

2006 No. 523

CONSUMER PROTECTION

WATER, ENGLAND AND WALES

**The Unfair Terms in Consumer Contracts (Amendment) and
Water Act 2003 (Transitional Provision) Regulations 2006**

<i>Made</i> - - - -	<i>1st March 2006</i>
<i>Laid before Parliament</i>	<i>3rd March 2006</i>
<i>Coming into force</i> - -	<i>1st April 2006</i>

The Secretary of State has been designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to measures relating to consumer protection.

She makes the following Regulations in exercise of the powers conferred by that section and by section 103(1)(b) and (2)(b) of the Water Act 2003^(c):

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Unfair Terms in Consumer Contracts (Amendment) and Water Act 2003 (Transitional Provision) Regulations 2006.

(2) These Regulations come into force on 1st April 2006.

(3) Regulation 2 extends to the United Kingdom.

(4) Regulation 3 extends to England and Wales.

Amendment to the Unfair Terms in Consumer Contracts Regulations 1999

2.—(1) The Unfair Terms in Consumer Contracts Regulations 1999^(d) are amended as follows.

(2) In Schedule 1 (qualifying bodies), for “The Director General of Water Services” substitute “The Water Services Regulation Authority”.

Transitional provision in relation to pensions etc. of former holders of the office of Director General of Water Services

3. The Water Services Regulation Authority shall, if required to do so by the Secretary of State—

(a) S.I. 1993/2661.

(b) 1972 c. 68.

(c) 2003 c. 37.

(d) S.I. 1999/2083, to which there are amendments not relevant to these Regulations.

- (a) pay such pension, allowances or gratuities as may be determined by the Secretary of State with the approval of the Treasury to or in respect of any person who has held the office of Director General of Water Services; or
- (b) make such payments as may be so determined towards provision for the payment of a pension, allowances or gratuities to or in respect of such a person.

1st March 2006

Elliot Morley
Minister of State,
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Unfair Terms in Consumer Contracts Regulations 1999 (S.I. 1999/2083) (“the Principal Regulations”) confer certain enforcement functions on certain bodies. The Principal Regulations implement Council Directive 93/13/EEC on unfair terms in consumer contracts (O.J. No. L95, 21.4.1993, p.29).

Section 1A of the Water Industry Act 1991 (c. 56), inserted by section 34 of the Water Act 2003 (c. 37), establishes the Water Services Regulation Authority (“the Authority”). Section 34(3) of the Water Act 2003 abolishes the office of the Director General of Water Services (“the Director”). Section 36(1) of the Water Act 2003 transfers the functions of the Director to the Authority. These Regulations amend the Principal Regulations to substitute a reference to the Authority for the reference to the Director.

These Regulations also make transitional provision for the payment of pensions etc. to former Directors.

No regulatory impact assessment has been prepared in respect of these Regulations as it has no impact on the costs of business. A regulatory impact assessment in respect of the Water Act 2003 was prepared and placed in the library of each House of Parliament during the passage of the Water Bill. This included an assessment of the provisions of Part 2 of that Act. Copies can be obtained from Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs, 55 Whitehall, London SW1A 2EY or from the Department’s website at www.defra.gov.uk/environment/water/legislation.

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