

## SCHEDULE 2

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART I

#### APPLICATIONS FOR WATER OR SEWERAGE SERVICES

##### Water main requisitions

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

- (a) in so far as it relates to the provision of a main to be used for providing such supplies of water as are sufficient for domestic purposes to premises in a particular locality consisting in buildings or parts of buildings or premises which will so consist when proposals made by any person for the erection of buildings or parts of buildings are carried out—
  - (i) as if it were a notice served on the water undertaker for the purposes of Article 76(1)(a) 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 which relate to the payment of, or the provision of any security for, the costs of or charges for providing the main were a condition imposed by the water undertaker under Article 77 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 76 of that Order is subject, but without prejudice to the right of the water undertaker to impose such other conditions under Article 77 of that Order as it thinks fit;
- (b) in so far as it relates to the provision of a main otherwise than as mentioned in subparagraph (a), 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 to the extent that such request gives rise to a duty to take steps in order to enable the undertaker to provide a supply of water; and
- (c) in so far as it relates to the connection of the 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, as if—
  - (i) it were a notice served on the water undertaker for the purposes of Article 79(1) of the 2006 Order on the day on which the main provided in accordance with subparagraph 1(a) is brought into operation; and
  - (ii) paragraph 2(1)(a) and 2(a), applied in relation to it as it applies in relation to an application made under Article 17(1)(c) of the 1973 Order; and
  - (iii) without prejudice to the generality of head (i), in the application of Article 85(6) of the 2006 Order in relation to it the reference in subparagraph (a) of that paragraph to the day on which the notice was served on the undertaker were a reference to the day on which the main provided in accordance with subparagraph 1(a) is brought into operation;
- (d) in so far as it relates to the connection of the service pipe 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 to the

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extent that such request gives rise to a duty to take steps in order to enable the undertaker to provide a supply of water.

(2) 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 77 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 77(4)(b) of the 2006 Order as having been deposited with the undertaker on, and being in the hands of the undertaker since, the transfer date.

(3) In relation to an application having effect as mentioned in sub-paragraph (1)(a)—

- (a) the reference in Article 78(1)(a) of the 2006 Order to the period of 3 months beginning with the relevant day having expired shall be taken as a reference to that period having expired and the period of 3 months beginning with the transfer date having expired; and
- (b) any place determined by the Department and notified to the applicant before the transfer date as the place at which any service pipe will connect with the main shall be treated for the purposes of that Article as a place determined by agreement between the water undertaker and the person or persons who applied for the provision of the main.