

SCHEDULES

SCHEDULE 12

Section 94(5)

COMMENCEMENT ORDERS: APPROPRIATE AUTHORITY

- 1 In relation to the sections and Schedules listed in the first column of this table, the appropriate authority for the purposes of section 94(3) is as listed in the second column (see paragraph 3 as regards interpretation of terms used in the table)—

<i>Section or Schedule</i>	<i>Appropriate authority</i>
Section 5 and Schedule 5	The Welsh Ministers (but see paragraph 2).
Section 7	The Scottish Ministers.
Section 8	The Minister, as defined in subsection (7) of section 40I of the Water Industry Act 1991 (as inserted by section 8).
Section 9	The Minister, as defined in subsection (7) of section 110J of the Water Industry Act 1991 (as inserted by section 9).
Sections 10 to 12	The Secretary of State, in relation to wholly or mainly English undertakers. The Welsh Ministers, in relation to wholly or mainly Welsh undertakers.
Sections 16 to 20	The Secretary of State, in relation to wholly or mainly English undertakers. The Welsh Ministers, in relation to wholly or mainly Welsh undertakers.
Section 22	The Welsh Ministers, in relation to wholly or mainly Welsh undertakers (see section 94(2)(e) as regards commencement in relation to wholly or mainly English undertakers).
Section 23	The Secretary of State, in relation to wholly or mainly English undertakers. The Welsh Ministers, in relation to wholly or mainly Welsh undertakers.
Section 24	The Secretary of State, in relation to—

Status: This is the original version (as it was originally enacted).

<i>Section or Schedule</i>	<i>Appropriate authority</i>
	<p>(a) the insertion of section 2A of the Water Industry Act 1991 by subsection (1) of section 24, and</p> <p>(b) the amendments made by subsections (2) and (3) of section 24 so far as relating to section 2A.</p>
	<p>The Welsh Ministers, in relation to—</p> <p>(a) the insertion of section 2B of the Water Industry Act 1991 by subsection (1) of section 24, and</p> <p>(b) the amendments made by subsections (2) and (3) of section 24 so far as relating to section 2B.</p>
Section 29	<p>The Secretary of State, in relation to supplies of water made in accordance with a retail authorisation.</p>
	<p>The Welsh Ministers, in relation to supplies of water made in accordance with a restricted retail authorisation.</p>
Section 38	<p>The Secretary of State, in relation to wholly or mainly English undertakers.</p>
	<p>The Welsh Ministers, in relation to wholly or mainly Welsh undertakers.</p>
Section 39	<p>The Secretary of State, in relation to the power to make an order under section 207D of the Water Industry Act 1991 (as inserted by section 39) in respect of adjudication functions exercisable as regards—</p> <p>(a) wholly or mainly English undertakers, or</p> <p>(b) wholly or mainly English licensees.</p>
	<p>The Welsh Ministers, in relation to the power to make an order under section 207D of the Water Industry Act 1991 (as inserted by section 39) in respect of adjudication functions exercisable as regards—</p> <p>(a) wholly or mainly Welsh undertakers, or</p> <p>(b) wholly or mainly Welsh licensees.</p>
Section 40(1)	<p>The Secretary of State, in relation to the power of the Secretary of State to make an order under section 86ZA of the</p>

<i>Section or Schedule</i>	<i>Appropriate authority</i>
	Water Industry Act 1991 (as inserted by section 40).
	The Welsh Ministers, in relation to the power of the Welsh Ministers to make an order under section 86ZA of the Water Industry Act 1991 (as inserted by section 40).
Section 40(2)(a)	The Welsh Ministers.
Section 41	The Welsh Ministers.
Section 54	The Secretary of State— <ul style="list-style-type: none"> (a) in relation to wholly or mainly English undertakers, (b) in relation to water supply licensees so far as their licences relate to the use of the supply systems of wholly or mainly English water undertakers, or (c) in relation to sewerage licensees so far as their licences relate to the use of the sewerage systems of wholly or mainly English sewerage undertakers. The Welsh Ministers— <ul style="list-style-type: none"> (a) in relation to wholly or mainly Welsh undertakers, (b) in relation to water supply licensees so far as their licences relate to the use of the supply systems of wholly or mainly Welsh water undertakers, or (c) in relation to sewerage licensees so far as their licences relate to the use of the sewerage systems of wholly or mainly Welsh sewerage undertakers.
Section 59	The Secretary of State, in relation to the main river map for England. The Welsh Ministers, in relation to the main river map for Wales.
2	A statutory instrument containing an order to be made by the Welsh Ministers under section 94(3) in relation to section 5 and Schedule 5 may not be made unless a draft has been laid before and approved by a resolution of the National Assembly for Wales.
3	In the table in paragraph 1— <ul style="list-style-type: none"> (a) “wholly or mainly English water undertakers” means water undertakers whose areas are wholly or mainly in England;

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

- (b) “wholly or mainly English sewerage undertakers” means sewerage undertakers whose areas are wholly or mainly in England;
- (c) “wholly or mainly English undertakers” means undertakers falling within paragraph (a) or (b);
- (d) “wholly or mainly English water supply licensees” means water supply licensees using the supply systems of water undertakers whose areas are wholly or mainly in England;
- (e) “wholly or mainly English sewerage licensees” means sewerage licensees using the sewerage systems of sewerage undertakers whose areas are wholly or mainly in England;
- (f) “wholly or mainly English licensees” means licensees falling within paragraph (d) or (e);
- (g) “wholly or mainly Welsh water undertakers” means water undertakers whose areas are wholly or mainly in Wales;
- (h) “wholly or mainly Welsh sewerage undertakers” means sewerage undertakers whose areas are wholly or mainly in Wales;
- (i) “wholly or mainly Welsh undertakers” means undertakers falling within paragraph (g) or (h);
- (j) “wholly or mainly Welsh water supply licensees” means water supply licensees using the supply systems of water undertakers whose areas are wholly or mainly in Wales;
- (k) “wholly or mainly Welsh sewerage licensees” means sewerage licensees using the sewerage systems of sewerage undertakers whose areas are wholly or mainly in Wales;
- (l) “wholly or mainly Welsh licensees” means licensees falling within paragraph (j) or (k).

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In this Schedule—

- (a) references to water undertakers’ supply systems are to be construed in accordance with section 17B of the Water Industry Act 1991;
- (b) references to sewerage undertakers’ sewerage systems are to be construed in accordance with section 17BA(7) of the Water Industry Act 1991.