

SCHEDULE

Article 5

TRANSITIONAL PROVISIONS AND SAVINGS

First forward work programme of the Council

1. Section 192A of the WIA (forward work programmes) shall have effect in relation to the Council's first forward work programme as if—

- (a) the duty in subsection (1) to publish a forward work programme in relation to the financial year ending on 31st March 2006 and before the start of that financial year—
 - (i) were a duty on the Council to publish its first forward work programme before 1st April 2006 and in relation to the period beginning on the day after the date of its publication and ending on 31st March 2007 (so as to include the financial year ending on that date); and
 - (ii) included a duty on the Council to explain how its activities from 1st October 2005 to the date of publication relate to the projects which it plans to undertake from the date of publication to 31st March 2007;
- (b) the duty in subsection (3) were a duty on the Council to include an estimate of the overall expenditure which the Council expects it will have incurred during the 18 months ending on 31st March 2007 in the exercise of its functions; and
- (c) the duty in subsection (4) to give notice containing a draft of its first forward work programme before publishing that programme were a duty on the Council to give such notice before 1st January 2006.

Last reports of the customer service committees

2.—(1) If a customer service committee has not prepared and sent to the Director before 1st October 2005—

- (a) a report on its activities in relation to the period from 1st April 2005 to 30th September 2005, or
- (b) an annual report under section 194(2) of the WIA in relation to any earlier period,

the Council shall prepare and send such a report to the Director as soon as reasonably practicable on or after 1st October 2005.

(2) The Director shall publish any report sent to him by a customer service committee under section 194(2) of the WIA on its activities, and any report sent to him by the Council under sub paragraph (1) on the activities of a customer service committee, in relation to—

- (a) the period from 1st April 2005 to 30th September 2005, or
- (b) any earlier period,

in such manner as he considers appropriate.

(3) Subsection (8) of section 192B of the WIA (annual and other reports) shall apply for the purposes of this paragraph and shall apply—

- (a) in relation to a report prepared by a customer service committee and published by the Director under sub-paragraph (2), as if for “making or preparing” there were substituted “publishing”; and
- (b) in relation to a report prepared by the Council under sub paragraph (1), as if any reference to the Authority were a reference to the Council.

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

(4) For the purposes of this paragraph, from 1st April 2006, any reference to the Director shall have effect as if it were a reference to the Authority and “he” and “him” are to have effect as “it” in relation to the Authority.

Effect after 1st October 2005 of customer service committee complaints

3.—(1) Where, immediately before it was abolished, a customer service committee had a subsisting duty with respect to a complaint under section 29 of the WIA (duties of customer service committees) then, unless the complainant objects, that complaint shall be treated as referred to the Council by or on behalf of the complainant under section 29 of the WIA (consumer complaints) as substituted by section 46(1) of the Act.

(2) Where, before it was abolished, a customer service committee had referred a complaint to the Director under section 29 of the WIA then, unless the complainant objects, the Director shall—

- (a) treat that complaint as if it had been referred to him by the Council under section 29 of the WIA as substituted by section 46(1) of the Act;
- (b) continue to consider that complaint; and
- (c) take or continue to take such steps in consequence of his consideration of that complaint as he considers appropriate.

(3) Where, immediately before 1st October 2005, the Director had a subsisting duty with respect to a complaint made under subsection (3)(c) of section 30 of the WIA (duties of the Director with respect to complaints) then, unless the complainant objects, the Director shall—

- (a) continue to consider that complaint; and
- (b) take or continue to take such steps in consequence of his consideration of that complaint (including any step which could have been taken by a customer service committee had this Order not been made) as he considers appropriate.

(4) Where a complainant has made an objection under this paragraph, the duty on the Council or the Director under sub-paragraph (1), (2) or (3) with respect to his complaint shall cease to apply.

(5) For the purposes of this paragraph, from 1st April 2006, any reference to the Director shall have effect as if it were a reference to the Authority and “he”, “him” and cognate expressions, in relation to the Director, are to have effect as “it” (or the appropriate equivalent) in relation to the Authority.

First statement of accounts of the Council

4.—(1) In Schedule 3A to the WIA (the Council)(1), paragraph 9(1) (statement of accounts) shall have effect in relation to the Council’s first annual statement of accounts as if it were a duty on the Council to prepare, in respect of the year ending on 31st March 2006, a statement of accounts giving a true and fair view of the state of affairs and the combined income and expenditure of—

- (a) the Council;
- (b) the customer service committees;
- (c) the WaterVoice Council; and
- (d) the Director in respect of the employment of staff who, and the provision of services which, contribute to the maintenance of the customer service committees and the WaterVoice Council.

(2) For the purposes of—

(1) Schedule 3A was inserted by section 35(2) of, and Schedule 2 to, the Act.

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- (a) sub-paragraph (1), “the WaterVoice Council” means those chairing the customer service committees meeting together as a non-statutory national body representing the interests of the consumers of water and sewerage services in England and Wales;
- (b) assisting the Council in the carrying out its duty under sub paragraph (1), the Director shall give to the Council such documents, information and assistance as the Council requests or the Director considers would be appropriate for him to give to the Council without any such request; and
- (c) sub-paragraph (2)(b), from 1st April 2006, the reference to the Director shall have effect as if it were a reference to the Authority and “him” is to have effect as “it” in relation to the Authority.

Effect of certain water supply licensing provisions

5.—(1) Subject to sub-paragraph (2), sections 17K (water supply licences: modification references to Competition Commission), 17M (references under section 17K: powers of investigation), 17P (water supply licences: Commission’s power of veto following report) and 17Q (section 17P: supplementary) of the WIA shall have effect only for the purposes of enabling—

- (a) an order to be made under section 111(4) or (6) of the Enterprise Act 2002⁽²⁾ as applied by sections 17M and 17Q of the WIA; and
- (b) a statement of policy to be prepared and published under section 116 of the Enterprise Act 2002 as applied by sections 17M and 17Q of the WIA.

(2) From 1st December 2005—

- (a) sections 17K and 17P of the WIA shall have effect for all purposes; and
- (b) subject to sub-paragraph (3), sections 17M and 17Q of the WIA shall have effect for the purposes of their application of sections 109 and 110(5), (7) and (10) of the Enterprise Act 2002.

(3) Sections 17M and 17Q of the WIA shall have effect for the purposes of their application of section 110(5) of the Enterprise Act 2002 as if the reference in that subsection to subsection (6) were omitted.

Effect of provisions in relation to water resources management plans

6. Section 37B of the WIA (water resources management plans: publication and representations) shall have effect only in so far as it is applied in relation to drought plans by section 39B(5) of the WIA⁽³⁾.

Devolution: Wales

7. Section 100(6) (devolution: Wales) shall not have effect in relation to references to any Act generally except—

- (a) to the extent that any such Act has been amended by the Act as at the date of this Order; and
- (b) as from the dates specified in this Order in relation to the provisions in question, to the extent that any such Act has been amended by the Act by virtue of the provisions of this Order.

(2) 2002 c. 40.

(3) Section 37B was inserted by section 62 of the Act and section 39B was inserted by section 63 of the Act.

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Effect of references to the Authority

8. Until 1st April 2006 any reference to the Authority in any provision of the WIA or the WRA⁽⁴⁾ introduced or amended by the Act and by virtue of this Order shall have effect as if it were a reference to the Director.

First forward work programme of the Authority

9.—(1) The duty of the Director under section 192A of the WIA (forward work programmes)⁽⁵⁾ to give notice of and to publish a forward work programme shall not apply in respect of the financial year ending on 31st March 2007.

(2) From 1st April 2006, section 192A of the WIA shall have effect in relation to the Authority's first forward work programme as if—

- (a) the duty in subsection (1) to publish a forward work programme in relation to the financial year ending on 31st March 2007 and before the start of that financial year –
 - (i) were a duty on the Authority to publish its first forward work programme before 1st July 2006 and in relation to the period beginning on the day after the date of its publication and ending on 31st March 2007; and
 - (ii) included a duty on the Authority to explain how its activities from 1st April 2006 to the date of publication relate to the projects which it plans to undertake from the date of publication to 31st March 2007; and
- (b) the duty in subsection (3) were a duty on the Authority to include an estimate of the overall expenditure which the Authority expects it will have incurred during the financial year ending on 31st March 2007 in the exercise of its functions.

Last annual report of the Director

10. After the abolition of the office of the Director, the duty to make an annual report under section 192B of the WIA (annual and other reports) in relation to the year ending on 31st March 2006⁽⁶⁾ shall be performed by the Authority.

(4) “WRA” means the Water Resources Act 1991 (c. 57) (section 105(2) of the Act).

(5) Section 192A was inserted by section 38(1) of the Act. See in relation to section 192A, paragraphs 3 and 8 of the Schedule to S.I. 2004/2528 (C. 106).

(6) Section 192B was inserted by section 38(1) of the Act. See, in relation to section 192B, paragraphs 2 and 8 of the Schedule to S.I. 2004/2528 (C. 106).