
STATUTORY INSTRUMENTS

2004 No. 641

**The Water Act 2003 (Commencement No. 1
and Transitional Provisions) Order 2004**

Provisions coming into force on 1st April 2004

3. The following provisions of the Act shall come into force on 1st April 2004—
- (a) section 6(1) (rights to abstract small quantities), in so far as it inserts into the WRA section 27A (variation of small quantity threshold);
 - (b) section 9 (power to provide for further exemptions);
 - (c) in section 10 (orders under section 33 of the WRA, etc), subsection (11);
 - (d) section 15 (general consideration of licence applications);
 - (e) section 16 (protection from derogation), except the amendments made by subsections (4) and (5);
 - (f) section 18 (register of certain protected rights);
 - (g) in section 19, subsection (4), and section 20 (form, contents and effect of licences);
 - (h) in section 25 (compensation for modification of licence on direction of the Secretary of State), subsection (1), in so far as it relates to subsection (2), and subsections (2) and (4);
 - (i) section 27 (withdrawal of compensation for certain revocations and variations);
 - (j) section 37 (conditions relating to costs of water regulation);
 - (k) section 53 (specialist members of the Competition Commission);
 - (l) section 56 (licensing of water suppliers), but—
 - (i) in its application to paragraphs 2 and 4 of Schedule 4, only in so far as the paragraph in question has effect for the purpose of inserting into the WIA such provisions as are specified in relation to that paragraph in the second column of the table in Schedule 1 to this Order and, where in relation to any such provision any purpose is specified in the corresponding entry in the third column to that table, only in so far as the provision has effect for the specified purpose⁽¹⁾;
 - (ii) in its application to paragraph 1 of Schedule 4, only for the purposes of giving effect to paragraphs 2 and 4 of that Schedule to the extent specified in sub-paragraph (i);
 - (m) section 57 (the Chief Inspector of Drinking Water and the Drinking Water Inspectorate);
 - (n) sections 60 and 61 (penalties);
 - (o) section 64 (drought orders and drought permits: charges);
 - (p) section 65 (drought orders: procedure at local inquiries);
 - (q) sections 66 and 68 (land drainage and flood defence);
 - (r) section 71 (extension of Environment Agency's powers of entry under the WRA);
 - (s) section 72 (efficient use of water resources);

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

- (t) section 75 (extension of enforcement authority’s reserve powers under the Reservoirs Act 1975), in so far as it applies in relation to England⁽²⁾;
- (u) sections 81 to 83 (water conservation);
- (v) section 84 (fire hydrants);
- (w) section 85 (control of water from coal mines);
- (x) in section 100 (devolution: Wales)—
 - (i) subsection (2)(a)(ii), (iv) and (ix), b(iv), (viii) and (x), (d), (e), (f), (i) and (j), in so far as they relate to provisions brought into force by virtue of this Order;
 - (ii) subsection (4)(b)(i) and (ii);
 - (iii) subsection (5);
 - (iv) subsection (6), in so far as it relates to references to provisions amended by any provision of the Act which comes into force by virtue of this article or by virtue of the Water Act 2003 (Commencement) (Wales) Order 2004⁽³⁾; and
 - (v) subsection (7), in so far as it relates to subsection (6) (so far as brought into force by virtue of sub-paragraph (iv)) or the amendments made by subsections (2), (4) and (5) (so far as brought into force by sub-paragraphs (i) to (iii));
- (y) section 101(1) (minor and consequential amendments and repeals), in so far as it relates to the amendments made by the provisions of Schedules 7 and 8 specified in Schedule 2 to this Order; and
- (z) section 101(2), in so far as it relates to the following repeals specified in Schedule 9—
 - (i) the repeal of section 14(8) and (8A), and the repeal in relation to section 86(1), of the WIA;
 - (ii) the repeal of sections 33, 77(4) and 79A(8) of the WRA;
 - (iii) the repeal in relation to section 104(1) of the Utilities Act 2000⁽⁴⁾;
 - (iv) the repeal of section 1 of the Metropolis Water Act 1852⁽⁵⁾;
 - (v) the repeals in relation to Schedule 4 to the Environment Act 1995;
 - (vi) the repeal in relation to Schedule 7 and the repeal of paragraph 13(3) of Schedule 10 to the Competition Act 1998⁽⁶⁾; and
 - (vii) the repeal in relation to the references in the National Assembly for Wales (Transfer of Functions) Order 1999⁽⁷⁾ to sections 68 to 70 of the WIA, in so far as they relate to provisions brought into force by this Order.

⁽²⁾ 1975 c. 23. Equivalent provision in relation to Wales is made by the Water Act 2003 (Commencement) (Wales) Order 2004 (S.I. 2004/910 (W. 93) (C. 39)).

⁽³⁾ S.I. 2004/910 (W. 93) (C. 39).

⁽⁴⁾ 2000 c. 27.

⁽⁵⁾ 1852 c. 84.

⁽⁶⁾ 1998 c. 41.

⁽⁷⁾ S.I. 1999/672.