

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART I

APPLICATIONS FOR WATER OR SEWERAGE SERVICES

Appeals

7.—(1) Where an appeal made to the Appeals Commission in accordance with Article 17(5) of the 1973 Order has not been determined before the transfer date, it may be determined by the Appeals Commission on or after that date notwithstanding the repeal of that Article.

(2) Where a person has a right to appeal to the Appeals Commission under Article 17(5) of the 1973 Order within the period of 28 days from the date on which he has received notice of the decision of the Department and—

- (a) that right has not been exercised; and
- (b) that period has not expired,

before the transfer date, the right may be exercised within the said period and, if so exercised, the appeal may be determined by the Appeals Commission notwithstanding the repeal of that Article.

(3) Notwithstanding its repeal by the 2006 Order, the provisions of Article 8 of the 1973 Order shall continue to have effect for the purpose of an appeal determined by the Appeals Commission in accordance with this paragraph but subject to the transfer effected in accordance with a scheme made under Article 270 of the 2006 Order.

(4) In the application of Article 8 of the 1973 Order to an appeal in accordance with this paragraph, references to the Department shall be taken as references to the Authority.

(5) Notwithstanding its repeal by the 2006 Order, Article 4 of the 1973 Order shall continue to have effect for the purpose of an appeal determined by the Appeals Commission in accordance with this paragraph, but subject to the transfer effected in accordance with a scheme made under Article 270 of the 2006 Order.

(6) Where a person has a right to appeal to the Appeals Commission in relation to a decision of the Department in accordance with this paragraph, no reference may be made by that person under Article 77(6), 79(8), 81(4), 82(6), 88(5) or 92(4) of the 2006 Order in relation to any condition imposed by, or other matter relating to, that decision.