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STATUTORY INSTRUMENTS

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**2005 No. 2714**

**The Water Act 2003 (Commencement No. 5,  
Transitional Provisions and Savings) Order 2005**

**Citation and interpretation**

1.—(1) This Order may be cited as the Water Act 2003 (Commencement No. 5, Transitional Provisions and Savings) Order 2005.

(2) In this Order—

“the Act” means the Water Act 2003;

“the Authority” means the Water Services Regulation Authority;

“the Council” means the Consumer Council for Water;

“customer service committee” means any committee maintained under section 28 of the WIA(1); and

“the Director” means the Director General of Water Services.

(3) Unless the contrary intention appears, any reference in this Order to a section or Schedule is a reference to a section of or Schedule to the Act.

**Provisions coming into force on 1st October 2005**

2. The following provisions shall come into force on 1st October 2005—

(a) in section 35 (the Council)—

(i) subsection (1) in so far as it inserts into the WIA section 27A (establishment of the Council and committees) for all remaining purposes; and

(ii) subsections (2), (3) and (4);

(b) section 38 (forward work programmes and annual reports) for all remaining purposes;

(c) section 43 (general functions of the Council);

(d) section 44 (provision of information to the Council);

(e) section 45 (provision of statistical information to consumers etc);

(f) section 46 (consumer complaints);

(g) section 47 (investigations by the Council);

(h) section 56 (licensing of other water suppliers), but only in so far as it has application to paragraphs 1 and 2 of Schedule 4 and—

(i) in its application to paragraph 2, only in so far as that paragraph has effect for the purposes of inserting into the WIA sections 17K, 17M, 17P and 17Q; and

(ii) in its application to paragraph 1, only for the purpose of giving effect to paragraph 2 of that Schedule to the extent specified in sub-paragraph (i) above;

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(1) “WIA” means the Water Industry Act 1991 (c. 56) (section 105(2) of the Act).

- (i) section 62 (water resources management plans) in so far as it has effect for all remaining purposes as respects the insertion into the WIA of section 37B;
- (j) section 63 (drought plans) for all remaining purposes;
- (k) in section 100 (devolution: Wales)—
  - (i) subsection (2)(a), (iii) to (vi), (viii) and (ix), (b)(vi) and (x) and (g) in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
  - (ii) subsection (3) in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
  - (iii) subsection (6) in so far as it relates to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and
  - (iv) subsection (7) in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (iii) above) or the amendments made by subsections (2) and (3) (so far as brought into force by sub-paragraphs (i) and (ii) above);
- (l) section 101(1) (minor and consequential amendments and repeals) in so far as it relates to the amendments made by the following provisions of Schedule 7—
  - (i) paragraphs 16, 17, 19 and 22;
  - (ii) in paragraph 18, sub-paragraph (a) in so far as it has effect for the purposes of inserting the entry relating to the Council;
  - (iii) in paragraphs 20 and 21—
    - (aa) sub-paragraph (2) in so far as it has effect for the purposes of inserting the entry relating to the Council and the regional committees of the Council;
    - (bb) sub-paragraph (3)(a); and
    - (cc) sub-paragraph (1) in so far as it relates to the provisions mentioned in paragraphs (aa) and (bb) above;
  - (iv) in paragraph 26—
    - (aa) sub-paragraph (2)(a)(i)(a) in so far as it has effect for the purposes of inserting the entry relating to the Council;
    - (bb) sub-paragraphs (2)(a)(ii), (2)(b)(ii) and (5); and
    - (cc) sub-paragraph (1) in so far as it relates to the provisions mentioned in paragraphs (aa) and (bb) above;
  - (v) in paragraph 27—
    - (aa) sub-paragraphs (3), (4), (6) and (7)(d);
    - (bb) sub-paragraph (5) for all remaining purposes; and
    - (cc) sub-paragraph (1) in so far as it relates to the provisions mentioned in paragraphs (aa) and (bb) above;
  - (vi) in paragraph 28—
    - (aa) sub-paragraph (3)(a)(i) and (iv) and (b)(ii); and
    - (bb) sub-paragraph (1) in so far as it relates to the provisions mentioned in paragraph (aa) above; and
  - (vii) in paragraph 29, sub-paragraph (2) and sub-paragraph (1) in so far as it relates to that sub-paragraph; and
- (m) section 101(2) in so far as it relates to the following repeals specified in Schedule 9—
  - (i) the repeals of sections 28, 30 and 194 of, and Schedule 4 to, the WIA;

- (ii) the repeals in relation to the House of Commons Disqualification Act 1975(2) and the Northern Ireland Assembly Disqualification Act 1975(3) in so far as they relate to the Chairman of a customer service committee;
- (iii) the repeal of Schedule 4, paragraph 6 to the Water Act 1989(4);
- (iv) the repeal of Schedule 1, paragraphs 10, 28(a) and 29(a) to the Water Consolidation (Consequential Provisions) Act 1991(5); and
- (v) the repeal in relation to the reference in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999(6) to section 28(4).

### **Provisions coming into force on 1st December 2005**

3. The following provisions shall come into force on 1st December 2005—
- (a) section 56 for all remaining purposes;
  - (b) in section 100 (devolution: Wales)—
    - (i) subsection (2)(a)(ii), (iv) and (ix), (b)(i), (ii), (iv), (v), (viii), (ix) and (x), (d), (e), (h), (i) and (j) in so far as it relates to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article;
    - (ii) subsection (6) in so far as it relates to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and
    - (iii) subsection (7) in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (ii) above) or the amendments made by subsection (2) (so far as brought into force by sub-paragraph (i) above);
  - (c) section 101(1) (minor and consequential amendments and repeals) in so far as it relates to the amendments made by Schedule 8 for all remaining purposes; and
  - (d) section 101(2) in so far as it relates to repeals specified in Schedule 9 in relation to Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 for all remaining purposes.

### **Provisions coming into force on 1st April 2006**

4. The following provisions shall come into force on 1st April 2006—
- (a) section 34 (the Authority) except in so far as subsection (2) gives effect to Schedule 1 for the purposes of inserting into the WIA paragraph 11 of Schedule 1A;
  - (b) section 35 (the Council) for all remaining purposes;
  - (c) in section 36 (transfer to the Authority and the Council of functions, property etc), subsections (1) and (2);
  - (d) section 52 (co-operation between water regulators);
  - (e) in section 100 (devolution: Wales)—
    - (i) subsection (2)(a) for all remaining purposes;
    - (ii) subsection (6) in so far as it relates to references to provisions amended or introduced by any provision of the Act which is brought into force by virtue of this article; and

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(2) 1975 c. 24.

(3) 1975 c. 25.

(4) 1989 c. 15.

(5) 1991 c. 60.

(6) S.I. 1999/672, amended by S.I. 2000/253, S.I. 2004/3044 and section 100 of the Act.

- (iii) subsection (7) in so far as it relates to subsection (6) (so far as brought into force by sub-paragraph (ii) above) or the amendments made by subsection (2) (so far as brought into force by sub-paragraph (i) above);
- (f) section 101(1) (minor and consequential amendments and repeals) in so far as it relates to the amendments made by Part 2 of Schedule 7 for all remaining purposes; and
- (g) section 101(2) in so far as it relates to the following repeals specified in Schedule 9—
  - (i) the repeals of section 1 of, and Schedule 1 to, the WIA and the repeal in relation to section 219(1) of that Act;
  - (ii) repeal in relation to the Parliamentary Commissioner Act 1967(7);
  - (iii) the repeals in relation to the House of Commons Disqualification Act 1975 and the Northern Ireland Assembly Disqualification Act 1975 in so far as they relate to the Director; and
  - (iv) the repeals of section 185(2)(a) of, and Schedule 3, paragraphs 6 and 7, and Schedule 25, paragraphs 68(2)(a) and 76(a) to, the Water Act 1989(8).

#### **Transitional provisions, savings and revocation**

- 5.—(1) The transitional provisions and savings in the Schedule to this Order shall have effect.
- (2) Paragraph 2 (devolution: Wales) of Schedule 2 to the Water Act 2003 (Commencement No. 4, Transitional Provisions and Savings) Order 2005(9) shall be revoked.
- (3) Paragraphs (1) and (2) shall come into force on 1st October 2005.

*Ben Bradshaw*  
Parliamentary Under Secretary of State,  
Department for Environment, Food and Rural  
Affairs

29th September 2005

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(7) 1967 c. 13.  
(8) 1989 c. 15.  
(9) S.I. 2005/968 (C. 43).