

**2017 No. 462 (C. 41)**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Water Act 2014 (Commencement No. 9 and Transitional Provisions) Order 2017**

*Made* - - - - *22nd March 2017*

The Secretary of State makes this Order in exercise of the powers conferred by sections 91(1) and 94(3) of, and paragraphs 6 to 10 of Schedule 11 to, the Water Act 2014(a).

The Secretary of State has consulted the Welsh Ministers in accordance with paragraphs 8(6), 9(3) and 10(4) of Schedule 11 to the Water Act 2014.

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Water Act 2014 (Commencement No. 9 and Transitional Provisions) Order 2017.

(2) In this Order—

“the 1991 Act” means the Water Industry Act 1991(b);

“the 2014 Act” means the Water Act 2014;

“the Authority” means the Water Services Regulation Authority;

“new retail authorisation” means a retail authorisation given by a new water supply licence;

“new supplementary authorisation” means a supplementary authorisation given by a new water supply licence;

“new water supply licence” means a water supply licence granted under new section 17A of the 1991 Act(c) and “new water supply licensee” is to be construed accordingly;

“new wholesale authorisation” means a wholesale authorisation given by a new water supply licence;

“old water supply licence” means a water supply licence granted under old section 17A of the 1991 Act(d) and “old water supply licensee” is to be construed accordingly;

“relevant undertaker” means a water undertaker or a sewerage undertaker;

“threshold requirement” is to be construed in accordance with old section 17D of the 1991 Act(e), as the requirement applies to premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in England.

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(a) 2014 c.21. The power in section 94(3) to appoint a day on which the remaining provisions of the 2014 Act come into force is vested in the “appropriate authority”. Section 94(6) provides that the appropriate authority is the Secretary of State except as stated in the table in Schedule 12.

(b) 1991 c.56.

(c) Section 17A was substituted by section 1(1) of the 2014 Act.

(d) Old section 17A was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 (c.37).

(e) Section 17D was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 and amended by S.I. 2011/3014 and paragraph 12 of Schedule 7 to the 2014 Act.

(3) In this Order—

- (a) a reference to an old provision is a reference to a provision of the 1991 Act as it had effect before the coming into force of an amendment or repeal of that provision made by the 2014 Act;
- (b) a reference to a new provision is a reference to—
  - (i) a provision of the 1991 Act after an amendment of that provision made by the 2014 Act has come into force, or
  - (ii) a provision of the 1991 Act that was inserted by the 2014 Act.

**Provisions of the 2014 Act coming into force on 30th March 2017**

**2.** The following provisions of the 2014 Act come into force on 30th March 2017—

- (a) subsection (3) of section 1 (types of water supply licence and arrangements with water undertakers) so far as it relates to paragraph (c);
- (b) subsection (3) of section 4 (types of sewerage licence and arrangements with sewerage undertakers) so far as it relates to paragraph (d);
- (c) paragraph 4 of Schedule 2 (water undertakers' duties as regards water supply licensees) so far as not already in force;
- (d) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—
  - (i) section 117F;
  - (ii) section 117G so far as not already in force;
  - (iii) section 117H.

**Provisions of the 2014 Act coming into force on 1st April 2017**

**3.** The following provisions of the 2014 Act come into force on 1st April 2017—

- (a) subsection (3) of section 1 (types of water supply licence and arrangements with water undertakers) so far as it relates to paragraph (i);
- (b) section 2 (the supply system of a water undertaker);
- (c) subsection (3) of section 4 (types of sewerage licence and arrangements with sewerage undertakers) so far as it relates to paragraph (j);
- (d) section 10 (agreements by water undertakers to adopt infrastructure) as follows—
  - (i) subsection (1) so far as it relates to sub-paragraph (ii);
  - (ii) subsection (3) so far as it—
    - (aa) substitutes section 51B(6) of the 1991 Act so far as it confers power on the Secretary of State to make regulations or make provision in relation to the exercise of that power;
    - (bb) inserts section 51CB into the 1991 Act;
- (e) section 11 (agreements by sewerage undertakers to adopt infrastructure) as follows—
  - (i) subsection (1) so far as it relates to sub-paragraph (ii);
  - (ii) subsection (3) so far as it inserts section 105ZD into the 1991 Act;
- (f) section 31 (interim duty: water supply);
- (g) section 32 (interim duty: sewerage services) so far as not already in force;
- (h) section 56 (further amendments) so far as it relates to paragraph (k);
- (i) Schedule 2 (water undertakers' duties as regards water supply licensees) as follows—
  - (i) paragraph 1 so far as it substitutes sections 66A, 66AA and 66C of the 1991 Act;
  - (ii) paragraph 2 except as it relates to section 66CA(1)(c), (2) and (3) of the 1991 Act;

- (iii) paragraph 3;
  - (iv) paragraph 5 so far as not already in force;
  - (v) paragraphs 6 to 8;
  - (vi) paragraph 9 so far as not already in force.
- (j) Schedule 4 (sewerage undertakers' duties as regards sewerage licensees) so far as it inserts the following provisions into the 1991 Act—
- (i) sections 117A and 117B;
  - (ii) section 117E so far as it relates to sections 117A and 117B of the 1991 Act;
  - (iii) section 117M;
  - (iv) section 117P so far as not already in force;
- (k) Schedule 7 (further amendments) as follows—
- (i) paragraph 2 so far as it relates to sub-paragraphs (ii) to (xxiii);
  - (ii) paragraph 3 so far as not already in force;
  - (iii) paragraph 10 so far as not already in force;
  - (iv) paragraph 12 so far as not already in force;
  - (v) paragraph 35 as follows—
    - (aa) sub-paragraph (1) so far as it relates to paragraphs (bb) to (ee);
    - (bb) sub-paragraph (2) except as it relates to qualifying sewerage licensees;
    - (cc) sub-paragraph (3);
    - (dd) sub-paragraph (7) so far as it substitutes section 23(4)(b)(i) of the 1991 Act;
    - (ee) sub-paragraphs (8) and (9);
  - (vi) paragraphs 36 to 38 except as they relate to qualifying sewerage licensees;
  - (vii) paragraphs 58 to 61;
  - (viii) paragraph 73;
  - (ix) paragraph 74 so far as not already in force;
  - (x) paragraph 85;
  - (xi) paragraph 90 so far as it relates to a retail authorisation;
  - (xii) paragraph 93 so far as it relates to a retail authorisation;
  - (xiii) paragraph 96;
  - (xiv) paragraph 98 as follows—
    - (aa) sub-paragraph (1) so far as it relates to paragraph (bb);
    - (bb) sub-paragraphs (3) and (4);
  - (xv) paragraph 100;
  - (xvi) paragraph 105 so far as not already in force;
  - (xvii) paragraph 108 so far as not already in force;
  - (xviii) paragraph 111;
  - (xix) paragraph 112 so far as not already in force;
  - (xx) paragraph 115 so far as not already in force;
  - (xxi) paragraph 118;
  - (xxii) paragraph 120 as follows—
    - (aa) sub-paragraph (1) so far as it relates to paragraph (bb);
    - (bb) sub-paragraph (3) so far as it relates to sections 51CA and 51CB of the 1991 Act;
  - (xxiii) paragraph 123;

(xxiv) paragraphs 128 to 130;

(xxv) paragraphs 136 to 142.

#### **Provisions of the 2014 Act coming into force on 1st October 2017**

4. The following provisions of the 2014 Act come into force on 1st October 2017—
- (a) section 10 (agreements by water undertakers to adopt infrastructure) so far as not already in force;
  - (b) section 11 (agreements by sewerage undertakers to adopt infrastructure) so far as not already in force;
  - (c) section 56 (further amendments) so far as it relates to paragraph (d);
  - (d) Schedule 7 (further amendments) as follows—
    - (i) paragraph 2 so far as it relates to sub-paragraphs (ii) to (iv);
    - (ii) paragraphs 91 and 92;
    - (iii) paragraphs 94 and 95;
    - (iv) paragraph 98 so far as not already in force.

#### **Provisions of the 2014 Act coming into force on 1st April 2018**

5. The following provisions of the 2014 Act come into force on 1st April 2018—
- (a) section 18 (charges for providing a water main etc.);
  - (b) section 19 (charges for providing a public sewer etc.);
  - (c) section 20 (charges for moving pipes);
  - (d) section 56 (further amendments) so far as it relates to paragraph (e);
  - (e) Schedule 7 (further amendments) as follows—
    - (i) paragraph 2 so far as it relates to sub-paragraphs (ii) and (iii);
    - (ii) paragraphs 54 to 57;
    - (iii) paragraphs 87 to 89.

#### **Transitional provisions in relation to new section 66A of the 1991 Act**

6. Until new section 66B(1) of the 1991 Act(a) comes into force—
- (a) in new section 66A(5)(a)(ii) of the 1991 Act(b), the reference to a request under section 66B(1) of the 1991 Act is to be treated as a reference to a request under old section 66B(1) or (2) of the 1991 Act(c);
  - (b) in new section 66A(5)(b)(i) of the 1991 Act, the reference to a request under section 66B(2) or (3) of the 1991 Act is to be treated as a reference to a request under old section 66B(1) or (2) of the 1991 Act.

#### **Transitional provisions in relation to old section 66B of the 1991 Act**

7.—(1) Until new section 66B(1) of the 1991 Act comes into force, old section 66B of the 1991 Act applies as if the modifications in paragraphs (2) to (8) have effect.

(2) A reference to a qualifying licensed water supplier is to be treated as a reference to a qualifying water supply licensee.

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(a) Section 66B was substituted by paragraph 1 of Schedule 2 to the 2014 Act from a date to be appointed.

(b) Section 66A was substituted by paragraph 1 of Schedule 2 to the 2014 Act.

(c) Old section 66B was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

(3) A reference to a retail authorisation is to be treated as a reference to a restricted retail authorisation given by a new water supply licence, or a new retail authorisation, as appropriate.

(4) A reference to the supply system of a water undertaker is to be treated as a reference to the supply system of a water undertaker as it is described in old section 17B of the 1991 Act<sup>(a)</sup>.

(5) Old section 66D(1) of the 1991 Act applies in relation to a case referred to the Authority for a determination as to whether any condition specified in old section 66B(5) or (6) of the 1991 Act is satisfied and a reference to a licensed water supplier in old section 66D(1) of the 1991 Act is to be treated as a reference to a qualifying water supply licensee.

(6) Old sections 66D(2) to (8), 66E and 66F of the 1991 Act apply for the purpose of determining—

- (a) the period for which, and
- (b) the terms and conditions on which,

a water undertaker's duties under old section 66B of the 1991 Act are to be performed and a reference to a licensed water supplier in old sections 66D(2) to (8), 66E and 66F of the 1991 Act is to be treated as a reference to a qualifying water supply licensee.

(7) A reference to treatment works is to be construed as follows—

- (a) in relation to a water undertaker whose area is wholly or mainly in England, as a reference to works developed or maintained by the water undertaker for the purpose of complying with its duty under section 37 of the 1991 Act<sup>(b)</sup>;
- (b) in relation to a water undertaker whose area is wholly or mainly in Wales, as a reference to works designated from time to time by the Welsh Ministers as treatment works for the purposes of old section 66B(8)(a) of the 1991 Act;
- (c) in relation to a qualifying water supply licensee with a new supplementary authorisation, as a reference to works designated from time to time by the Welsh Ministers as treatment works for the purposes of old section 66B(8)(b) of the 1991 Act;
- (d) in relation to a qualifying water supply licensee with a new wholesale authorisation, as a reference to works owned or operated by the licensee and used for the introduction of water into the undertaker's supply system in accordance with its new wholesale authorisation.

(8) A reference to the Secretary of State, except in old section 66B(9) of the 1991 Act, is to be treated as a reference to the Welsh Ministers in relation to a water undertaker whose area is wholly or mainly in Wales or in relation to a qualifying water supply licensee with a new supplementary authorisation.

(9) In this article, "qualifying water supply licensee" means a new water supply licensee with a new supplementary authorisation or a new wholesale authorisation.

### **Transitional provisions in relation to old section 66D agreements**

**8.—**(1) Subject to paragraphs (2) to (5), an old section 66D agreement ceases to have effect after 31st March 2017.

(2) An old section 66D agreement continues to have effect on and from 1st April 2017, with the modifications set out in sub-paragraphs (a) and (b), in a case where the person who entered into the agreement as the holder of an old water supply licence holds on 1st April 2017 a new water supply licence with a new wholesale authorisation or new supplementary authorisation that authorises that person to make the introduction of water that is the subject of the old section 66D agreement—

- (a) where a water undertaker whose area is wholly or mainly in England is a party to the agreement, a reference in that agreement to the old supplementary authorisation is to be treated as a reference to the new water supply licensee's new wholesale authorisation;

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(a) Old section 17B was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 (c.37).

(b) Section 37 was amended by section 26(2) of the Water Act 2003 and paragraph 46 of Schedule 7 to the 2014 Act.

(b) where a water undertaker whose area is wholly or mainly in Wales is a party to the agreement, a reference in that agreement to the old supplementary authorisation is to be treated as a reference to the new water supply licensee's new supplementary authorisation.

(3) The Authority may vary or terminate an old section 66D agreement by order, on application by the new water supply licensee who is a party to the agreement.

(4) Old section 66E of the 1991 Act(a) applies for the purpose of determining charges payable under an old section 66D agreement and a reference in old section 66E of the 1991 Act to a licensed water supplier is to be treated as a reference to a new water supply licensee.

(5) A new water supply licensee may refer a case to the Authority for a determination under old section 66D(1) of the 1991 Act and in that instance—

(a) the old section 66F of the 1991 Act(b) is to apply to that determination, and

(b) a reference in old sections 66D(1) and 66F of the 1991 Act to a licensed water supplier is to be treated as a reference to a new water supply licensee.

(6) In this article—

“old section 66D agreement” means such agreement or determination as is mentioned in old section 66D(3) of the 1991 Act(c);

“old supplementary authorisation” means an authorisation as defined in old section 17A(5) of the 1991 Act given by an old water supply licence.

#### **Transitional provision in relation to new section 66D of the 1991 Act**

9. A reference to section 66B of the 1991 Act in new section 66D of the 1991 Act(d) is to be read as if new section 66B of the 1991 Act was in force.

#### **Transitional provisions in relation to new sections 66DA to 66DC of the 1991 Act**

10. In new sections 66DA to 66DC of the 1991 Act(e)—

(a) a reference to sections 66A to 66C of the 1991 Act is to be read as if new sections 66A to 66C of the 1991 Act(f) were in force;

(b) a reference to a section 66D agreement is a reference to a section 66D agreement as defined in new section 66D(9) of the 1991 Act.

#### **Transitional provisions in respect of new wholesale authorisations**

11.—(1) Until new section 66B(1) of the 1991 Act comes into force, paragraphs (2) to (5) have effect in relation to a new wholesale authorisation.

(2) A new wholesale authorisation is an authorisation to the new water supply licensee to introduce water into the supply system of a water undertaker—

(a) by means of which system any particular supply in accordance with the licensee's new retail authorisation is to take place, and

(b) where that introduction is to be made in connection with that intended supply.

(3) The threshold requirement must be satisfied in relation to the supply of water to any premises, where the supply to those premises is made in connection with the introduction of water into the supply system of a water undertaker under a new wholesale authorisation.

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(a) Old section 66E was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

(b) Old section 66F was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

(c) Old section 66D was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

(d) New section 66D was substituted by paragraph 3 of Schedule 2 to the 2014 Act.

(e) Sections 66DA to 66DC were inserted by paragraph 4 of Schedule 2 to the 2014 Act.

(f) New sections 66A and 66C were substituted by paragraph 1 of Schedule 2 to the 2014 Act.

(4) Any guidance issued by the Authority under old section 17D(3) of the 1991 Act<sup>(a)</sup> is to apply to estimates of the quantity of water to be supplied to any premises in accordance with a new wholesale authorisation as it does for any estimate for the purposes of old section 17D(2) of the 1991 Act.

(5) A reference to the supply system of a water undertaker in the following provisions is to be treated as a reference to the supply system of a water undertaker as it is described in old section 17B of the 1991 Act—

- (a) section 66J of the 1991 Act<sup>(b)</sup>;
- (b) the description of the new wholesale authorisation in paragraph 5 of Schedule 2A to the 1991 Act<sup>(c)</sup>;
- (c) regulation 4 of the Water Supply (Exceptions from Supply System Prohibitions) Regulations 2005<sup>(d)</sup>.

### **Transitional provisions in respect of secondary supplies and new wholesale authorisations**

**12.**—(1) Until new section 66B(1) of the 1991 Act comes into force, paragraphs (2) to (4) have effect in relation to a request under new section 66C(1), (2) or (3) of the 1991 Act to a secondary water undertaker.

(2) The supply of water to any premises, using the primary water undertaker’s supply system must be made in accordance with the requesting water supply licensee’s new retail authorisation.

(3) The threshold requirement must be satisfied in relation to the supply of water to any premises, where the supply to those premises is made in connection with the introduction of water into the supply system of a water undertaker by way of secondary supply.

(4) A reference to the supply system of a water undertaker is to be treated as a reference to the supply system of a water undertaker as it is described in old section 17B of the 1991 Act.

(5) In this article—

“primary water undertaker” has the meaning given in new section 66C(11) of the 1991 Act;

“secondary supply” means the provision by a secondary water undertaker of a supply of water so that water may be supplied to particular premises, using the primary water undertaker’s supply system;

“secondary water undertaker” has the meaning given in new section 66C(1) of the 1991 Act.

### **Transitional provision in respect of undertakings by old water supply licensees**

**13.**—(1) Paragraph (2) applies where an old water supply licensee has entered into an undertaking with a customer before 1st April 2017 to give a supply of water to any premises.

(2) If the old water supply licensee holds a new water supply licence on 1st April 2017, the undertaking referred to in paragraph (1) is to be treated as if it was entered into under that new water supply licence.

### **Transitional provisions in respect of new charging rules for connections**

**14.**—(1) The new charging rules and the relevant provisions of the 2014 Act do not apply where before 1st April 2018—

- (a) the relevant conditions are already satisfied, or

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(a) Section 17D was inserted by paragraph 2 of Schedule 4 to the Water Act 2003 and amended by paragraph 12 of Schedule 7 to the 2014 Act.

(b) Section 66J was inserted by paragraph 3 of Schedule 4 to the Water Act 2003.

(c) Schedule 2A was inserted by Schedule 1 to the 2014 Act.

(d) S.I. 2005/3075.

- (b) a person and a relevant undertaker have agreed that the provisions of the 1991 Act before they were amended by the relevant provisions of the 2014 Act are to continue to be the basis for the calculation of charges.

(2) The transitional arrangement provided for in paragraph (1)(b) ends on 31st March 2023 and from 1st April 2023 the new charging rules must be used as the basis for the calculation of charges.

(3) In this article—

“new charging rules” means rules about charges issued by the Authority under section 144ZA of the 1991 Act(a);

“relevant conditions” means—

- (a) in relation to the duty of a water undertaker under section 41 of the 1991 Act(b) to provide a water main, the conditions specified in old section 42 of the 1991 Act(c);
- (b) in relation to the service of a connection notice on a water undertaker under section 45 of the 1991 Act(d), such conditions as the water undertaker may have imposed under old sections 47 to 50 of the 1991 Act(e);
- (c) in relation to the duty of a sewerage undertaker under section 98 of the 1991 Act(f) to provide a public sewer or lateral drain, the conditions specified in old section 99 of the 1991 Act(g);
- (d) in relation to the provision of a lateral drain in accordance with section 101B of the 1991 Act(h) following provision of a public sewer, the condition that a request has been made under old section 101B of the 1991 Act(i);
- (e) in relation to the making by a sewerage undertaker of a communication with one of its public sewers in accordance with section 107 of the 1991 Act(j), the condition that a person has given a sewerage undertaker notice under old section 106 of the 1991 Act(k) proposing to make a communication between a drain or sewer and such a public sewer of that undertaker;
- (f) in relation to the duty of a relevant undertaker under section 185 of the 1991 Act(l) to move a relevant pipe or other apparatus, the condition that a notice has been served on the relevant undertaker under old section 185 of the 1991 Act;

“relevant provisions of the 2014 Act” means—

- (g) sections 18 to 20 of the 2014 Act; and
- (h) paragraphs 7, 54 to 57 and 87 to 89 of Schedule 7 to the 2014 Act.

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- (a) Section 144ZA was inserted by section 17 of the 2014 Act.
- (b) Section 41 was amended by paragraph 1 of Schedule 18(IV) to the Government of Wales Act 1998 (c.38), paragraph 56 of Schedule 8 to the Housing and Regeneration Act 2008 (c.17), paragraph 40 of Schedule 22 to the Localism Act 2011 (c.20) and by S.I. 2016/744.
- (c) Old section 42 was amended by sections 36(2) and 90 of the Water Act 2003.
- (d) Section 45 was amended by section 35(2) and paragraph 1 of Schedule 2 to the Competition and Service (Utilities) Act 1992 (c.43), sections 36(2) and 92(2) of the Water Act 2003, section 18(3) of the 2014 Act and by S.I. 2016/744.
- (e) Old sections 47 to 50 were amended by sections 35(4) and 51 of the Competition and Service (Utilities) Act 1992 and by sections 36(2) and 92(3) of the Water Act 2003.
- (f) Section 98 was amended by paragraph 26 of Schedule 1 to the Competition and Service (Utilities) Act 1992, paragraph 1 of Schedule 18(IV) to the Government of Wales Act 1998, section 95 of, and paragraph 1 of Schedule 9 to, the Water Act 2003, paragraph 58 of Schedule 8 to the Housing and Regeneration Act 2008, paragraph 42 of Schedule 22 to the Localism Act 2011 and by S.I. 2016/744.
- (g) Old section 99 was amended by sections 36(2), 93(1) and 95(6) of the Water Act 2003.
- (h) Section 101B was amended by section 19 of and paragraph 89 of Schedule 7 to the 2014 Act.
- (i) Old section 101B was inserted by section 95(9) of the Water Act 2003.
- (j) Section 107 was amended by section 35(9) of the Competition and Service (Utilities) Act 1992, section 36(2) of the Water Act 2003 and section 19 of and paragraph 95 of Schedule 7 to the 2014 Act.
- (k) Old section 106 was amended by sections 35(8) and 43(2) of, and paragraph 1 of Schedule 2 to, the Competition and Service (Utilities) Act 1992 and by sections 36(2) and 99 of the Water Act 2003.
- (l) Section 185 was amended by section 36(2) of the Water Act 2003 and section 20 of the 2014 Act.



## **Transitional provisions in relation to new charging rules for adoption agreements**

**15.**—(1) Before 1st April 2018, old section 51C of the 1991 Act(a) continues to have effect in relation to a section 51A agreement.

(2) In relation to a section 51A agreement, from 1st April 2018 the new charging rules do not apply and old section 51C of the 1991 Act continues to have effect, where before that date—

- (a) a section 51A agreement has been made,
- (b) an appeal has been made to the Authority under old section 51B of the 1991 Act(b),
- (c) an application has been made to the Authority for an order under new section 51B(4) of the 1991 Act(c), or
- (d) a person and a relevant undertaker have agreed that old section 51C of the 1991 Act is to continue to be the basis for the calculation of charges and that the new charging rules are not to apply.

(3) In relation to a section 104 agreement, from 1st April 2018 the new charging rules do not apply, where before that date—

- (a) a section 104 agreement has been made,
- (b) an appeal has been made to the Authority under old section 105 of the 1991 Act(d),
- (c) an application has been made to the Authority for an order under new section 105ZA(4) of the 1991 Act(e), or
- (d) a person and a relevant undertaker have agreed that the new charging rules are not to apply.

(4) The transitional arrangements provided for in paragraphs (2)(d) and (3)(d) end on 31st March 2023 and from 1st April 2023 the new charging rules must be used as the basis for the calculation of charges.

(5) In this article—

“new charging rules” means rules about charges issued by the Authority under section 51CD or 105ZF of the 1991 Act(f);

“section 51A agreement” means an agreement between a water undertaker and a person constructing or proposing to construct a water main or a service pipe made under either old section 51A of the 1991 Act(g) or new section 51A of the 1991 Act(h);

“section 104 agreement” means an agreement between a sewerage undertaker and a person constructing or proposing to construct a sewer, a drain or a sewage disposal works made under old section 104 of the 1991 Act(i) or new section 104 of the 1991 Act(j).

## **Amendment to the Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016**

**16.** In paragraphs 1, 2 and 3 of Schedule 2 to the Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016(k), for “3rd April 2017” substitute “1st April 2017”.

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- (a) Old section 51C was inserted by section 92(1) of the Water Act 2003.
  - (b) Old section 51B was inserted by section 92(1) of the Water Act 2003.
  - (c) Section 51B(4) was substituted by section 10(3) of the 2014 Act.
  - (d) Old section 105 was amended by sections 36(2) and 96(5) of the Water Act 2003 and section 42(2) of the Flood and Water Management Act 2010.
  - (e) Section 105ZA was inserted by section 11(3) of the 2014 Act.
  - (f) Sections 51CD and 105ZF were inserted by sections 10(3) and 11(3) of the 2014 Act respectively.
  - (g) Old section 51A was inserted by section 92(1) of the Water Act 2003.
  - (h) Section 51A was amended by section 10(2) of the 2014 Act.
  - (i) Old section 104 was amended by section 96(4) of, and paragraph 1 of Schedule 9(3) to, the Water Act 2003 and section 42(3) of the Flood and Water Management Act 2010.
  - (j) Section 104 was amended by section 11(2) of, and paragraph 91 of Schedule 7, to the 2014 Act.
  - (k) S.I. 2016/465 (C. 26).

22nd March 2017

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural Affairs

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is the ninth commencement order made under the Water Act 2014 (c.21) (“the 2014 Act”) in relation to England and Wales. This Order commences various provisions of the 2014 Act amending the Water Industry Act 1991 (c.56) (“the 1991 Act”).

Article 2 brings into force on 30th March 2017 provisions which allow the Water Services Regulation Authority (“Ofwat”) to issue codes in respect of agreements under sections 66D and 117E of the 1991 Act.

Article 3 brings into force on 1st April 2017 provisions relating to the new licensing regime for water supply and sewerage services to non-household customers.

Articles 4 and 5 bring into force on 1st October 2017 and 1st April 2018 respectively provisions introducing codes from Ofwat about agreements under sections 51A and 104 of the 1991 Act and charging rules from Ofwat about the charges that developers and other customers pay water and sewerage undertakers for new connections and other infrastructure services.

Articles 6 to 13 contain transitional provisions relating to water supply licensing.

Articles 14 and 15 contain transitional provisions relating to Ofwat’s charging rules.

Article 16 makes an amendment to the Water Act 2014 (Commencement No. 6, Transitional Provisions and Savings) Order 2016 (S.I. 2016/465 (C.26)).

Impact assessments of the effect that the 2014 Act will have on the costs of business, the voluntary sector and the public sector are available from the Water Services Team, Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR and are published alongside the 2014 Act at [www.legislation.gov.uk](http://www.legislation.gov.uk). No separate impact assessment has been produced for this instrument.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the 2014 Act have been brought into force by a commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	1st September 2015	2015/773
Section 1 (partially)	1st September 2015	2015/1469
Section 1 (partially)	1st January 2016	2015/1938
Section 1 (partially)	1st April 2016	2016/465
Section 1 (partially)	1st September 2016	2016/465
Section 1 (partially)	1st November 2016	2016/1007
Section 4 (partially)	1st September 2015	2015/773
Section 4 (partially)	1st September 2015	2015/1469
Section 4 (partially)	1st January 2016	2015/1938
Section 4 (partially)	1st April 2016	2016/465
Section 4 (partially)	1st September 2016	2016/465
Section 6 (partially)	18th December 2015	2015/1938
Section 6 (for all remaining purposes)	1st April 2016	2016/465
Section 7 (partially)	20th November 2015	2015/360 (S.S.I.)
Section 7 (for all remaining purposes)	1st April 2016	2016/48 (S.S.I.)
Section 8 (partially)	6th April 2015	2015/773
Section 8 (partially)	1st November 2016	2016/1007
Section 9 (partially)	1st November 2016	2016/1007
Section 10 (partially)	18th December 2015	2015/1938
Section 11 (partially)	18th December 2015	2015/1938
Section 14 (partially)	6th April 2015	2015/773
Section 14 (for all remaining purposes)	18th December 2015	2015/1938
Section 16 (partially)	15th July 2015	2015/1469
Section 16 (for all remaining purposes)	1st November 2015	2015/1469
Section 17 (partially)	6th April 2015	2015/773
Section 17 (partially)	15th July 2015	2015/1469
Section 17 (partially)	1st April 2016	2016/465
Section 22 (for all remaining purposes)	18th December 2015	2015/1938
Section 23 (partially)	1st January 2015	2014/3320
Section 23 (partially)	6th April 2015	2015/773
Section 23 (for all remaining purposes)	1st April 2016	2016/465
Section 24	6th April 2015	2015/773
Section 25 (for all remaining purposes)	1st April 2016	2016/465
Section 29 (partially)	1st January 2015	2014/3320
Section 29 (partially)	15th July 2015	2015/1469
Section 29 (for all remaining purposes)	1st November 2016	2016/1007
Section 30 (partially)	1st January 2015	2014/3320
Section 30 (partially)	15th July 2015	2015/1469
Section 30 (for all remaining purposes)	1st November 2016	2016/1007
Section 32 (partially)	6th March 2017	2017/58
Section 34 (partially)	1st September 2016	2016/465
Section 37	1st April 2016	2016/465
Section 38 (partially)	1st January 2015	2014/3320
Section 38 (partially)	6th April 2015	2015/773
Section 38 (for all remaining purposes)	1st April 2016	2016/465
Section 40 (partially)	14th July 2014	2014/1823

Section 40 (partially)	1st November 2016	2016/1007
Section 41	1st November 2015	2015/1786 (W.249)
Sections 42 to 47	6th April 2015	2015/773
Section 49	6th April 2015	2015/773
Sections 51 and 52	6th April 2015	2015/773
Section 53 (partially)	6th April 2015	2015/773
Section 55	1st January 2015	2014/3320
Section 56 (partially)	1st January 2015	2014/3320
Section 56 (partially)	15th July 2015	2015/1469
Section 56 (partially)	1st September 2015	2015/1469
Section 56 (partially)	1st November 2015	2015/1469
Section 56 (partially)	18th December 2015	2015/1938
Section 56 (partially)	1st January 2016	2015/1938
Section 56 (partially)	1st April 2016	2016/465
Section 56 (partially)	1st September 2016	2016/465
Section 56 (partially)	1st November 2016	2016/1007
Section 56 (partially)	6th March 2017	2017/58
Section 59	1st October 2014	2014/1823
Sections 64 to 68	1st January 2015	2014/3320
Section 69 (for all remaining purposes)	1st January 2015	2014/3320
Section 82 (partially)	1st January 2015	2014/3320
Sections 83 and 84	1st January 2015	2014/3320
Schedule 1	1st January 2016	2015/1938
Schedule 2 (partially)	1st September 2015	2015/773
Schedule 2 (partially)	1st September 2015	2015/1469
Schedule 2 (partially)	1st April 2016	2016/465
Schedule 2 (partially)	1st September 2016	2016/465
Schedule 3	1st January 2016	2015/1938
Schedule 4 (partially)	1st September 2015	2015/773
Schedule 4 (partially)	1st September 2015	2015/1469
Schedule 4 (partially)	1st April 2016	2016/465
Schedule 4 (partially)	1st September 2016	2016/465
Schedule 6	1st April 2016	2016/465
Schedule 7 (partially)	1st January 2015	2014/3320
Schedule 7 (partially)	15th July 2015	2015/1469
Schedule 7 (partially)	1st September 2015	2015/1469
Schedule 7 (partially)	1st November 2015	2015/1469
Schedule 7 (partially)	18th December 2015	2015/1938
Schedule 7 (partially)	1st January 2016	2015/1938
Schedule 7 (partially)	1st April 2016	2016/465
Schedule 7 (partially)	1st September 2016	2016/465
Schedule 7 (partially)	1st November 2016	2016/1007
Schedule 7 (partially)	6th March 2017	2017/58
Schedule 9	14th July 2014	2014/1823

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£6.00

UK2017032323 03/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/462>

ISBN 978-0-11-115720-6



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