

SCHEDULES

SCHEDULE 5

EXTENSION OF LICENSING PROVISIONS IN RELATION TO WALES

- 41 (1) Section 117G (codes under section 117F: procedure) (inserted by Schedule 4) is amended as follows.
- (2) In subsection (2), after paragraph (a) there is inserted—
“(aa) the Welsh Ministers;”.
- (3) For subsection (4) there is substituted—
“(4) Before a code under section 117F prepared by the Authority is issued, the Minister may direct the Authority—
(a) not to issue the code, or
(b) to issue the code with specified modifications.
(4A) Subsection (4) is subject to subsections (4C) and (4D).
(4B) In subsection (4) “the Minister” means—
(a) the Secretary of State, so far as a code prepared by the Authority relates to section 117E agreements made with sewerage undertakers whose areas are wholly or mainly in England;
(b) the Welsh Ministers, so far as a code prepared by the Authority relates to section 117E agreements made with sewerage undertakers whose areas are wholly or mainly in Wales.
(4C) The power under subsection (4) may not be exercised more than once by the Secretary of State or the Welsh Ministers.
(4D) If the power under subsection (4) is not exercised by the Secretary of State or the Welsh Ministers on the first occasion on which it may be exercised by the Secretary of State or (as the case may be) the Welsh Ministers, it may not be exercised by the Secretary of State or (as the case may be) the Welsh Ministers on a later occasion.”
- (4) In subsection (6), after paragraph (a) there is inserted—
“(aa) the NRBW, in relation to section 117E agreements made with sewerage undertakers whose areas are wholly in Wales;”.
- (5) The power to give a direction under section 117G(4) of the Water Industry Act 1991 (as substituted by this paragraph) may not be exercised by the Secretary of State if, before the coming into force of this paragraph—
(a) the Secretary of State exercised the power to give a direction under section 117G(4) of the Water Industry Act 1991 (inserted by Schedule 4), or
(b) the Secretary of State omitted to exercise that power to give a direction.