

## SCHEDULE 2

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART I

#### APPLICATIONS FOR WATER OR SEWERAGE SERVICES

##### Connection of a service pipe

2.—(1) Any application made to the Department under Article 17(1)(c) of the 1973 Order for the connection of a service pipe with an existing main vested in the Department which is outstanding immediately before the transfer date in respect of any premises shall have effect on and after that date—

(a) where it relates to the connection of a service pipe for the purpose of providing a supply of water for domestic purposes to premises which consist in the whole or any part of a building or are premises on which any person is proposing to erect any building or part of a building—

(i) as if it were a notice served on the water undertaker for the purposes of Article 79(1) of the 2006 Order on the transfer date; and

(ii) as if any term or condition imposed by the Department under Article 17(3) of the 1973 Order in respect of the application were a condition imposed by the water undertaker under the relevant provision of Article 81 or 82 of the 2006 Order, in so far as it is one which may be imposed by a water undertaker under that Article, or otherwise were a condition to the satisfaction of which compliance with the duty under Article 79 of that Order is subject, but without prejudice to the right of the water undertaker to impose such other conditions as it is required to impose under Article 81 or is permitted or thinks fit to impose under Article 82 of that Order;

(b) in any other case, as if it were a request made to the water undertaker for the purposes of Article 94 of the 2006 Order on the transfer date.

(2) Without prejudice to the generality of sub-paragraph (1), in relation to an application having effect as a connection notice by virtue of sub-paragraph (1)(a)(i)—

(a) Article 82(4) of the 2006 Order shall not apply;

(b) except where paragraph 3(1)(c)(iii) applies, the reference in Article 85(6)(a) of the 2006 Order to the day on which the notice was served on the undertaker shall be taken as a reference to the transfer date;

(c) Article 85(2) of the 2006 Order shall not apply; and

(d) Article 85(1)(b) of the 2006 Order shall not apply.

(3) Where any sums have been deposited with the Department by way of security pursuant to a term or condition imposed by the Department under Article 17(3) of the 1973 Order and that term or condition has effect by virtue of sub-paragraph (1)(a)(ii) as if it were a condition imposed under Article 82(2)(a) of the 2006 Order, those sums shall, in so far as they are transferred to the water undertaker in accordance with a scheme made under Article 270(1) of the 2006 Order, be treated for the purposes of Article 83(1) of the 2006 Order as having been deposited with the undertaker on, and being in the hands of the undertaker since, the transfer date.