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W E L S H   S T A T U T O R Y  
I N S T R U M E N T S

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**2017 No. 88 (W. 32) (C. 9)**

**WATER, WALES**

**The Water Act 2003  
(Commencement No. 4) (Wales)  
Order 2017**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force section 58(8) of the Water Act 2003 (“the Act) in relation to Wales.

Section 58(8) of the Act amends section 213 of the Water Industry Act 1991 and includes amendments to the procedure for certain regulation making powers.

Section 58(8) of the Act was commenced in relation to England by S.I. 2005/344 and S.I. 2009/359.

**NOTE AS TO EARLIER COMMENCEMENT  
ORDERS**

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force in relation to Wales by commencement orders made before the date of this Order:

| <i>Provision</i>                      | <i>Date of<br/>Commencement</i> | <i>S.I. No.</i>                                              |
|---------------------------------------|---------------------------------|--------------------------------------------------------------|
| s.69                                  | 1.4.2004                        | 2004/910<br>(W.93) (C.39)                                    |
| s.75                                  | 1.4.2004                        | 2004/910<br>(W.93) (C.39)                                    |
| ss.77 and 78                          | 11.11.2004                      | 2004/2916<br>(W.255) (C.120)                                 |
| ss.80 and 81                          | 11.11.2004                      | 2004/2916<br>(W.255) (C.120)                                 |
| s.86                                  | 11.11.2004 and<br>6.4.2012      | 2004/2916<br>(W.255) (C.120)<br>and 2012/284<br>(W.48) (C.9) |
| s.101(1) and<br>Sch. 7<br>(partially) | 1.4.2004 and<br>11.11.2004      | 2004/910<br>(W.93) (C.39)<br>and 2004/2916                   |

|                                       |                            |                                                               |
|---------------------------------------|----------------------------|---------------------------------------------------------------|
|                                       |                            | (W.255) (C.120)                                               |
| s.101(2) and<br>Sch. 9<br>(partially) | 1.4.2004 and<br>11.11.2004 | 2004/910<br>(W.93) (C.39)<br>and 2004/2916<br>(W.255) (C.120) |

The following provisions of the Act have been brought into force in England and Wales by commencement orders made before the date of this Order:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i>                           |
|------------------|-----------------------------|-------------------------------------------|
| s.1              | 1.4.2006                    | 2006/984 (C.30)                           |
| s.2              | 1.4.2006                    | 2006/984 (C.30)                           |
| s.3              | 1.4.2006                    | 2006/984 (C.30)                           |
| s.4              | 1.4.2006                    | 2006/984 (C.30)                           |
| s.6              | 1.4.2004 and<br>1.4.2005    | 2004/641 (C.24)<br>and 2005/968<br>(C.43) |
| s.8 (partially)  | 1.4.2006                    | 2006/984 (C.30)                           |
| s.9              | 1.4.2004                    | 2004/641 (C.24)                           |
| s.10             | 1.4.2004 and<br>1.4.2005    | 2004/641 (C.24)<br>and 2005/968<br>(C.43) |
| s.11             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.12             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.13             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.14             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.15             | 1.4.2004                    | 2004/641 (C.24)                           |
| s.16             | 1.4.2004 and<br>1.4.2005    | 2004/641 (C.24)<br>and 2005/968<br>(C.43) |
| s.17             | 1.4.2005                    | 2005/968 (C.43)                           |
| s.18             | 1.4.2004                    | 2004/641 (C.24)                           |
| s.19             | 1.4.2004 and<br>1.4.2006    | 2004/641 (C.24)<br>and 2006/984<br>(C.30) |
| s.20             | 1.4.2004                    | 2004/641 (C.24)                           |
| s.21             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.22             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.23             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.24             | 1.4.2005                    | 2004/641 (C.24)                           |
| s.25             | 1.4.2004 and<br>1.4.2006    | 2004/641 (C.24)<br>and 2006/984<br>(C.30) |
| s.26             | 1.10.2004                   | 2004/2528<br>(C.106)                      |
| s.27             | 1.4.2004                    | 2004/641 (C.24)                           |
| ss.28 and 29     | 1.10.2004                   | 2004/2528<br>(C.106)                      |
| s.30             | 1.4.2006                    | 2006/984 (C.30)                           |
| s.31             | 1.10.2004                   | 2004/2528<br>(C.106)                      |
| s.33             | 1.4.2006                    | 2006/984 (C.30)                           |

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|--------------------------------|---------------------------------------------|----------------------------------------------------------------------------|
| s.34 (partially)               | 1.4.2006                                    | 2005/2714 (C.109)                                                          |
| s.35                           | 1.8.2005, 1.10.2005 and 1.4.2006            | 2005/968 (C.43) and 2005/2714 (C.109)                                      |
| s.36 and Sch. 3 <sup>(‡)</sup> | 1.4.2005 and 1.4.2006                       | 2005/968 (C.43) and 2005/2714 (C.109)                                      |
| s.37                           | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.38                           | 1.10.2004 and 1.10.2005                     | 2004/2528 (C.106) and 2005/2714 (C.109)                                    |
| ss.39 to 42                    | 1.4.2005                                    | 2005/968 (C.43)                                                            |
| ss.43 to 47                    | 1.10.2005                                   | 2005/2714 (C.109)                                                          |
| s.48                           | 1.10.2004 and 1.4.2005                      | 2004/2528 (C.106) and 2005/968 (C.43)                                      |
| ss.49 and 50                   | 1.10.2004                                   | 2004/2528 (C.106)                                                          |
| s.51                           | 1.4.2005                                    | 2005/968 (C.43)                                                            |
| s.52                           | 1.4.2006                                    | 2005/2714 (C.109)                                                          |
| s.53 <sup>(*)</sup>            | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| ss.54 and 55                   | 1.10.2004                                   | 2004/2528 (C.106)                                                          |
| s.56 and Sch. 4                | 1.4.2004, 1.8.2005, 1.10.2005 and 1.12.2005 | 2004/641 (C.24), 2005/968 (C.43) and 2005/2714 (C.109)                     |
| s.57                           | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.59                           | 1.10.2004                                   | 2004/2528 (C.106)                                                          |
| ss.60 and 61                   | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.62                           | 1.10.2004, 1.10.2005, 1.4.2006 and 1.4.2007 | 2004/2528 (C.106), 2005/2714 (C.109), 2006/984 (C.30) and 2007/1021 (C.42) |
| s.63                           | 1.10.2004 and 1.10.2005                     | 2004/2528 (C.106) and 2005/2714 (C.109)                                    |
| ss.64 and 65                   | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.66 <sup>(†)</sup>            | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.67                           | 1.4.2004                                    | 2004/910 (W.93) (C.39)                                                     |
| s.68 <sup>(†)</sup>            | 1.4.2004                                    | 2004/641 (C.24)                                                            |
| s.70                           | 1.4.2005                                    | 2005/968 (C.43)                                                            |
| s.71                           | 1.4.2004                                    | 2004/641 (C.24)                                                            |

|                                                      |                                                                                                                                         |                                                                                                                                            |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| s.72                                                 | 1.4.2004                                                                                                                                | 2004/641 (C.24)                                                                                                                            |
| s.74 <sup>(*)</sup>                                  | 1.10.2004                                                                                                                               | 2004/2528<br>(C.106)                                                                                                                       |
| s.76 <sup>(†)</sup>                                  | 1.10.2004                                                                                                                               | 2004/2528<br>(C.106)                                                                                                                       |
| s.79                                                 | 1.10.2004                                                                                                                               | 2004/2528<br>(C.106)                                                                                                                       |
| ss.82 to 84                                          | 1.4.2004                                                                                                                                | 2004/641 (C.24)                                                                                                                            |
| s.85 <sup>(*)</sup> and Sch.<br>5 and 6              | 1.4.2004                                                                                                                                | 2004/641 (C.24)                                                                                                                            |
| s.87                                                 | 1.10.2004                                                                                                                               | 2004/2528<br>(C.106)                                                                                                                       |
| ss.90 to 97                                          | 28.5.2004                                                                                                                               | 2004/641 (C.24)                                                                                                                            |
| s.98                                                 | 1.4.2007                                                                                                                                | 2007/1021<br>(C.42)                                                                                                                        |
| s.99                                                 | 28.5.2004                                                                                                                               | 2004/641 (C.24)                                                                                                                            |
| s.100                                                | 17.3.2004,<br>1.4.2004,<br>28.5.2004,<br>1.10.2004,<br>1.4.2005,<br>1.8.2005,<br>1.10.2005,<br>1.12.2005, ,<br>1.4.2006 and<br>1.4.2007 | 2004/641<br>(C.24),<br>2004/2528<br>(C.106),<br>2005/968<br>(C.43),<br>2005/2714<br>(C.109),<br>2006/984 (C.30)<br>and 2007/1021<br>(C.42) |
| s.101(1)<br>(partially) and<br>Sch. 7<br>(partially) | 1.4.2004,<br>1.10.2004,<br>29.12.2004,<br>1.4.2005,<br>1.8.2005,<br>1.10.2005,<br>1.4.2006 and<br>1.4.2007                              | 2004/641<br>(C.24),<br>2004/2528<br>(C.106),<br>2005/968<br>(C.43),<br>2005/2714<br>(C.109),<br>2006/984 (C.30)<br>and 2007/1021<br>(C.42) |
| s.101(1) and<br>Sch. 8                               | 1.4.2004,<br>1.10.2004 and<br>1.12.2005                                                                                                 | 2004/641<br>(C.24),<br>2004/2528<br>(C.106) and<br>2005/2714<br>(C.109)                                                                    |
| s.101(2) and<br>Sch. 9<br>(partially)                | 1.4.2004,<br>28.5.2004,<br>1.10.2004,<br>1.4.2005,<br>1.10.2005,<br>1.12.2005 and<br>1.4.2006                                           | 2004/641<br>(C.24),<br>2004/2528<br>(C.106),<br>2005/968<br>(C.43),<br>2005/2714<br>(C.109) and<br>2006/984 (C.30)                         |

(\*) These provisions also extend partially to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(†) These provisions also extend to Scotland (section 105(9) of the Act) and were brought into force in Scotland by the same Order.

(‡) These provisions also extend to Scotland and Northern Ireland (section 105(8) of the Act) and were brought into force in Scotland and Northern Ireland by the same Order.

The following provisions of the Act have been brought into force in relation to England by commencement orders made before the date of this Order:

| <i>Provision</i>                | <i>Date of Commencement</i>                  | <i>S.I. No.</i>                                                        |
|---------------------------------|----------------------------------------------|------------------------------------------------------------------------|
| s. 58                           | 18.2.2005, 1.8.2008, 25.2.2009 and 26.3.2010 | 2005/344 (C.12), 2008/1922 (C.87), 2009/359 (C.17) and 2010/975 (C.65) |
| s.69                            | 17.3.2004                                    | 2004/641 (C.24)                                                        |
| s.75                            | 1.4.2004                                     | 2004/641 (C.24)                                                        |
| ss.77 and 78                    | 1.10.2004                                    | 2004/2528 (C.106)                                                      |
| s.80                            | 1.10.2004                                    | 2004/2528 (C.106)                                                      |
| s.81                            | 1.4.2004                                     | 2004/641 (C.24)                                                        |
| s.86                            | 1.10.2004 and 6.4.2012                       | 2004/2528 (C.106) and 2012/264 (C.8)                                   |
| s.101(1) and Sch. 7 (partially) | 17.3.2004, 1.10.2004 and 1.8.2008            | 2004/641 (C.24), 2004/2528 (C.106) and 2008/1922 (C.87)                |
| s.101(2) and Sch. 9 (partially) | 17.3.2004, 1.8.2008 and 26.3.2010            | 2004/641 (C.24), 2008/1922 (C.87) and 2010/975 (C.65)                  |

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W E L S H   S T A T U T O R Y  
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**2017 No. 88 (W. 32) (C. 9)**

**WATER, WALES**

**The Water Act 2003  
(Commencement No. 4) (Wales)  
Order 2017**

*Made*

*31 January 2017*

The Welsh Ministers, in exercise of the powers conferred by section 105(3), (4) and (6) of the Water Act 2003<sup>(1)</sup> and now vested in them <sup>(2)</sup>, make the following Order:

**Title and application**

**1.**—(1) The title of this Order is the Water Act 2003 (Commencement No. 4) (Wales) Order 2017.

(2) This Order applies in relation to Wales.

**Appointed day**

**2.** The appointed day for the coming into force of section 58(8) of the Water Act 2003 is the day after the day on which this Order is made.

*Lesley Griffiths*

Cabinet Secretary for Environment and Rural Affairs,  
one of the Welsh Ministers

31 January 2017

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(1) 2003 c. 37.

(2) The functions of the National Assembly for Wales under section 105 of the Water Act 2003 are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).