

## SCHEDULES

### SCHEDULE 1

#### TRANSITIONAL PROVISION ON TERMINATION OF APPOINTMENTS

##### *Cases where Schedule applies*

- 1.—(1) This Schedule applies in each of the cases specified in sub-paragraphs (2) and (3).
- (2) The first case in which this Schedule applies is where—
- (a) the Department or the Authority is proposing to make an appointment or variation replacing a company as a relevant undertaker; and
  - (b) by virtue of that appointment a company (“the new appointee”) will hold an appointment as the water undertaker or sewerage undertaker for an area which is or includes the whole or any part of the area for which, until the relevant date, another company (“the existing appointee”) holds an appointment as the water undertaker or, as the case may be, sewerage undertaker.
- (3) The second case in which this Schedule applies is where—
- (a) the High Court has made a special administration order in relation to any company holding an appointment under Chapter I (“the existing appointee”); and
  - (b) it is proposed that on and after the relevant date another company (“the new appointee”) should, without any such appointment or variation as is mentioned in sub-paragraph (2) having been made, hold an appointment as water undertaker or sewerage undertaker for an area which is or includes the whole or any part of the area for which until that date the existing appointee holds an appointment as water undertaker or, as the case may be, sewerage undertaker.
- (4) In this Schedule—
- “existing appointee” and “new appointee” shall be construed in accordance with sub-paragraph (2) or (3) according to whether this Schedule is applying in the case mentioned in the first or second of those sub-paragraphs;
- “other appointees” means any companies, other than the existing appointee and the new appointee, which are likely on or at a time after the relevant date to be holding appointments as water undertakers or sewerage undertakers for any area which is or includes any part of the area for which the existing appointee has at any time held an appointment as water undertaker or sewerage undertaker;
- “the relevant date” means—
- (a) where this Schedule applies by virtue of sub-paragraph (2), the coming into force of the appointment or variation mentioned in head (a) of that sub-paragraph; and
  - (b) where this Schedule applies by virtue of sub-paragraph (3), such day, being a day before the discharge of the special administration order takes effect, as the High Court may appoint for the purposes of this Schedule;

“special administrator”, in relation to a company in relation to which a special administration order has been made, means the person for the time being holding office for the purposes of Article 41(1);

“specified” means specified in a scheme under this Schedule;

“third party” means any person other than—

- (a) the existing appointee; or
- (b) the new appointee;

“the transfer” means the transfer effected by Article 270(2).

(5) References in this Schedule to any external assets or liabilities are references to any assets or liabilities as respects which any issue arising in any proceedings would have to be determined (in accordance with the rules of private international law) by reference to the law of a country or territory other than Northern Ireland (“external law”).