

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART II

CONTINUITY OF SERVICES

Non-domestic supplies

9. Where immediately before the transfer date the Department is providing a supply of water pursuant to its duty under Article 3(1) of the 1973 Order to any premises which do not consist in the whole or any part of a building or for purposes other than domestic purposes, the water undertaker shall, on and after that date, have a duty, subject to paragraph 10, to provide that supply under Article 94 of the 2006 Order as if—

- (a) a request had been made for the provision of it by the person who is liable, immediately before the transfer date, to pay charges in respect of the supply, or if there is no such person, the person who was then the occupier of the premises;
- (b) the supply were not a new supply; and
- (c) any terms and conditions subject to which the supply was provided by the Department were terms and conditions determined by agreement between the water undertaker and that person and contained in such an agreement,

provided that the undertaker shall be entitled, by notice given to that person within the period of six months beginning with the transfer date, to propose any other terms or conditions (whether in addition to or in substitution for terms or conditions already applying), and Article 95 of the 2006 Order shall apply in relation to such other terms or conditions as if they fell to be determined for the purposes of a request made by that person to the undertaker for the purposes of Article 94 of that Order.

Domestic supplies and sewerage services

10. Nothing in this Order shall give rise to any contractual obligation on the part of the water undertaker to provide a supply of water for domestic purposes, or on the part of the sewerage undertaker to provide for the discharge of foul water or surface water for domestic sewerage purposes.

Charges

11. The power of a water or a sewerage undertaker to fix, demand and recover charges under Article 200 of the 2006 Order shall apply to services provided, or other things done, by the undertaker in the course of carrying out its functions under the 2006 Order whether or not those services, or other things done, are a continuation of services provided by the Department before the transfer date (with or without charge and irrespective of the level of charge) under or pursuant to the 1973 Order.

Adoption of works, sewers, pipes or drains

12. Any entitlement which a person has under Article 12(5) of the 1973 Order immediately before the transfer date shall continue on and after that date, but subject to the provisions of the 2006 Order.