
STATUTORY INSTRUMENTS

2016 No. 465

**The Water Act 2014 (Commencement No. 6,
Transitional Provisions and Savings) Order 2016**

Citation and interpretation

1.—(1) This Order may be cited as the Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016.

(2) In this Order—

“the 1991 Act” means the Water Industry Act 1991(1);

“the 2014 Act” means the Water Act 2014.

Provisions of the 2014 Act coming into force on 1st April 2016

2. The following provisions of the 2014 Act come into force on 1st April 2016—

(a) section 1 (types of water supply licence and arrangements with water undertakers) as follows—

(i) subsection (1) so far as it—

(aa) substitutes section 17A(1) of the 1991 Act(2), but only in relation to the grant of a water supply licence with a retail authorisation or a restricted retail authorisation;

(bb) substitutes section 17A(7) of the 1991 Act; and

(cc) inserts section 17AA(3) to (5) into the 1991 Act; and

(ii) subsection (3) so far as it relates to the provisions in paragraph (j);

(b) section 4 (types of sewerage licence and arrangements with sewerage undertakers) as follows—

(i) subsection (1) so far as it inserts—

(aa) section 17BA(1) into the 1991 Act, but only in relation to the grant of a sewerage licence with a retail authorisation;

(bb) section 17BA(7) into the 1991 Act; and

(cc) section 17BB(2) to (4) into the 1991 Act; and

(ii) subsection (3) so far as it relates to the provisions in paragraph (k);

(c) section 6 (arrangements with the Water Industry Commission for Scotland) so far as not already in force;

(d) section 17 (rules about charges for connections etc)(3) so far as not already in force;

(1) 1991 c.56.

(2) Section 17A of the 1991 Act was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 (c.37).

(3) The Secretary of State is the appropriate authority for the purposes of section 17 in relation to wholly or mainly English undertakers. Section 17 is only partially commenced in relation to wholly or mainly Welsh undertakers.

- (e) section 23 (general duty as regards undue preference in the provision of services)(4) so far as not already in force;
- (f) section 25 (procedure for granting water supply and sewerage licences) so far as not already in force;
- (g) section 37 (appeals relating to revisions of codes);
- (h) section 38 (guidance relating to rules about charges)(5) so far as not already in force;
- (i) section 56 (further amendments) so far as it relates to the provisions in paragraph (m);
- (j) Schedule 2 (water undertakers' duties as regards water supply licensees) as follows—
 - (i) paragraph 4 so far as it inserts section 66DB(1) into the 1991 Act and is not already in force;
 - (ii) paragraph 9(2) and (3); and
 - (iii) paragraph 9(1) so far as it relates to the provisions in sub-paragraph (ii);
- (k) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—
 - (i) section 117G(2)(e);
 - (ii) section 117P(4); and
 - (iii) sections 117R and 117S;
- (l) Schedule 6 (procedure on appeals under section 207A of the Water Industry Act 1991); and
- (m) the provisions of Schedule 7 (further amendments) specified in Schedule 1 to this Order.

Provisions of the 2014 Act coming into force on 1st September 2016

3. The following provisions of the 2014 Act come into force on 1st September 2016—
 - (a) subsection (3) of section 1 (types of water supply licence and arrangements with water undertakers) so far as it relates to the provisions in paragraph (e);
 - (b) subsection (3) of section 4 (types of sewerage licence and arrangements with sewerage undertakers) so far as it relates to the provisions in paragraph (f);
 - (c) section 34 (register relating to undertakers and licensees) as follows—
 - (i) subsection (3) so far as it inserts subsection (3D)(b) and (d) into section 195 of the 1991 Act(6); and
 - (ii) subsection (1) so far as it relates to that provision;
 - (d) section 56 (further amendments) so far as it relates to the provisions in paragraph (g);
 - (e) paragraph 5 of Schedule 2 (water undertakers' duties as regards water supply licensees) so far as—
 - (i) it substitutes section 66E of the 1991 Act(7), but only in relation to rules about charges that may be imposed by a water undertaker under a section 66D agreement(8) where a water supply licensee with a retail authorisation or a restricted retail authorisation is a party to that agreement; and

(4) The Secretary of State is the appropriate authority for the purposes of section 23 in relation to wholly or mainly English undertakers.

(5) The Secretary of State is the appropriate authority for the purposes of section 38 in relation to wholly or mainly English undertakers.

(6) Section 195 was amended by paragraph 42 of Schedule 8 to the Water Act 2003 and section 34(2) of the 2014 Act.

(7) Section 66E was inserted into the 1991 Act by paragraph 3 of Schedule 4 to the Water Act 2003.

(8) "Section 66D agreement" is defined by section 66D(9) of the 1991 Act (to be substituted by paragraph 3 of Schedule 2 to the 2014 Act).

- (ii) it inserts sections 66EA, 66EB(8), 66EC and 66ED into the 1991 Act;
- (f) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—
 - (i) section 117I so far as it relates to rules about charges that may be imposed by a sewerage undertaker under a section 117E agreement⁽⁹⁾ where a sewerage licensee with a retail authorisation is a party to that agreement;
 - (ii) section 117J;
 - (iii) section 117K(2)(e) and (8); and
 - (iv) section 117L; and
- (g) in Schedule 7 (further amendments)—
 - (i) paragraph 3(8)(b) so far as it relates to sections 66E, 66EA, 66EC, 66ED, 117I, 117J and 117L of the 1991 Act; and
 - (ii) paragraphs 2 and 3(1), (2) and (8)(a) and (c) so far as they relate to those provisions.

Transitional provisions, savings and revocations

4. The transitional provisions, savings and revocations in Schedule 2 to this Order have effect.

Rory Stewart
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

22nd March 2016

(9) "Section 117E agreement" is defined by section 117E(9) of the 1991 Act (to be inserted by Schedule 4 to the 2014 Act).