme made by Mid Kent Water Limited under section 143 of the Water Industry Act 1991 has effect as if it were made by South East Water Limited.

(3) The code of practice prepared by Mid Kent Water plc and approved by the Secretary of State under the Water and Sewerage Undertakers (Pipelaying and Other Works) (Code of Practice) Order 1999 has effect in the former appointment area of Mid Kent Water Limited as if the code of practice had been prepared by South East Water Limited and approved by the Secretary of State under that Order.

R.J.Wood

A Senior Civil Servant, for and on behalf of the
Secretary of State for Environment, Food and Rural Affairs

13th December 2007

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to local statutory provisions and supplemental provisions for the purposes of the replacement of Mid Kent Water Limited as a water undertaker by South East Water Limited. The term “local statutory provision” is defined in section 219(1) Water Industry Act 1991.

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- (a) S.I. 1990/1658.
 - (b) S.I. 1998/2398.
 - (c) S.I. 1999/1148, to which there are amendments but none is relevant.
 - (d) S.I. 1999/3070.
 - (e) S.I. 2006/355.

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