



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Disconnections

60 Disconnections for the carrying out of necessary works.

- (1) Subject to the following provisions of this section, a water undertaker may—
 - (a) disconnect a service pipe which, for the purposes of providing a supply of water to any premises, is connected with any water main of that undertaker; or
 - (b) otherwise cut off a supply of water to any premises,if it is reasonable for the disconnection to be made, or the supply to be cut off, for the purposes of the carrying out of any necessary works.
- (2) The power of a water undertaker under this section to cut off a supply of water shall include power to reduce a supply of water.
- (3) Except in an emergency or in the case of a reduction which is immaterial, the power of a water undertaker under this section to cut off or reduce a supply shall be exercisable in relation to any premises only after the undertaker has served reasonable notice on the consumer of the proposal for the carrying out of the necessary works.
- (4) Where a water undertaker exercises its power under this section to make any disconnection or to cut off or reduce a supply of water to any premises for the purposes of the carrying out of any necessary works, it shall owe a duty to the consumer to secure—
 - (a) that those works are carried out with reasonable dispatch; and

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- (b) that any supply of water to those premises for domestic purposes is interrupted for more than twenty-four hours for the purposes of the carrying out of those works only if an emergency supply has been made available (whether or not in pipes) within a reasonable distance of the premises.
- (5) Any breach by a water undertaker of the duty owed by virtue of subsection (4) above which causes any person to whom it is owed to sustain loss or damage shall be actionable at the suit of that person.

61 Disconnections for non-payment of charges.

- (1) Subject to ^[F1]subsections (1A) to (6)], a water undertaker may disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker, or may otherwise cut off a supply of water to any premises, ^[F2]if subsection (1ZA) or (1ZB) applies

(1ZA) This subsection applies] if the occupier of the premises—

- (a) is liable (whether in his capacity as occupier or under any agreement with the undertaker) to pay charges due to the undertaker in respect of the supply of water to those premises; and
- (b) has failed to do so before the end of the period of seven days beginning with the day after he is served with notice requiring him to do so.

^[F3](1ZB) This subsection applies if a water supply licensee requests the undertaker to disconnect the service pipe or otherwise cut off the supply of water to the premises.

(1ZC) A water supply licensee may make a request under subsection (1ZB) only if—

- (a) the occupier of the premises is liable under an agreement with the licensee to pay charges to the licensee in respect of the supply of water to the premises,
- (b) the licensee has served notice on the occupier requiring payment of charges due,
- (c) the occupier has failed to pay the charges before the end of the period of seven days beginning with the day after the notice was served, and
- (d) that period has expired.]

^[F4](1A) The power conferred by subsection (1) above is not exercisable in relation to any premises specified in Schedule 4A to this Act.]

(2) Where—

- (a) a water undertaker has served a notice for the purposes of paragraph (b) of ^[F5]subsection (1ZA)] above on a person; and
- (b) within the period of seven days mentioned in that paragraph, that person serves a counter-notice on the undertaker stating that he disputes his liability to pay the charges in question,

the undertaker shall not in respect of that notice exercise his power by virtue of ^[F6]subsection (1)] in relation to any premises except at a time when that person is the occupier of the premises and those charges are enforceable against that person in a manner specified in subsection (3) below.

^[F7](2A) Where—

- (a) a water supply licensee has served a notice for the purposes of subsection (1ZC)(b) on a person, and

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- (b) within the period of seven days mentioned in subsection (1ZC)(c), the person serves a counter-notice on the licensee stating that he disputes his liability to pay the charges in question,
- the licensee may not make a request under subsection (1ZB) in relation to the premises except at a time when that person is the occupier of the premises and those charges are enforceable against that person in a manner specified in subsection (3).]
- (3) For the purposes of subsection (2) [F8 or (2A)] above charges are enforceable in a manner specified in this subsection against a person if-
- (a) the undertaker [F9 or, as the case may be, the licensee] is able to enforce a judgment against that person for the payment of the charges; or
- (b) that person is in breach of an agreement entered into, since the service of his counter-notice, for the purpose of avoiding or settling proceedings by the undertaker [F10 or, as the case may be, the licensee] for the recovery of the charges.
- (4) A water undertaker which exercises its power under this section to disconnect any pipe or otherwise to cut off any supply of water may recover^{F11} ... any expenses reasonably incurred by the undertaker in making the disconnection or in otherwise cutting off the supply [F12—
- (a) from the person in respect of whose liability the power is exercised, in a case where the power is exercised in the circumstances mentioned in subsection (1ZA);
- (b) from the water supply licensee who made the request, in a case where the power is exercised in the circumstances mentioned in subsection (1ZB).]
- (5) Where—
- (a) a water undertaker has power under this section to disconnect any pipe to any premises, or otherwise to cut off any supply to any premises; and
- (b) a supply of water is provided to those premises [F13 (“the primary premises”)] and to other premises [F14 (“the secondary premises”)] wholly or partly by the same service pipe,
- the undertaker may exercise that power so as to cut off the supply to [F15 the secondary premises] if and only if the same person is the occupier of [F16 the primary premises] and of [F17 the secondary premises].
- [F18](6) The undertaker may not cut off the supply to the secondary premises in reliance on subsection (5) if—
- (a) in a case where the undertaker is exercising the power in subsection (1) because charges are due to it, the secondary premises are supplied by a person other than the undertaker;
- (b) in a case where the undertaker is exercising the power in subsection (1) because of a request for disconnection under subsection (1ZB), the secondary premises are supplied by a person other than the licensee which made that request.]

Textual Amendments

- F1** Words in s. 61(1) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 60\(2\)\(a\)](#); S.I. 2017/462, art. 3(k)(vii)
- F2** S. 61(1ZA) and words inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 60\(2\)\(b\)](#); S.I. 2017/462, art. 3(k)(vii)

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- F3** S. 61(1ZB)(1ZC) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(3)**; S.I. 2017/462, art. 3(k)(vii)
- F4** S. 61(1A) inserted (30.6.1999) by 1999 c. 9, **ss. 1(1)**, 17(2)
- F5** Words in s. 61(2)(a) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(4)(a)**; S.I. 2017/462, art. 3(k)(vii)
- F6** Words in s. 61(2) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(4)(b)**; S.I. 2017/462, art. 3(k)(vii)
- F7** S. 61(2A) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(5)**; S.I. 2017/462, art. 3(k)(vii)
- F8** Words in s. 61(3) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(6)(a)**; S.I. 2017/462, art. 3(k)(vii)
- F9** Words in s. 61(3)(a) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(6)(b)**; S.I. 2017/462, art. 3(k)(vii)
- F10** Words in s. 61(3)(b) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(6)(c)**; S.I. 2017/462, art. 3(k)(vii)
- F11** Words in s. 61(4) repealed (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(7)(a)**; S.I. 2017/462, art. 3(k)(vii)
- F12** S. 61(4)(a)(b) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(7)(b)**; S.I. 2017/462, art. 3(k)(vii)
- F13** Words in s. 61(5)(b) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(8)(a)(i)**; S.I. 2017/462, art. 3(k)(vii)
- F14** Words in s. 61(5)(b) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(8)(a)(ii)**; S.I. 2017/462, art. 3(k)(vii)
- F15** Words in s. 61(5) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(8)(b)(i)**; S.I. 2017/462, art. 3(k)(vii)
- F16** Words in s. 61(5) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(8)(b)(ii)**; S.I. 2017/462, art. 3(k)(vii)
- F17** Words in s. 61(5) substituted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(8)(b)(iii)**; S.I. 2017/462, art. 3(k)(vii)
- F18** S. 61(6) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 60(9)**; S.I. 2017/462, art. 3(k)(vii)

62 Disconnections at request of customer.

- (1) Subject to the following provisions of this section, a water undertaker may—
 - (a) disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker; or
 - (b) otherwise cut off a supply of water to any premises,
 if notice specifying the time after which a supply of water to those premises will no longer be required has been served on the undertaker by a consumer and that time has passed.
- (2) No person shall be liable to a water undertaker for any expenses incurred by the undertaker in exercising the power conferred on the undertaker by this section.

63 General duties of undertakers with respect to disconnections.

- (1) Where a water undertaker—
 - (a) disconnects a service pipe to any inhabited house, or otherwise cuts off a supply of water to such a house; and

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- (b) does so without restoring the supply to that house before the end of the period of twenty-four hours beginning with the time when it is cut off, the undertaker shall, no later than forty-eight hours after that time, serve notice that it has cut off that supply on the local authority in whose area the house is situated.
- (2) A water undertaker which fails, without reasonable excuse, to serve a notice on a local authority as required by subsection (1) above shall be guilty of an offence under this section.
- (3) A water undertaker shall be guilty of an offence under this section if—
- (a) it disconnects a service pipe to any premises, or otherwise cuts off a supply of water to any premises, in a case in which it has no power to do so under sections 60 to 62 above, section 75 below or any other enactment; or
 - (b) in disconnecting any such pipe or cutting off any such supply it fails, without reasonable excuse, to comply with any requirement of the provisions in pursuance of which it disconnects the pipe or cuts off the supply.
- [^{F19}(3A) A water undertaker is not guilty of an offence under subsection (3) where it disconnects a service pipe or otherwise cuts off a supply of water under section 61 in the circumstances mentioned in section 61(1ZB) (request from water supply licensee).]
- (4) A water undertaker which is guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Textual Amendments

F19 S. 63(3A) inserted (1.4.2017) by Water Act 2014 (c. 21), s. 94(3), Sch. 7 para. 61; S.I. 2017/462, art. 3(k)(vii)

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