

SCHEDULE 1

Article 3(1)

LICENSING OF WATER SUPPLIERS: PROVISIONS
COMING INTO FORCE ON 1ST APRIL 2004

| <i>Paragraph of Schedule 4</i> | <i>Provisions inserted into the WIA</i> | <i>Relevant purposes</i> |
|--------------------------------|---|---|
| Paragraph 2 | Section 17A(1) and (2), and (4) to (6) | The purpose of enabling the Secretary of State to give a general authorisation to the Authority. |
| | Section 17A(3) | The purposes of enabling the Authority to issue guidance under sections 17A(9) and 17D(3) and of enabling the Secretary of State and the Assembly to make regulations under section 17C(3) and (4). |
| | Section 17A(9) and (10) | |
| | Section 17B | |
| | Section 17C | |
| | Section 17D(1) to (7) | |
| | Section 17D(12) | The purpose of enabling the Secretary of State to make regulations under section 17D(7). |
| | Section 17F(1) to (3) | The purposes of enabling the Secretary of State to make regulations under section 17F(1) to (3), and (5). |
| | Section 17F(5) | |
| | Section 17G | The purpose of enabling the Secretary of State to determine standard licence conditions pursuant to section 17H. |
| Paragraph 3 | Section 17H(1) to (4) | |
| | Section 17J(6) to (7), and (9) to (11) | The purpose of enabling the Secretary of State to make an order under section 17J(6). |
| | Section 66A(6) | The purpose of enabling the Secretary of State to make regulations prescribing which requirements of regulations under section 74 are relevant. |
| | Section 66B(8) to (10), and (12) | |

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| <i>Paragraph of Schedule 4</i> | <i>Provisions inserted into the WIA</i> | <i>Relevant purposes</i> |
|--------------------------------|---|---|
| | Section 66D(4) to (6) | |
| | Section 66E | |
| | Section 66F(5) to (8) | |
| | Section 66I(3) | |
| | Section 66I(8) | The purpose of enabling the Secretary of State and the Assembly to make regulations under section 66I(3). |
| | Section 66J(3) | |
| | Section 66J(9) | The purpose of enabling the Secretary of State and the Assembly to make regulations under section 66J(3). |
| | Section 66K | |
| | Section 66L | |

SCHEDULE 2

Article 3(y)

MINOR AND CONSEQUENTIAL AMENDMENTS AND REPEALS:
PROVISIONS COMING INTO FORCE ON 1ST APRIL 2004

| <i>Schedule</i> | <i>Provision</i> |
|-----------------|--|
| Schedule 7 | <p>Paragraphs 6, 14, 31, 37 and 40, and paragraph 1 in so far as it relates to those paragraphs.</p> <p>Paragraphs 23, 24, 33, 34 and 35, in so far as each of those paragraphs relates to the amendments made by its sub-paragraph (b).</p> <p>In paragraph 26, sub-paragraphs (2)(a)(i)(b) and (iii), and sub-paragraph (1) in so far as it relates to those sub-paragraphs.</p> <p>In paragraph 27, sub-paragraphs (5)(a)(ii), (iii) and (v), (5)(b)(ii) and (7)(a), and sub-paragraph (1) in so far as it relates to those sub-paragraphs.</p> <p>In paragraph 28, sub-paragraphs (3)(a)(ii), (iii) and (v), and (3)(b)(iii), and sub-paragraph (1) in so far as it relates to those sub-paragraphs.</p> <p>In paragraph 32, sub-paragraph (3) and sub-paragraph (4)(b) (in so far as the latter relates</p> |

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| <i>Schedule</i> | <i>Provision</i> |
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| Schedule 8 | to paragraph 13(3) of Schedule 10 to the Competition Act 1998), and sub-paragraph (1) in so far as it relates to sub-paragraphs (3) and (4)(b) so far as commenced by this paragraph. |
| | In paragraph 36, sub-paragraph (4), and sub-paragraph (1) in so far as it relates to that sub-paragraph. |
| | In paragraph 1, sub-paragraph (4), and sub-paragraph (1) in so far as it relates to that sub-paragraph. |
| | Paragraphs 19, 23, 43, 44 and 48, and paragraph 2 in so far as it relates to those paragraphs. |
| | In paragraph 47, sub-paragraph (4), and sub-paragraph (1) and paragraph 2 in so far as they relate to sub-paragraph (4). |
| | In paragraph 49, sub-paragraph (3), and sub-paragraph (1) and paragraph 2 in so far as they relate to sub-paragraph (3). |
| | Paragraph 50, in so far as the definitions it amends have effect for the purposes of the provisions of the WIA amended or introduced by virtue of a provision brought into force by this Order, and paragraph 2 in so far as it relates to that paragraph. |
| In paragraph 53, sub-paragraph (3)(c), and sub-paragraph (1) in so far as it relates to that sub-paragraph. | |

SCHEDULE 3

Article 6

TRANSITIONAL PROVISIONS

1.—(1) Until the relevant day, sections 27A (variation of small quantity threshold) and 33A (power to provide for further exemptions) of the WRA, as inserted by sections 6 and 9 respectively, shall have effect as if—

- (a) all of the provisions of section 6(1) (rights to abstract small quantities) were in force; and
- (b) those sections did not enable an order or regulations to be made so as to come into force before the relevant day.

(2) In this paragraph, “the relevant day” means the first day on which all of the provisions of section 6(1) are in force.

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2. Until the coming fully into force of section 1 (licences to abstract water), sections 38(1A) (general consideration of licence applications) and 46A (limited extension of abstraction licence validity) of the WRA, as inserted by sections 15 and 20 respectively, shall have effect as if—

- (a) any reference to a “full licence or a transfer licence” were a reference to a licence under Chapter 2 of Part 2 of the WRA;
- (b) in paragraph (a) of section 38(1A), the words “of the same type” were omitted; and
- (c) in subsection (3) of section 46A, the words “of the type in question” were omitted.

3. Until the coming fully into force of section 17 (protected rights), section 39B (register of certain protected rights) of the WRA, as inserted by section 18, shall have effect as if it did not enable regulations or an order to be made so as to come into force before that time.

4. Until the coming fully into force of section 23 (transfer and apportionment of licences), the amendments made by section 24 shall have effect as if in section 48A(7)(b) of the WRA (civil remedies for loss or damage due to water abstraction) the words “and section 59C(6) below” were omitted.

5. Any appointment as a technical assessor under section 86 of the WIA (assessors for the enforcement of water quality), or designation under subsection (4) of that section, which—

- (a) was made before the coming into force of section 57 (the Chief Inspector of Drinking Water and the Drinking Water Inspectorate); and
- (b) is still current at that time,

shall have effect as if it were an appointment as, or (as the case may be) a designation of, an inspector under section 86 of the WIA as amended by section 57.

6. A designation in writing for the purposes of section 169 of the WRA (powers of entry for enforcement purposes) which—

- (a) was made before the coming into force of section 71 (extension of Environment Agency’s powers of entry); and
- (b) is still current at that time,

shall have effect as if given for the purposes of section 169 of the WRA as amended by section 71.

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

- (a) any provision of the Act which comes into force by virtue of this Order (except section 37);
- (b) any provision of the WIA which is introduced or amended by the Act and by virtue of this Order; or
- (c) Schedule 1 to this Order,

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