

## SCHEDULES

### SCHEDULE 2

#### WATER UNDERTAKERS’ DUTIES AS REGARDS WATER SUPPLY LICENSEES

2 After section 66C (substituted by paragraph 1) there is inserted—

##### “66CA Determinations by Authority

- (1) The Authority may determine, in a case referred to it by a water supply licensee, whether any condition specified in the following provisions is satisfied—
  - (a) section 66A(5) and (6);
  - (b) section 66AA(5) and (6);
  - (c) section 66B(5);
  - (d) section 66C(7) and (8).
- (2) Before the Authority determines whether a condition specified in section 66B(5) is satisfied, it must consult the Secretary of State.
- (3) If a determination as to a condition specified in section 66B(5) relates to the introduction of water into the supply system of a water undertaker whose area is wholly or mainly in Wales, the Authority must consult the Welsh Ministers, not the Secretary of State.
- (4) Before the Authority determines whether a condition specified in section 66C(7) or (8) is satisfied, it must consult the Secretary of State and the appropriate agency.
- (5) If the case in which a determination as to a condition specified in section 66C(7) or (8) is made relates to—
  - (a) the supply of water by a water undertaker whose area is wholly or mainly in Wales, and
  - (b) the introduction of water into the supply system of a water undertaker whose area is wholly or mainly in Wales,the Authority must consult the Welsh Ministers, not the Secretary of State.
- (6) If the case in which a determination as to a condition specified in section 66C(7) or (8) is made relates to the supply of water by one water undertaker, and the introduction of water into the supply system of another water undertaker, and only one of those undertakers has an area wholly or mainly in Wales, the Authority must consult the Welsh Ministers as well as the Secretary of State.
- (7) In subsection (4), “the appropriate agency”, in relation to a determination as to a condition specified in section 66C(7) or (8) relating to the supply of water by one water undertaker, and the introduction of water into the supply system of another water undertaker means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the Environment Agency, in a case where the areas of both undertakers are wholly in England;
- (b) the NRBW, in a case where the areas of both undertakers are wholly in Wales;
- (c) both the Environment Agency and the NRBW, in any other case.”