

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART I

APPLICATIONS FOR WATER OR SEWERAGE SERVICES

Connection of a drain or private sewer and discharge of domestic sewage or surface water

4.—(1) Any application made to the Department under Article 17(1)(b) of the 1973 Order to discharge domestic sewage or surface water (in each case, as defined in the 1973 Order) into a sewer vested in the Department, and any application under Article 17(1)(c) of the 1973 Order for the connection of a drain or private sewer with an existing sewer vested in the Department, which is outstanding immediately before the transfer date in respect of any premises shall have effect on and after that date—

- (a) as if it were a notice served on the sewerage undertaker for the purposes of paragraph (4) of Article 163 of the 2006 Order (in the case of an application under the said Article 17(1)(b), in so far as it relates to the entitlement under the said Article 163 to discharge, and in the case of an application under the said Article 17(1)(c), in so far as it relates to the entitlement under the said Article 163 to communicate) on the transfer date; and
- (b) in the case of an application under Article 17(1)(c) of the 1973 Order, as if any term or condition imposed by the Department under Article 17(3) of that Order in respect of the application were a requirement or condition imposed by the sewerage undertaker under Article 163(7) or (where the Department had, before the transfer date, notified the applicant of its intention to make the connection itself) under Article 164(3) of the 2006 Order, in so far as it is one which may be imposed by a sewerage undertaker under the relevant Article, or otherwise were a condition to the satisfaction of which any entitlement under Article 163(1) of that Order is subject, but without prejudice to the right of the sewerage undertaker to impose such other requirements or conditions under Article 163 of that Order as it thinks fit; and
- (c) in the case of an application under Article 17(1)(c) of the 1973 Order, where the Department had, before the transfer date, notified the applicant of its intention to make the connection itself, as if the sewerage undertaker had given notice under Article 164(1) of the 2006 Order in respect of the notice within 21 days of receipt of the notice.

(2) Without prejudice to the generality of sub-paragraph (1), in relation to an application having effect as a notice served on the sewerage undertaker for the purposes of Article 163(4) of the 2006 Order by virtue of sub-paragraph (1)—

- (a) the reference in Article 163(5) of the 2006 Order to the period of 21 days after the sewerage undertaker receives the notice shall be taken as a reference to the period of 21 days after the transfer date;
- (b) the reference in Article 164(1)(a) of the 2006 Order to the period of 21 days after receipt of the notice shall be taken as a reference to the period of 21 days after the transfer date.