

SCHEDULES

SCHEDULE 3

TRANSFER ETC. OF FUNCTIONS: FURTHER PROVISIONS

PART II

CONTINUING ROLE FOR TRANSFEROR ETC

Intervention in case of functions relating to water etc.

- 6 (1) Where it appears to the Secretary of State that the exercise of a relevant transferred environmental function (or the failure to exercise such a function) in any particular case might have a serious adverse impact on—
- (a) water resources,
 - (b) water supply, or
 - (c) the quality of water,
- in England, he may intervene under this paragraph in that case.
- (2) If the Secretary of State intervenes in a case under this paragraph—
- (a) he may in that case exercise the function concerned, and
 - (b) that function shall not in that case be exercisable by the Assembly.
- (3) For the purposes of sub-paragraph (1) a function is a relevant transferred environmental function if it is a function—
- (a) under Part I of the Environmental Protection Act 1990, or
 - (b) under Part II, III or VII of the Water Resources Act 1991,
- and it has been transferred to the Assembly by an Order in Council under section 22 which states that this paragraph is to apply in relation to it.
- (4) An intervention by the Secretary of State under this paragraph shall be made by giving notice to the Assembly.
- (5) The notice—
- (a) shall state the reason for the Secretary of State's intervention,
 - (b) may make provision about the effect of any steps previously taken by the Assembly or any other person, and
 - (c) may extend the time for the taking of any steps by the Secretary of State or any other person (even if the time for taking them would otherwise have expired before the notice is given).
- (6) Where the Secretary of State has made an intervention under this paragraph in a case he shall, in addition to the notice under sub-paragraph (4), give notice to—
- (a) any person who has previously been given notice of any steps taken, or proposed to be taken, in the case,

Status: This is the original version (as it was originally enacted).

- (b) the Environment Agency (if concerned in the case), and
- (c) any water undertaker or sewerage undertaker concerned in the case.