
STATUTORY INSTRUMENTS

2005 No. 968

**The Water Act 2003 (Commencement No. 4,
Transitional Provisions and Savings) Order 2005**

Citation and interpretation

1.—(1) This Order may be cited as the Water Act 2003 (Commencement No. 4, Transitional Provisions and Savings) Order 2005.

(2) In this Order—

“the Act” means the Water Act 2003;

“the Council” means the Consumer Council for Water; and

“customer service committees” means the committees maintained under section 28 of the WIA(1).

(3) Unless the contrary intention appears, any reference in this Order to a section or Schedule is a reference to a section of or a Schedule to the Act.

Provisions coming into force on 1st April 2005

2. The following provisions of the Act shall come into force on 1st April 2005—

- (a) section 6 (rights to abstract small quantities), for all remaining purposes;
- (b) section 10 (orders under section 33 of the WRA, etc)(2), for all remaining purposes;
- (c) in section 16 (protection from derogation), subsection (1), in so far as it relates to subsections (4) and (5), and subsections (4) and (5);
- (d) section 17 (protected rights);
- (e) section 36(3) to (6) (transfer to Water Services Regulation Authority and Council of functions, property etc);
- (f) section 39 (objectives and duties under WIA);
- (g) section 40 (guidance to the Authority on social and environmental matters);
- (h) sections 41 and 42 (standards of performance in relation to water supply and sewerage services);
- (i) section 48 (financial penalties), for all remaining purposes;
- (j) section 51 (reasons for decisions);
- (k) section 70 (information);
- (l) in section 100 (devolution: Wales)—
 - (i) subsection (2)(a)(i), (ii), (vii) and (ix), (b)(i), (iii), (vi) and (x) and (d), in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;

(1) The expression “the WIA” means the Water Industry Act 1991 (c. 56) (section 105(2) of the Act).

(2) The expression “the WRA” means the Water Resources Act 1991 (c. 57) (section 105(2) of the Act).

- (ii) subsection (2)(b)(iii), in so far as it relates to provisions amended or introduced by any provision of the Act which was brought into force by virtue of article 2 of the Water Act 2003 (Commencement No. 2, Transitional Provisions and Savings) Order 2004⁽³⁾;
- (iii) subsection (6), in so far as it relates to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and
- (iv) subsection (7), in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (iii)) or the amendments made by subsection (2) (so far as brought into force by sub-paragraphs (i) and (ii));
- (m) section 101(1) (minor and consequential amendments and repeals), in so far as it relates to the amendments made—
 - (i) by paragraph 30 of Schedule 7; and
 - (ii) in paragraph 32 of Schedule 7, by sub-paragraph (4) for all remaining purposes, and by sub-paragraph (1) in so far as it relates to sub-paragraph (4) as brought into force by this article; and
- (n) section 101(2), in so far as it relates to the following repeals specified in Schedule 9—
 - (i) the repeals in relation to sections 39, 44(5), 96 and 195(2) of the WIA;
 - (ii) the repeal of sections 28 and 39(3) of the WRA;
 - (iii) the repeal of section 50 of the Competition and Service (Utilities) Act 1992⁽⁴⁾;
 - (iv) the repeal of paragraph 5(3) of Schedule 10 to the Competition Act 1998⁽⁵⁾; and
 - (v) the repeal in relation to the reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999⁽⁶⁾ to section 2 of the WIA, in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article.

Provisions coming into force on 1st August 2005

3. The following provisions of the Act shall come into force on 1st August 2005—
 - (a) section 35 (the Council), in so far as it inserts into the WIA—
 - (i) section 27A(4) (establishment of the Council and committees), in so far as that provision has effect for the purpose of enabling the Assembly and the Secretary of State to give directions; and
 - (ii) section 27A(5) and (6);
 - (b) section 56 (licensing of other water suppliers), but only in so far as it has application to paragraphs 1 and 2 of Schedule 4 and—
 - (i) in its application to paragraph 2, only in so far as that paragraph has effect for the purposes of—
 - (aa) giving effect to section 17F(1) to (3) of the WIA for all remaining purposes;
 - (bb) inserting into the WIA section 17F(4) and (8); and
 - (cc) giving effect to section 17A of the WIA in so far as relevant for the purposes of section 17F in so far as brought into force by virtue of this article; and

⁽³⁾ S.I. 2004/2528 (C. 106).

⁽⁴⁾ 1992 c. 43.

⁽⁵⁾ 1998 c. 41.

⁽⁶⁾ S.I. 1999/672.

- (ii) in its application to paragraph 1, only for the purpose of giving effect to paragraph 2 of that Schedule to the extent specified in sub-paragraph (i);
- (c) in section 100 (devolution: Wales)—
 - (i) subsection (2)(a)(ii), (iii) and (ix) and (j), in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
 - (ii) subsection (6), in so far as it relates to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and
 - (iii) subsection (7), in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (ii)) or the amendments made by subsection (2) (so far as brought into force by sub-paragraph (i)); and
- (d) section 101(1) (minor and consequential amendments and repeals), in so far as it relates to the amendments made, in paragraph 27 of Schedule 7, by sub-paragraph (7)(b) and sub paragraph (1) in so far it relates to that sub-paragraph.

Transitional provisions, savings and revocation

- 4.—(1) The transitional provisions and savings in the Schedules to this Order shall have effect.
- (2) Paragraph 7 (devolution: Wales) of the Schedule to the Water Act 2003 (Commencement No. 2, Transitional Provisions and Savings) Order 2004 shall be revoked.
- (3) Paragraphs (1) and (2) shall come into force on 1st April 2005.

29th March 2005

Elliot Morley
Minister of State,
Department for Environment, Food and Rural
Affairs