SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART V

WORKS AND LAND

Notice of intention to execute works

23.—(1) Without prejudice to paragraph 6(1)(a) of Schedule 4 to the 2006 Order, where before the transfer date the Department was proposing to carry out, or was carrying out, any works and the water undertaker or sewerage undertaker proposes to carry out or continue those works on or after that date—

(a) any notice of intention to carry out the works which had been served on any person before that date shall have effect on and after that date as if it had been served for the purpose of carrying out those works by the water undertaker or the sewerage undertaker, as the case may be, in accordance with any power in that behalf conferred on that undertaker by the 2006 Order; and

(b) the period of the notice (inclusive of any part counted as such by virtue of sub-paragraph (2)) shall, if of 28 days or more, be regarded as reasonable for the purposes of Article 220(4) and (5) of the 2006 Order.

(2) Without prejudice to the generality of sub-paragraph (1), so much of the time period of any notice served by the Department as mentioned in sub-paragraph (1) as has expired before the transfer date shall be taken into account, and counted as if it were part of the period of notice so treated as served, for the purpose of paragraphs 1 and 6 of Schedule 4 to the 2006 Order, and any other provision of the 2006 Order.

(3) Without prejudice to the generality of sub-paragraph (1), any notice served by the Department under Article 15 of the 1973 Order which is effective immediately before the transfer date in relation to any repairs or other work which will cause a material interference with the supply of water shall have effect on and after that date as a notice given by the water undertaker for the purposes of Article 99 of the 2006 Order and so much of the period of any such notice served by the Department as has expired before the transfer date shall be taken into account, and counted as if it were part of the period of notice so treated as given, for the purposes of the requirement to give reasonable notice mentioned in that Article.