
Changes to legislation: *Water Act 2003, Paragraph 51 is up to date with all changes known to be in force on or before 24 August 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS: LICENSING OF WATER SUPPLIERS ETC

Water Industry Act 1991 (c. 56)

- 51 (1) Schedule 2 (transitional provision on termination of appointments) is amended as follows.
- (2) In paragraph 1, in sub-paragraph (1), for “and (3)” there is substituted “to (3A)”.
- (3) In that paragraph, in paragraph (a) of sub-paragraph (3), after “company” there is inserted “holding an appointment under Chapter 1 of this Part”.
- (4) In that paragraph, after that sub-paragraph there is inserted—
- “(3A) The third case in which this Schedule applies is where—
- (a) the High Court has made a special administration order in relation to any company which is a qualifying licensed water supplier (“the transferor”); and
- (b) it is proposed that on and after the relevant date another company (“the transferee”) should carry on activities relating to the introduction or introductions of water mentioned in section 23(6)(b) of this Act which were carried on by the transferor until that date.”
- (5) In that paragraph, in sub-paragraph (4)—
- (a) in paragraph (b) of the definition of “the relevant date”, after “sub-paragraph (3)” there is inserted “or (3A)”, and
- (b) there are inserted in the appropriate places—
- ““other relevant companies” means any companies, other than the transferor and the transferee, which are likely on or at a time after the relevant date to be holding appointments as water undertakers for any area in which, or in part of which, the activities relating to the introduction or introductions of water mentioned in section 23(6)(b) of this Act will be carried on by the transferee;”
- ““transferor” and “transferee” shall be construed in accordance with sub-paragraph (3A) above;”.
- (6) In paragraph 2, after sub-paragraph (7) there is inserted—
- “(7A) In a case specified in paragraph 1(3A) above—
- (a) the preceding provisions of this paragraph shall have effect as if—
- (i) any reference to the existing appointee were a reference to the transferor;
- (ii) any reference to the new appointee were a reference to the transferee; and

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(iii) any reference to other appointees were a reference to other relevant companies; and

(b) sub-paragraph (6) above shall have effect as if the reference to functions were, in relation to a company which is a licensed water supplier, a reference to activities authorised by its licence and any statutory functions imposed on it in consequence of its licence.”

(7) In paragraph 3, after sub-paragraph (6) there is inserted—

“(7) In a case specified in paragraph 1(3A) above the preceding provisions of this paragraph shall have effect as if—

- (a) any reference to the existing appointee were a reference to the transferor;
- (b) any reference to the new appointee were a reference to the transferee; and
- (c) any reference to other appointees were a reference to other relevant companies.”

(8) After paragraph 4 there is inserted—

“Exclusion of transfer of licence

4A Where a scheme under this Schedule is made in the case specified in paragraph 1(3A) above, the scheme may not provide for the transfer to the transferee of the licence under Chapter 1A of Part 2 of this Act which is held by the transferor.”

(9) In paragraph 5, after sub-paragraph (2) there is inserted—

“(3) In a case specified in paragraph 1(3A) above—

- (a) sub-paragraph (2) above shall have effect as if—
 - (i) any reference to the existing appointee were a reference to the transferor;
 - (ii) any reference to the new appointee were a reference to the transferee; and
 - (iii) any reference to any other appointee or appointees were a reference to any other relevant company or companies; and
- (b) paragraph (g) of that sub-paragraph shall have effect as if the reference to two or more such appointees as are mentioned in paragraph (f) of that sub-paragraph were a reference to two or more such persons as are mentioned in that paragraph (as it has effect by virtue of paragraph (a) above).”

(10) In paragraph 6, after sub-paragraph (8) there is inserted—

“(9) In a case specified in paragraph 1(3A) above, the preceding provisions of this paragraph shall have effect as if—

- (a) any reference to the existing appointee were a reference to the transferor; and
- (b) any reference to the new appointee were a reference to the transferee.”

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Commencement Information

II Sch. 8 para. 51 in force at 1.12.2005 by S.I. 2005/2714, art. 3(c) (with Sch. para. 8)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)