

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART VII

MISCELLANEOUS

Private water supplies

39.—(1) Any notice served by DOE under Article 3E(1) of the 1973 Order which is effective immediately before the transfer date (whether or not modified under Article 3E(7)) shall have effect on and after that date—

- (a) as if it were a notice served by DOE under Article 119(1) of the 2006 Order; and
- (b) where Article 3E(2)(a) and (b) of the 1973 Order is satisfied in relation to such notice, as if Article 119(2) of the 2006 Order were satisfied in relation to it.

(2) Where any appeal has been made to the Appeals Commission in accordance with Article 3E(2) or (7) of the 1973 Order in respect of any notice and has not been determined before the transfer date, it shall be determined by the Appeals Commission on or after that date as if—

- (a) in the case of an appeal in accordance with Article 3E(2) of that Order, the notice had been submitted to the Appeals Commission by DOE for confirmation under Article 120 of the 2006 Order, and paragraphs 120(3) and (4) of that Article shall apply accordingly, and
- (b) in the case of an appeal in accordance with Article 3E(7) of the 1973 Order, an appeal had been made by the person on whom the notice is served under Article 121(7) of that Order.

(3) Where a person has a right to appeal to the Appeals Commission under Article 3E(2) or (7) of the 1973 Order in respect of any notice within the period of 28 days from the date of service of the notice by DOE and before the transfer date—

- (a) that right has not been exercised; and
- (b) that period has not expired,

the right may be exercised by serving notice of the appeal on DOE, or otherwise submitting a written representation or objection to DOE, within the said period and, if so exercised, the appeal shall be determined by the Appeals Commission as if the notice had been submitted to the Appeals Commission by DOE for confirmation under Article 120 of the 2006 Order, and paragraphs (3) and (4) of that Article shall apply accordingly.

(4) Any notice served by DOE under Article 3F(1) of the 1973 Order which is effective immediately before the transfer date shall have effect on and after that date as if it were a notice served by DOE under paragraph (1) of Article 123 of the 2006 Order, and paragraph (2) of that Article shall apply accordingly.