

SCHEDULES

SCHEDULE 26

TRANSITIONAL PROVISIONS AND SAVINGS

PART II

WATER AND SEWERAGE SERVICES

Water charges etc.

- 16 (1) Subject to the following provisions of this paragraph and to any transfers having effect in accordance with a scheme under Schedule 2 to this Act, where any scheme made under section 31 of the 1973 Act (charges schemes) by a water authority or statutory water company has effect immediately before the transfer date or, having been made before that date, is due to come into force after that date, that scheme shall have effect on and after the transfer date or, as the case may be, the date on which it would have come into force, in relation to every locality to which it applies—
- (a) in so far as it relates to services which are provided on or after the transfer date by a water undertaker in the course of carrying out its functions, as if it were a scheme made under section 76 of this Act by the water undertaker for the area in which that locality is situated; and
 - (b) in so far as it relates to services which are provided on and after that date by a sewerage undertaker in the course of carrying out its functions or to any other matter in relation to which a sewerage undertaker is entitled to fix charges under this Act, as if it were a scheme made under section 76 of this Act by the sewerage undertaker for that area.
- (2) Subject as aforesaid, where by virtue of this Act the Authority has any power to fix and recover charges in respect of the carrying out of any of its functions, any charges which —
- (a) have been fixed by a water authority in relation to any locality under any power conferred by an enactment repealed by this Act; and
 - (b) would apply immediately before the transfer date to the carrying out by the water authority of a corresponding function,
- shall be recoverable by the Authority in respect of the carrying out of its functions on and after that date as if fixed in relation to that locality by the Authority in exercise of the power conferred by virtue of this Act.
- (3) So much of any such scheme as is mentioned in sub-paragraph (1) above as has effect immediately before the transfer date and relates to charges in respect of anything which does not fall to be done on and after that date in the course of the carrying out of the functions of the Authority or any water undertaker or sewerage undertaker shall have effect on and after that date, in relation to the doing of that thing by the successor company of the water authority which made the scheme, as if it were contained in

Status: This is the original version (as it was originally enacted).

an agreement for the doing of that thing between that company and the person who would have been liable to the charge under the scheme.

- (4) The repeal by this Act of section 30 of the 1973 Act (charges) and the preceding provisions of this paragraph shall not affect the liability of any person for any charge which—
- (a) has been fixed before the transfer date by virtue of subsection (1)(b)(ii) of that section (environmental services charge); and
 - (b) is due to a water authority immediately before that date or would have become due to such an authority on or after that date in respect of a period ending no later than with the end of the financial year current on that date;
- and such a charge shall, subject to the provisions of the scheme, be payable on or after that date to the person to whom the right to receive it is transferred in accordance with a scheme under Schedule 2 to this Act.
- (5) Notwithstanding its repeal by this Act, section 4 of the Public Utility Transfers and Water Charges Act 1988 (approval of metering trials schemes) shall apply, with the necessary modifications, to so much of any scheme made by a water undertaker under section 76 of this Act as amends or revokes any scheme which—
- (a) was made in accordance with the said section 4 before the transfer date and is either in force immediately before that date or due to come into force after that date; and
 - (b) continues in force, in accordance with this paragraph, as a scheme under the said section 76.
- (6) Any regulations made under section 5 of the Public Utility Transfers and Water Charges Act 1988 (regulations made in connection with metering) and in force immediately before the transfer date shall have effect on and after that date as if made under the power conferred by section 78 of this Act, as if that power included power to make or revoke any such provision as may be made by virtue of section 5(3)(e) of that Act and as if for any reference in those regulations to a water authority or statutory water company there were substituted a reference to a water undertaker or sewerage undertaker.
- (7) Where any notice served, consent given, reference to arbitration made or other thing done under any provision of Schedule 1 to the Public Utility Transfers and Water Charges Act 1988 (provisions with respect to meters) is in force or effective immediately before the transfer date, that notice, consent, reference or other thing shall have effect on and after that date—
- (a) as if it had been served, given, made or done under the corresponding provision of Schedule 10 to this Act; and
 - (b) in so far as it was served, given, made or done by or in relation to a water authority, as if it had been served, given, made or done by or in relation to that authority's successor company.
- (8) The repeal by this Act of section 123 of the Public Health Act 1936 (power of local authorities to give guarantees to water companies) shall not affect any liability arising under any undertaking given under that section before the transfer date to a water authority or statutory water company; but any such undertaking given before that date to a water authority shall have effect on and after that date as if given to the water undertaker for the area to which, or to any part of which, the undertaking relates.
- (9) The repeal by this Act of subsection (4) of section 38 of the 1945 Act (liability for charges etc.) shall not affect the right under that subsection of the occupier of any

premises to deduct from his rent at any time on or after the transfer date any sum paid by him (whether or not before that date) in respect of any charge arising under Part III of the 1973 Act in respect of services performed, facilities provided or rights made available before that date.

(10) Where, in the case of any premises—

- (a) the person who is liable, immediately before the transfer date, to pay charges in respect of a supply of water to those premises is the owner of those premises, rather than the occupier; and
- (b) that person is so liable (under section 54 of Schedule 3 to the 1945 Act or any other local statutory provision) otherwise than by virtue of an agreement,

then, on and after that date, the person who is the owner from time to time of those premises shall continue, until the person who is in fact the occupier of the premises immediately before that date ceases to be the occupier of those premises, to be the person liable and, accordingly, shall be treated for the purposes of section 77 of this Act as if he were the occupier of the premises.