

**Changes to legislation:** Water Industry Act 1991, SCHEDULE 16 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 16

#### PROCEDURE ON APPEALS UNDER SECTION 207A

##### Textual Amendments

- F1** Sch. 16 inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 6](#); [S.I. 2016/465](#), art. 2(l) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

##### *Regulations as to procedure*

- 1 The Secretary of State may by regulations make provision about the procedure applying to appeals under section 207A.

##### *Particular provision*

- 2 Regulations under this Schedule may in particular make provision about—
- (a) making an application for permission to bring an appeal;
  - (b) imposing conditions on the granting of permission to appeal (including conditions requiring an appeal to be considered together with other appeals, whether relating to the same revision or the same code or not);
  - (c) the persons who may be party to an appeal;
  - (d) making an application for permission to be made party to an appeal;
  - (e) imposing conditions on the granting of permission to become party to an appeal;
  - (f) enabling a member of the CMA to make decisions as to the matters referred to in paragraphs (a), (b), (d) and (e);
  - (g) enabling a member of the CMA to direct, pending the determination of the appeal, that the code in question—
    - (i) is to have effect without the revision, or
    - (ii) is to have effect with the revision but with modifications specified by the direction;
  - (h) the number of persons in a group constituted to hear an appeal;
  - (i) the making of a decision by the group;
  - (j) the participation of the Authority in the appeal (including provision as to the making of representations and observations by the Authority otherwise than in connection with the consideration of the appeal);
  - (k) the imposing of time limits (including provision for time limits to be waived in certain cases by a member of the CMA);
  - (l) orders for costs;
  - (m) the recovery of the CMA's costs.

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*Consideration and determination of appeals*

- 3 (1) Regulations under this Schedule may make provision about—
- (a) the consideration and determination of the appeal;
  - (b) giving effect to the determination.
- (2) Provision under sub-paragraph (1)(a) may include in particular—
- (a) provision for disregarding, when determining an appeal, matters not raised as required by the regulations;
  - (b) provision as to the time within which an appeal is to be determined.

*Evidence*

- 4 (1) Regulations under this Schedule may make provision about—
- (a) requiring the production of documents;
  - (b) requiring persons to attend an oral hearing;
  - (c) requiring persons attending an oral hearing—
    - (i) to give evidence at the hearing;
    - (ii) to make representations and observations;
  - (d) requiring persons—
    - (i) to produce a written statement;
    - (ii) to verify the statement by a statement of truth.
- (2) No person is to be compelled under the regulations—
- (a) to produce a document that the person could not be compelled to produce in civil proceedings in the High Court;
  - (b) to give evidence which the person could not be compelled to give in civil proceedings in the High Court;
  - (c) to produce a written statement with respect to a matter about which the person could not be compelled to give evidence in civil proceedings in the High Court.
- (3) The regulations may provide for a notice requiring the production of documents, attendance of a person, or the production of a written statement to be issued by any member of the CMA.
- 5 (1) Regulations under this Schedule may provide for penalties to be imposed where—
- (a) a person fails without reasonable excuse to comply with a requirement imposed in accordance with regulations under paragraph 4;
  - (b) having been required to produce a document in accordance with paragraph 4, a person wilfully alters, suppresses or destroys the document;
  - (c) having been required to produce a written statement in accordance with paragraph 4, a person makes without reasonable excuse a false statement in the written statement produced;
  - (d) having been required by appeal rules to verify information with a statement of truth, a person provides without reasonable excuse information that is false in a material particular.
- (2) The regulations may provide for conduct falling within sub-paragraph (1)(a), (c) or (d) to be punished by the High Court as if the person had been guilty of contempt.

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- (3) The regulations may provide that, where a body corporate may be punished for contempt of court, the High Court has power to punish for contempt of court any director or other officer of the body (instead of or as well as the body).
- (4) The regulations may provide for conduct falling within sub-paragraph (1)(b) to be an offence triable either summarily or on indictment.
- (5) The regulations may provide for such an offence to be punishable—
  - (a) on summary conviction, by a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, by imprisonment for a term not exceeding two years or by a fine, or by both.

#### *Appeal rules*

- 6 (1) The CMA may make rules regulating the conduct and disposal of appeals.
- (2) The rules may include provision supplementing regulations made under this Schedule; and that provision may, in particular, impose time limits or other restrictions on—
  - (a) the taking of evidence at an oral hearing;
  - (b) the making of representations or observations at such a hearing.
- (3) The CMA must publish rules made under this paragraph in such manner as it considers appropriate for the purpose of bringing them to the attention of those likely to be affected by them.
- (4) Before making rules under this paragraph, the CMA must consult such persons as it considers appropriate.
- (5) Rules under this paragraph may make different provision for different cases.

#### *Interpretation*

- 7 In this Schedule—
  - “appeal” means an appeal under section 207A;
  - “appeal rules” means rules under paragraph 6;
  - “statement of truth” means a statement that the person producing the document believes the facts stated in the document to be true.]

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)
- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)

- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)
- s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)