

## SCHEDULES

### SCHEDULE 11

#### ORDERS UNDER SECTION 91: FURTHER PROVISION

##### *Modifications relating to new wholesale authorisations*

- 7 (1) Where a section 91 order makes provision as regards new wholesale authorisations, that provision may include provision for provisions of the Water Industry Act 1991 to have effect for a relevant period with such modifications as appear to the Secretary of State to be appropriate.
- (2) Provision under sub-paragraph (1) may include provision for applying old provisions of the Water Industry Act 1991 with such modifications as appear to the Secretary of State to be appropriate.
- (3) Provision under sub-paragraph (2) may in particular provide for the application of provision in old section 66D(2) to (8) for the purpose of determining—
- (a) the period for which, and
  - (b) the terms and conditions on which,
- a water undertaker's duties under new section 66B or 66C are to be performed.
- (4) Provision under sub-paragraph (2) may in particular provide for the application of provision in old section 66E for the purpose of determining charges payable in respect of the performance of a water undertaker's duties under new section 66B or 66C.
- (5) Provision under sub-paragraph (1) may in particular make provision about the interpretation of references to a water undertaker's supply system, including in particular provision for such references to be treated as references to the supply system of a water undertaker as it is described in old section 17B.
- (6) Provision under sub-paragraph (1) may provide for modifications to have effect for different relevant periods.
- (7) Provision under sub-paragraph (1) may make provision—
- (a) in relation to new wholesale authorisations that authorise the introduction of water into the supply system of a water undertaker whose area is wholly or mainly in England,
  - (b) in relation to new wholesale authorisations that authorise the introduction of water into the supply system of a water undertaker whose area is wholly or mainly in Wales, or
  - (c) in relation to new wholesale authorisations that authorise the introduction of water into the supply system of any water undertaker.
- (8) Before making provision falling within sub-paragraph (7)(b) or (c), the Secretary of State must consult the Welsh Ministers.