

SCHEDULES

SCHEDULE 2

SECTION 7: SECTORAL REGULATORS

Water

- 8 (1) The Director General of Water Services shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions inserted in the Fair Trading Act 1973 by section 7 above, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the supply of water or the provision of sewerage services.
- (2) In sub-paragraph (1) above, “commercial activities connected with the supply of water or the provision of sewerage services” has the same meaning as in section 31(2) of the Water Industry Act 1991.
- 9 So far as necessary for the purposes of, or in connection with, sub-paragraph (1) of paragraph 8 above, the references to the Director General of Fair Trading in the provisions mentioned in that sub-paragraph shall be construed as if they were or, as the case may require, as if they included references to the Director General of Water Services.
- 10 (1) Section 31 of the Water Industry Act 1991 shall be amended as follows.
- (2) In subsection (5) (duty to consult other Director in case of functions exercisable concurrently by Director General of Water Services and Director General of Fair Trading) after “subsection (3) above” there shall be inserted “or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.
- (3) In subsection (6) (exercise of function by one Director to exclude exercise in the same matter by the other Director)—
- (a) after the words “subsection (3) above”, in the first place where they occur, there shall be inserted “or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”, and
- (b) for “that paragraph or, as the case may be, in subsection (3) above” there shall be substituted “that provision”.
- (4) In subsection (8) (power of Secretary of State to determine any question as to the application of certain provisions) after “above” there shall be inserted “or paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994”.