Changes to legislation: *Water Act 2014, Paragraph 2 is up to date with all changes known to be in force on or before 31 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 11

ORDERS UNDER SECTION 91: FURTHER PROVISION

Changes in water supply licensing

2 (1) A section 91 order may make provision in connection with the introduction of new water supply licences.

(2) A section 91 order may in particular—

(a) make provision for old water supply licences to continue in effect, subject to provision made by a qualifying scheme;

(b) make provision about the granting of a new water supply licence on application made by the holder of an old water supply licence.

(3) A qualifying scheme is a scheme that—

(a) is made by the Water Services Regulation Authority, and

(b) contains such provision as is described in sub-paragraph (4).

(4) The provision mentioned in sub-paragraph (3)(b) is—

(a) provision for the revocation of all old water supply licences—

(i) on the first day on which it would be possible for a new water supply licence to come into effect, or

(ii) in accordance with arrangements in the scheme and before a day specified in or determined under the scheme,

(b) provision for compensation to be paid by the Water Services Regulation Authority in connection with the revocation under the scheme of an old water supply licence,

(c) provision, in a case where the scheme allows a holder's old water supply licence and new water supply licence to have effect at the same time, for preventing the holder supplying water to premises in reliance on the old water supply licence where—

(i) the premises supplied are the premises of a person who was not a customer of the holder immediately before the grant of the new licence, and

(ii) the premises could be supplied with water in reliance on the new water supply licence,

(d) provision for compensation to be paid by the Water Services Regulation Authority in connection with the restriction imposed on an old water supply licence under paragraph (c),

(e) provision about the determination of—

(i) claims for compensation payable under the scheme, and

(ii) appeals from the determination of such claims, and

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(f) provision satisfying such other requirements as may be specified in a section 91 order, including requirements about the persons who may claim compensation, the measure of compensation and matters by reference to which compensation may be reduced.

(5) Requirements imposed under sub-paragraph (4)(f) may allow the scheme to make provision by virtue of which the compensation payable in a particular case may be nil.

(6) A qualifying scheme may include provision about—

(a) the making of claims for compensation;

(b) the matters to be proved by a claimant.

(7) Sub-paragraphs (4) to (6) are not exhaustive of what may be included in a qualifying scheme.

(8) A section 91 order may make provision for a relevant person specified in the order, or appointed by the Secretary of State, to determine—

(a) claims for compensation payable under a qualifying scheme;

(b) appeals from the determinations of such claims.

(9) In sub-paragraph (8) "relevant person" means—

(a) the Water Services Regulation Authority, except in relation to appeals from the determination of claims for compensation,

(b) the Competition and Markets Authority, or

(c) any other public authority (within the meaning of section 6 of the Human Rights Act 1998).

(10) A section 91 order may provide for functions of the Competition and Markets Authority ("the CMA") relating to compensation payable under a qualifying scheme to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by S.I. 2019/706 art. 2
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by S.I. 2017/926 art. 2