
STATUTORY INSTRUMENTS

2017 No. 462

**The Water Act 2014 (Commencement No. 9
and Transitional Provisions) Order 2017**

Transitional provisions in respect of new charging rules for connections

14.—(1) The new charging rules and the relevant provisions of the 2014 Act do not apply where before 1st April 2018—

- (a) the relevant conditions are already satisfied, or
- (b) a person and a relevant undertaker have agreed that the provisions of the 1991 Act before they were amended by the relevant provisions of the 2014 Act are to continue to be the basis for the calculation of charges.

(2) The transitional arrangement provided for in paragraph (1)(b) ends on 31st March 2023 and from 1st April 2023 the new charging rules must be used as the basis for the calculation of charges.

(3) In this article—

“new charging rules” means rules about charges issued by the Authority under section 144ZA of the 1991 Act⁽¹⁾;

“relevant conditions” means—

- (a) in relation to the duty of a water undertaker under section 41 of the 1991 Act⁽²⁾ to provide a water main, the conditions specified in old section 42 of the 1991 Act⁽³⁾;
- (b) in relation to the service of a connection notice on a water undertaker under section 45 of the 1991 Act⁽⁴⁾, such conditions as the water undertaker may have imposed under old sections 47 to 50 of the 1991 Act⁽⁵⁾;
- (c) in relation to the duty of a sewerage undertaker under section 98 of the 1991 Act⁽⁶⁾ to provide a public sewer or lateral drain, the conditions specified in old section 99 of the 1991 Act⁽⁷⁾;
- (d) in relation to the provision of a lateral drain in accordance with section 101B of the 1991 Act⁽⁸⁾ following provision of a public sewer, the condition that a request has been made under old section 101B of the 1991 Act⁽⁹⁾;

(1) Section 144ZA was inserted by section 17 of the 2014 Act.

(2) Section 41 was amended by paragraph 1 of Schedule 18(IV) to the Government of Wales Act 1998 (c.38), paragraph 56 of Schedule 8 to the Housing and Regeneration Act 2008 (c.17), paragraph 40 of Schedule 22 to the Localism Act 2011 (c.20) and by S.I. 2016/744.

(3) Old section 42 was amended by sections 36(2) and 90 of the Water Act 2003.

(4) Section 45 was amended by section 35(2) and paragraph 1 of Schedule 2 to the Competition and Service (Utilities) Act 1992 (c.43), sections 36(2) and 92(2) of the Water Act 2003, section 18(3) of the 2014 Act and by S.I. 2016/744.

(5) Old sections 47 to 50 were amended by sections 35(4) and 51 of the Competition and Service (Utilities) Act 1992 and by sections 36(2) and 92(3) of the Water Act 2003.

(6) Section 98 was amended by paragraph 26 of Schedule 1 to the Competition and Service (Utilities) Act 1992, paragraph 1 of Schedule 18(IV) to the Government of Wales Act 1998, section 95 of, and paragraph 1 of Schedule 9 to, the Water Act 2003, paragraph 58 of Schedule 8 to the Housing and Regeneration Act 2008, paragraph 42 of Schedule 22 to the Localism Act 2011 and by S.I. 2016/744.

(7) Old section 99 was amended by sections 36(2), 93(1) and 95(6) of the Water Act 2003.

(8) Section 101B was amended by section 19 of and paragraph 89 of Schedule 7 to the 2014 Act.

(9) Old section 101B was inserted by section 95(9) of the Water Act 2003.

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- (e) in relation to the making by a sewerage undertaker of a communication with one of its public sewers in accordance with section 107 of the 1991 Act⁽¹⁰⁾, the condition that a person has given a sewerage undertaker notice under old section 106 of the 1991 Act⁽¹¹⁾ proposing to make a communication between a drain or sewer and such a public sewer of that undertaker;
- (f) in relation to the duty of a relevant undertaker under section 185 of the 1991 Act⁽¹²⁾ to move a relevant pipe or other apparatus, the condition that a notice has been served on the relevant undertaker under old section 185 of the 1991 Act;

“relevant provisions of the 2014 Act” means—

- (g) sections 18 to 20 of the 2014 Act; and
- (h) paragraphs 7, 54 to 57 and 87 to 89 of Schedule 7 to the 2014 Act.

⁽¹⁰⁾ Section 107 was amended by section 35(9) of the Competition and Service (Utilities) Act 1992, section 36(2) of the Water Act 2003 and section 19 of and paragraph 95 of Schedule 7 to the 2014 Act.

⁽¹¹⁾ Old section 106 was amended by sections 35(8) and 43(2) of, and paragraph 1 of Schedule 2 to, the Competition and Service (Utilities) Act 1992 and by sections 36(2) and 99 of the Water Act 2003.

⁽¹²⁾ Section 185 was amended by section 36(2) of the Water Act 2003 and section 20 of the 2014 Act.