
STATUTORY INSTRUMENTS

2004 No. 3233

**The Enterprise Act 2002 (Commencement No. 7 and
Transitional Provisions and Savings) Order 2004**

Articles 3 and 4: interpretation and supplemental provision

5.—(1) In articles 3 and 4—

(a) “the new law” means—

- (i) sections 32 to 35 of, and Schedule 4ZA to, the 1991 Act (as substituted and inserted by section 70 of, and Schedule 6 to, the 2002 Act),
- (ii) such provisions of Part 3 of the 2002 Act as apply by virtue of (and with the modifications prescribed under) Schedule 4ZA to the 1991 Act, and
- (iii) any related provision of law,

(including, in particular, any modification made under section 276(2) of the 2002 Act to any provision mentioned in paragraphs (i) to (iii));

(b) “the old law” means—

- (i) sections 32 to 35 of the 1991 Act (as in force immediately before 29th December 2004),
- (ii) such provisions of sections 64 to 75K of the 1973 Act as apply by virtue of section 34 of the 1991 Act immediately before that date, and
- (iii) any related provision of law,

(including, in particular, any modification made under section 276(2) of the 2002 Act to any provision mentioned in paragraphs (i) to (iii)); and

(c) references to the merger of two or more water enterprises shall be construed in accordance with section 35(1) and (2) of the 1991 Act, as in force immediately before 29th December 2004.

(2) In articles 3 and 4, references to the old law, in relation to the period on or after 20th June 2003, include references to the old law with the following modifications—

(a) section 35(4) of the 1991 Act has effect as if for the words from “the Secretary of State” to “the 1973 Act” there were substituted “the OFT or the Secretary of State, in a case in which, or to any extent to which, the Secretary of State is not required to make a reference under section 32 above, to make a reference under Part 3 of the 2002 Act”,

(b) paragraph 5 of Schedule 1 to the 1998 Act⁽¹⁾ has effect as if in paragraph (d) for “OFT” there were substituted “Secretary of State”, and

(c) section 121 of the 2002 Act has effect as if the following were omitted—

- (i) in subsection (1), the words from “and sections 32” to the end,
- (ii) subsection (3)(d), and
- (iii) in subsection (8), the words from “and sections 32” to the end.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(3) Paragraph 13 of Schedule 24 to the 2002 Act shall not apply in connection with the coming into force of any provision of the 2002 Act by virtue of this Order.