
STATUTORY INSTRUMENTS

2006 No. 3336

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART III

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER I

APPOINTMENTS

Modification of appointment conditions

Modification references to [F1CMA]

21.—(1) The Authority may make to the [F2CMA] a reference which is so framed as to require [F3the CMA] to investigate and report on the questions—

- (a) whether any matters which—
 - (i) relate to the carrying out of any function which is a function of any company by virtue of an appointment of that company under this Chapter; and
 - (ii) are specified in the reference,operate, or may be expected to operate, against the public interest; and
- (b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by modifications of the conditions of the company's appointment.

(2) The Authority may, at any time, by notice given to the [F4CMA] vary a reference under this Article by—

- (a) adding to the matters specified in the reference; or
- (b) excluding from the reference some or all of the matters so specified;

and on receipt of any such notice [F5the CMA] shall give effect to the variation.

(3) The Authority may specify in a reference under this Article, or a variation of such a reference, for the purpose of assisting the [F6CMA] in carrying out the investigation on the reference—

- (a) any effects adverse to the public interest which, in its opinion, the matters specified in the reference or variation have or may be expected to have; and
- (b) any modifications of the conditions of any appointment mentioned in the reference or variation by which, in its opinion, those effects could be remedied or prevented.

(4) As soon as practicable after making a reference under this Article or a variation of such a reference, the Authority shall—

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- (a) serve a copy of the reference or variation on the company whose appointment is mentioned in the reference or variation; and
- (b) publish particulars of the reference or variation in such manner as it considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it.

(5) It shall be the duty of the Authority, for the purpose of assisting the [F7CMA] in carrying out an investigation on a reference under this Article or in carrying out functions under Article 26, to give to [F8the CMA]—

- (a) any information in the Authority's possession which relates to matters falling within the scope of the investigation or the carrying out of those functions, and which is either—
 - (i) requested by [F8the CMA] for that purpose; or
 - (ii) information which, in the Authority's opinion, it would be appropriate for that purpose to give to [F8the CMA] without any such request; and
- (b) any other assistance which [F8the CMA] may require, and which it is within the Authority's power to give, in relation to any such matters;

and [F8the CMA], for the purpose of carrying out any such investigation or such functions, shall take account of any information given to them for that purpose under this paragraph.

(6) In determining for the purposes of this Article whether any particular matter operates, or may be expected to operate, against the public interest, the [F9CMA] shall have regard to the matters as respects which duties are imposed on the Department and the Authority by Part II.

[F10(7) The functions of the CMA with respect to a reference under this Article are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (including functions relating to the making of modifications following a report on a reference, and functions under sections 109 to 115 of the Enterprise Act 2002, as applied by Articles 23 and 27).]

Textual Amendments

- F1** Word in art. 21 heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(8\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in art. 21(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(2\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in art. 21(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(2\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in art. 21(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(3\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in art. 21(2) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(3\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Word in art. 21(3) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in art. 21(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(5\)\(a\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in art. 21(5) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(5\)\(b\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Word in art. 21(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(6\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Art. 21(7) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 184\(7\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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Commencement Information

- II** Art. 21 wholly in operation at 1.4.2007, see art. 1(2) and S.R. 2007/194, [art. 2\(2\)](#), Sch. 1 Pt. II (subject to [art. 3](#), [Sch. 2](#))

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)