

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART V

WORKS AND LAND

Rights of entry

24.—(1) Without prejudice to sub-paragraph (2), where before the transfer date the Department was proposing to carry out, or was carrying out, any works in respect of which no notice is required to be given under the 1973 Order and the water undertaker or the sewerage undertaker proposes to carry out or continue those works, no notice shall be required for the purpose of paragraph 6 of Schedule 4 to, or any other provision of, the 2006 Order in respect of any entry on the premises effected by the water or sewerage undertaker concerned on the transfer date, or, where paragraph 6(2)(b) of that Schedule applies, within the period of 6 days following the transfer date.

(2) Without prejudice to paragraph 23, where immediately before the transfer date any right under Article 50 of the 1973 Order to enter land or premises for any purpose mentioned in that Article was being exercised by an authorised officer of the Department or of DOE that person shall, in the case of a person designated by the Department, be deemed to be a person designated in writing by the water undertaker, or the sewerage undertaker, as the case may be, for any corresponding purpose mentioned in Articles 229 to 233 of the 2006 Order, or, in the case of a person designated by the Department or DOE, by either or both of the Department or DOE for any corresponding purpose mentioned in Article 124 of the 2006 Order, and the requirements as to notice in paragraphs 1 and 6 of Schedule 4 to the 2006 Order (or in any other provision of the 2006 Order) shall be deemed to have been satisfied in relation to entry by that person.

(3) Without prejudice to the generality of sub-paragraph (1), any notice served by the Department under Article 50(2) of the 1973 Order which is effective immediately before the transfer date in relation to any of the purposes mentioned in Article 50(1) of that Order shall have effect on and after that date as if it had been given for that purpose by the water undertaker, or the sewerage undertaker, as the case may be, in accordance with any power conferred on that undertaker by the 2006 Order and so much of the period of any such notice served by the Department as has expired before the transfer date shall be taken into account, and counted as if it were part of the period of notice so treated as given, for the purposes of the relevant provision of the 2006 Order.

(4) A warrant issued under Article 50(5) of the 1973 Order to any person before the transfer date in respect of entry to any land or other premises shall have effect on and after that date—

(a) as a warrant issued under Part I of Schedule 4 to the 2006 Order, authorising that person to enter those premises; or

(b) as a warrant issued under Part II of that Schedule to the relevant authority (as defined in that Part), authorising it to designate that person as authorised to enter those premises,

according to which Part would have been appropriate if the warrant had been applied for in accordance with that Schedule, and the provisions of that Part of that Schedule shall apply accordingly in relation to a person so authorised provided that, in any case to which Part II of that Schedule so applies, he is designated by the relevant authority on or after the transfer date as being so authorised.