
Changes to legislation: *Water Act 2014, Paragraph 35 is up to date with all changes known to be in force on or before 19 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

SCHEDULE 7

FURTHER AMENDMENTS

Water Industry Act 1991 (c. 56)

- 35 (1) Section 23 (meaning and effect of special administration orders) is amended as follows.
- (2) In subsection (1), for “a qualifying licensed water supplier” there is substituted “ a qualifying water supply licensee or a qualifying sewerage licensee ”.
- (3) In subsection (2A)—
- (a) for “a qualifying licensed water supplier” there is substituted “ a qualifying water supply licensee ”;
 - (b) for “subsection (6)(b)” there is substituted “ subsection (7) ”.
- (4) After subsection (2A) there is inserted—
- “(2AA) The purposes of a special administration order made in relation to a company which is a qualifying sewerage licensee must be—
- (a) the transfer to another company or companies, as a going concern, of so much of the company’s undertaking as it is necessary to transfer in order to secure that the activities relating to the removal or removals of matter mentioned in subsection (9) may be properly carried on, and
 - (b) the carrying on of those activities pending the making of the transfer.”
- (5) In subsection (2B)(b)—
- (a) in the opening words, for “or (2A)(a)” there is substituted “ , (2A)(a) or (2AA)(a) ”;
 - (b) in sub-paragraph (ii), for “or (2A)(a)” there is substituted “ , (2A)(a) or (2AA)(a) ”.
- (6) In subsection (2C), for “and (2A)(b)” there is substituted “ , (2A)(b) and (2AA)(b) ”.
- (7) In subsection (4), for paragraph (b) there is substituted—
- “(b) a company carries on activities relating to—
- (i) the introduction or introductions of water mentioned in subsection (7) formerly carried on by another company; or
 - (ii) the removal or removals of matter mentioned in subsection (9) formerly carried on by another company.”
- (8) In subsection (6)—
- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;

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- (b) for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee ”;
 - (c) for paragraphs (a) and (b) there is substituted—
 - “(a) it is the holder of a water supply licence giving it a wholesale or supplementary authorisation (within the meaning of Chapter 1A of this Part), and
 - (b) the condition in subsection (7) is satisfied in relation to it.”
- (9) After subsection (6) there is inserted—
- “(7) The condition in this subsection is that—
- (a) the introduction of water by the licence holder which is permitted under section 66B or 66C is designated as a strategic supply under section 66G, or
 - (b) the introductions of water by the licence holder which are permitted under section 66B or 66C are designated as a collective strategic supply under section 66H.”
- (10) After subsection (7) (inserted by sub-paragraph (9)) there is inserted—
- “(8) For the purposes of this section, sections 24 to 26 and Schedule 2, a sewerage licensee is a qualifying sewerage licensee if—
- (a) it is the holder of a sewerage licence giving it a wholesale or disposal authorisation (within the meaning of Chapter 1A of this Part), and
 - (b) the condition in subsection (9) is satisfied in relation to it.
- (9) The condition in this subsection is that—
- (a) the removal of matter by the licence holder which is permitted under section 117C or 117D is designated as strategic sewerage provision under section 117N, or
 - (b) the removals of matter by the licence holder which are permitted under section 117C or 117D are designated as collective strategic sewerage provision under section 117O.”

Commencement Information

- I1** Sch. 7 para. 35(1) in force at 1.4.2017 for specified purposes by S.I. 2017/462, art. 3(k)(aa)(v)
- I2** Sch. 7 para. 35(2) in force at 1.4.2017 for specified purposes by S.I. 2017/462, art. 3(k)(bb)(v)
- I3** Sch. 7 para. 35(3) in force at 1.4.2017 by S.I. 2017/462, art. 3(k)(cc)(v)
- I4** Sch. 7 para. 35(7) in force at 1.4.2017 for specified purposes by S.I. 2017/462, art. 3(k)(dd)(v)
- I5** Sch. 7 para. 35(8)(9) in force at 1.4.2017 by S.I. 2017/462, art. 3(k)(ee)(v)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by [S.I. 2019/706 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by [S.I. 2017/926 art. 2](#)