
STATUTORY INSTRUMENTS

2004 No. 3233

**The Enterprise Act 2002 (Commencement No. 7 and
Transitional Provisions and Savings) Order 2004**

Transitional provisions and savings – anticipated water mergers

4.—(1) Subject to paragraphs 15 to 18 of Schedule 24 to the 2002 Act, the old law shall continue to apply in relation to any relevant arrangements which were in progress before 29th December 2004 and are in progress on that day and (if events so require) the actual results of those arrangements where, before 29th December 2004 and in relation to the arrangements, a reference was made by the Secretary of State under section 32(a) of the 1991 Act.

(2) Subject to paragraphs 15 to 18 of Schedule 24 of the 2002 Act, the old law shall continue to apply in relation the enforcement, variation or release of any undertakings given before 29th December 2004 under section 88 of the 1973 Act⁽¹⁾ in relation to any relevant arrangements which are not otherwise dealt with by paragraph (1).

(3) The new law shall apply in relation to relevant arrangements and (if events so require) the results of those arrangements if—

- (a) the arrangements were in progress before 29th December 2004 and are in progress on that day, and
- (b) before that day and in relation to the arrangements, no reference was made by the Secretary of State under section 32(a) of the 1991 Act.

(4) In this article—

- (a) “relevant arrangements” means arrangements which might result in the merger of two or more water enterprises; and
- (b) references to relevant arrangements which are in progress on 29th December 2004 include references to the actual results of those arrangements if the arrangements were in progress immediately before that day and have, at the beginning of that day, resulted in the merger of two or more water enterprises.