
STATUTORY INSTRUMENTS

2017 No. 447

The Water Industry Designated Codes (Appeals to the Competition and Markets Authority) Regulations 2017

Interpretation

2.—(1) In these Regulations—

“the Act” means the Water Industry Act 1991;

“appellant” means a person who has been granted permission to appeal in accordance with regulation 6;

“authorised member of the CMA”—

- (a) in relation to a power exercisable in connection with an appeal, means a member of the CMA group who has been authorised by the chair of the CMA to exercise that power;
- (b) in relation to a power exercisable in connection with an application for permission to appeal, or otherwise in connection with an appeal in respect of which a CMA group is being constituted by the chair of the CMA, means—
 - (i) any member of the CMA Board who is also a member of the CMA panel, or
 - (ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question;

“Authority decision” means a decision taken by the Authority on or after the commencement date—

- (a) to revise a designated code; or
- (b) following consultation under the Act, not to revise a designated code;

“the CMA” means the Competition and Markets Authority;

“CMA Board” and “CMA panel” have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013⁽¹⁾;

“CMA group” means a group constituted by the chair of the CMA under Part 3 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013 for the purpose of carrying out functions of the CMA with respect to an appeal under regulation 4;

“commencement date” means the day on which these Regulations come into force in accordance with regulation 1(2);

“intervener” means a person who has become a party to an appeal in pursuance of a direction under regulation 7(5);

“sewerage licence” means a sewerage licence granted with a retail authorisation under section 17BA of the Act⁽²⁾, and “sewerage licensee” is to be interpreted accordingly;

“undertaker” means either a water or sewerage undertaker;

⁽¹⁾ 2013 c. 24.

⁽²⁾ Section 17BA was inserted by section 4(1) of the Water Act 2014 (c. 21). It is prospectively amended by paragraph 7 of Schedule 5 to the Water Act 2014 from a date to be appointed.

Status: This is the original version (as it was originally made).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

“water supply licence” means a water supply licence granted with a retail authorisation or a restricted retail authorisation under section 17A of the Act⁽³⁾, and “water supply licensee” is to be interpreted accordingly;

“Wholesale-Retail Code” means the relevant designated code in the table in the Schedule;

“working day” means any day other than—

- (a) a Saturday or Sunday;
- (b) Christmas Day or Good Friday; or
- (c) a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽⁴⁾.

(2) References in these Regulations to a party to an appeal are references to—

- (a) the appellant;
- (b) an intervener; or
- (c) the Authority.

(3) Section 17A was inserted by paragraphs 1 and 2 of Schedule 4 to the Water Act 2003 (c. 37) and substituted by section 1(1) of the Water Act 2014. It is prospectively amended by paragraph 4 of Schedule 5 to the Water Act 2014 from a date to be appointed.

(4) 1971 c. 80.