

## SCHEDULE 2

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART I

#### APPLICATIONS FOR WATER OR SEWERAGE SERVICES

##### Sewer requisitions

5.—(1) Any application made to the Department under Article 17(1)(d) of the 1973 Order for an existing sewer vested in the Department to be extended or augmented, and for the connection of a drain or private sewer with that extended or augmented sewer, which is outstanding immediately before the transfer date in respect of any premises shall have effect on and after that date—

- (a) in so far as it relates to the provision of a public sewer to be used for the drainage for domestic purposes of premises in a particular locality on which there are buildings or on which there will be buildings when proposals made by any person for the erection of any buildings are carried out—
  - (i) as if it were a notice served on the sewerage undertaker for the purposes of Article 154(1)(a) and, as the case may be, (2)(a) of the 2006 Order on the transfer date; and
  - (ii) as if any term or condition imposed by the Department under Article 17(3) of the 1973 Order in respect of the application which relates to the payment of, or the provision of any security for, the costs of or charges for providing the sewer or, as the case may be, lateral drain were a condition imposed by the sewerage undertaker under Article 155 of the 2006 Order, in so far as it is one which may be imposed by a sewerage undertaker under that Article, or otherwise were a condition to the satisfaction of which compliance with the duty under Article 154 of that Order is subject, but without prejudice to the right of the sewerage undertaker to impose such other conditions under Article 155 of that Order as it thinks fit;
- (b) in so far as it relates to the provision of a sewer otherwise than as mentioned in sub-paragraph (a), as if it were a request to the sewerage undertaker made on the transfer date to enter into an agreement under Article 221(1) of the 2006 Order; and
- (c) in so far as it relates to the connection of a drain or private sewer with the sewer mentioned in sub-paragraph (a) or (b) as if—
  - (i) it were a notice served on the sewerage undertaker for the purposes of Article 163(4) of the 2006 Order on the day on which the sewer provided, or, if later, the lateral drain provided, in accordance with sub-paragraphs (1)(a) or (b) pursuant to the application is brought into operation; and
  - (ii) subject to head (i), paragraph 4 above applied in relation to it as it applies to an application made under Article 17(1)(c) of the 1973 Order.

(2) Where any sums have been deposited with the Department by way of security pursuant to a term or condition imposed by the Department under Article 17(3) of the 1973 Order and that term or condition has effect by virtue of sub-paragraph (1)(a)(ii) as if it were a condition imposed under Article 155 of the 2006 Order, those sums shall, in so far as they are transferred to the sewerage undertaker in accordance with a scheme made under Article 270(1) of the 2006 Order, be treated for the purposes of Article 155(4)(b) of the 2006 Order as having been deposited with the undertaker on, and being in the hands of the undertaker since, the transfer date.

(3) In relation to an application having effect as mentioned in sub-paragraph (1)(a)—

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- (a) the reference in Article 156(1)(a) of the 2006 Order to the period of 6 months beginning with the relevant day having expired shall be taken as a reference to that period having expired and the period of 6 months beginning with the transfer date having expired; and
- (b) any place determined by the Department and notified to the applicant before the transfer date as the place at which any drain or private sewer will connect with the public sewer shall be treated for the purposes of that Article as such a place determined by agreement between the sewerage undertaker and the person or persons who applied for the provision of the public sewer.