

SCHEDULE

Article 4

TRANSITIONAL PROVISIONS AND SAVINGS

1. Section 61A of the WRA (recovery of compensation from new licence-holder), inserted by section 26, shall not apply where the application for the licence referred to in section 61A(1)(b) was received by the Environment Agency before 1st October 2004.

2. In section 192B of the WIA (annual report), the reference to “financial year” shall not include a financial year ending before 31st March 2005.

3. Until such time as section 35(1) (the Council), in so far as it inserts section 27A of the WIA (establishment of the Council and committees), and section 35(2) to (4) are fully in force—

- (a) section 192A of the WIA (forward work programmes) shall have effect as if—
 - (i) the references to the Council in paragraphs (1), (3), (4) and (5) were omitted;
 - (ii) the reference to the Council in paragraph (6) were a reference to the customer service committees; and
 - (iii) subsection (7) were omitted;
- (b) section 192B(7) of the WIA (annual and other reports) shall have effect as if the reference to the Council were references to the customer service committees; and
- (c) in sections 192A and 192B of the WIA, projects, functions or activities shall not be taken to include the projects, functions or activities of the customer service committees.

4.—(1) The duty in section 35A(2) of the WIA (remuneration and standards of performance) shall first apply in relation to the first financial year of a company which ends on or after 31st March 2005.

(2) The duty in section 35A(5) of the WIA shall first apply in relation to the first financial year of a company which begins on or after 1st April 2005.

5. Sections 54 (determination references under section 12 of the WIA) and 55 (conditions of appointment under the WIA), in so far as they relate to the introduction of section 16B(6) of the WIA, or that section as applied by the introduction of section 12(3B) of the WIA, shall have effect in relation to the application of the provisions in sections 110(1) to (4), (6), (8) and (9) and 111 to 115 of the Enterprise Act 2002(1) relating to penalties (as those provisions are applied by section 16B(6) of the WIA or that section as applied by section 12(3B) of the WIA)—

- (a) only for the purposes of enabling an order to be made under section 111(4) or (6) of the Enterprise Act 2002; and
- (b) as if the reference to subsection (6) in section 110(5) of the Enterprise Act 2002 were omitted.

6. The amendments made by section 87 shall not apply in relation to any transfer of a consent under paragraph 11(1) of Schedule 10 to the WRA which takes effect before 1st October 2004.

7. Section 100(6) (devolution: Wales) shall have effect in relation to references to any Act generally only to the extent that those Acts have been amended as at the date of this Order.

8. Until the coming fully into force of section 36(1) (transfer to the Water Services Regulation Authority and the Council of functions, property etc), any reference to the Water Services Regulation Authority in—

- (a) any provision of the Act which comes into force by virtue of this Order; or
- (b) any provision of any enactment which is introduced or amended by the Act and by virtue of this Order,

(1) 2002 c. 40.

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shall have effect as if it were a reference to the Director General of Water Services.