
STATUTORY INSTRUMENTS

2017 No. 462

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

Transitional provisions in relation to old section 66D agreements

8.—(1) Subject to paragraphs (2) to (5), an old section 66D agreement ceases to have effect after 31st March 2017.

(2) An old section 66D agreement continues to have effect on and from 1st April 2017, with the modifications set out in sub-paragraphs (a) and (b), in a case where the person who entered into the agreement as the holder of an old water supply licence holds on 1st April 2017 a new water supply licence with a new wholesale authorisation or new supplementary authorisation that authorises that person to make the introduction of water that is the subject of the old section 66D agreement—

- (a) where a water undertaker whose area is wholly or mainly in England is a party to the agreement, a reference in that agreement to the old supplementary authorisation is to be treated as a reference to the new water supply licensee's new wholesale authorisation;
- (b) where a water undertaker whose area is wholly or mainly in Wales is a party to the agreement, a reference in that agreement to the old supplementary authorisation is to be treated as a reference to the new water supply licensee's new supplementary authorisation.

(3) The Authority may vary or terminate an old section 66D agreement by order, on application by the new water supply licensee who is a party to the agreement.

(4) Old section 66E of the 1991 Act⁽¹⁾ applies for the purpose of determining charges payable under an old section 66D agreement and a reference in old section 66E of the 1991 Act to a licensed water supplier is to be treated as a reference to a new water supply licensee.

(5) A new water supply licensee may refer a case to the Authority for a determination under old section 66D(1) of the 1991 Act and in that instance—

- (a) the old section 66F of the 1991 Act⁽²⁾ is to apply to that determination, and
- (b) a reference in old sections 66D(1) and 66F of the 1991 Act to a licensed water supplier is to be treated as a reference to a new water supply licensee.

(6) In this article—

“old section 66D agreement” means such agreement or determination as is mentioned in old section 66D(3) of the 1991 Act⁽³⁾;

“old supplementary authorisation” means an authorisation as defined in old section 17A(5) of the 1991 Act given by an old water supply licence.

⁽¹⁾ Old section 66E was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

⁽²⁾ Old section 66F was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

⁽³⁾ Old section 66D was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.