

SCHEDULES

SCHEDULE 9

CERTAIN AMENDMENTS OF SECTORAL ENACTMENTS

PART 2

APPLICATION OF PART 4 OF THIS ACT TO SECTORAL REGULATORS

Water Industry Act 1991 (c. 56)

- 19 (1) Section 31 of the Water Industry Act 1991 (application of monopoly provisions etc. to the Director General of Water Services) shall be amended as follows.
- (2) For subsection (2) (monopoly functions to be exercisable concurrently by the Director General of Water Services) there shall be substituted—
- “(2) The functions to which subsection (2A) below applies shall be concurrent functions of the Director and the OFT.
- (2A) This subsection applies to the functions of the OFT under Part 4 of the 2002 Act (other than sections 166 and 171) so far as relating to commercial activities connected with the supply of water or the provision of sewerage services.”
- (3) For subsection (4) there shall be substituted—
- “(4) So far as necessary for the purposes of, or in connection with, subsections (2) and (2A) above, references in Part 4 of the 2002 Act to the OFT (including references in provisions of that Act applied by that Part) shall be construed as including references to the Director (except in sections 166 and 171 of that Act and in any other provision of that Act where the context otherwise requires).”
- (4) For subsections (5) and (6) there shall be substituted—
- “(5) Before the OFT or the Director first exercises in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above, that person shall consult the other.
- (6) Neither the OFT nor the Director shall exercise in relation to any matter functions which are exercisable concurrently by virtue of subsection (2) above if functions which are so exercisable have been exercised in relation to that matter by the other.”
- (5) In subsection (8)—
- (a) the words from “or paragraph” to “Act 1994” shall cease to have effect; and

Status: This is the original version (as it was originally enacted).

(b) for the words “Part IV or section 86 or 88 of the 1973 Act” there shall be substituted “Part 4 of the 2002 Act”.

(6) For subsection (8A) there shall be substituted—

“(8A) Section 117 of the 2002 Act (offences of supplying false or misleading information) as applied by section 180 of that Act shall have effect so far as relating to functions exercisable by the Director by virtue of subsection (2) above as if the references in section 117(1)(a) and (2) to the OFT included references to the Director.”

(7) Subsection (9) shall cease to have effect.