



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Domestic connections

45 Duty to make connections with main.

(1) Subject to the following provisions of this section and to sections 46 and 47 below, it shall be the duty of a water undertaker (in accordance with section 51 below) to make a connection under this section where the owner or occupier of any premises^{F1} . . . which—

- (a) consist in the whole or any part of a building; or
- (b) are premises on which any person is proposing to erect any building or part of a building,

serves a notice on the undertaker requiring it, for the purpose of providing a supply of water for domestic purposes to that building or part of a building, to connect a service pipe to those premises with one of the undertaker's water mains.

(2) Where a notice has been served for the purposes of this section, the duty imposed by subsection (1) above shall be a duty, at the expense of the person serving the notice, to make the connection required by the notice if—

- (a) the main with which the service pipe is required to be connected is neither a trunk main nor a water main which is or is to be used solely for the purpose of supplying water otherwise than for domestic purposes; and
- (b) such conditions as the undertaker may have imposed under sections 47 to 50 below have been satisfied;

Status: Point in time view as at 01/07/1992.

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and, subject to section 51 below, that duty shall arise whether or not the service pipe to which the notice relates has been laid when the notice is served.

- (3) A notice for the purposes of this section—
- (a) shall be accompanied or supplemented by all such information as the undertaker may reasonably require; and
 - (b) if the notice has effect so that a requirement is imposed on the undertaker by virtue of section 46(4) below, shall set out the matters that have given rise to the imposition of that requirement;

but, subject to section 51(5) below and without prejudice to the effect (if any) of any other contravention of this subsection, a failure to provide information in pursuance of the obligation to supplement such a notice shall not invalidate that notice.

- (4) The duty imposed on a water undertaker by this section shall be owed to the person who served the notice by virtue of which the duty arises.
- (5) Where a duty is owed by virtue of subsection (4) above to any person, any breach of that duty which causes that person to sustain loss or damage shall be actionable at the suit of that person; but, in any proceedings brought against a water undertaker in pursuance of this subsection, it shall be a defence for the undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the breach.
- (6) Where a water undertaker carries out any works which it is its duty under this section to carry out at another person's expense, the undertaker shall be entitled to recover from that person an amount equal to the expenses reasonably incurred by the undertaker in carrying out the works.
- (7) Nothing in this section or in sections 46 to 51 below shall impose any duty on a water undertaker to connect a service pipe to any premises with a service pipe to any other premises.
- (8) In the following provisions of this Chapter a notice served for the purposes of this section is referred to as a connection notice.

Textual Amendments

- F1** Words in s. 45(1) repealed (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), ss. 43(1), 56(7), [Sch. 2](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I

46 **Duty to carry out ancillary works for the purpose of making domestic connection.**

- (1) Where a water undertaker is required to make a connection in pursuance of any connection notice, it shall also be the duty of the undertaker, at the expense of the person serving the notice, to carry out such of the works to which this section applies as need to be carried out before the connection can be made.
- (2) This section applies to the laying of so much of the service pipe to be connected with the water main as it is necessary, for the purpose of making that connection, to lay in a street.
- (3) In a case where—

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- (a) the water main with which the service pipe is to be connected is situated in a street;
 - (b) the premises consisting in the building or part of a building in question together with any land occupied with it abut on the part of the street where the main is situated; and
 - (c) the service pipe to those premises will—
 - (i) enter the premises otherwise than through an outer wall of a building abutting on the street; and
 - (ii) have a stopcock fitted to it by the undertaker in the premises,
- this section applies to the laying of so much of the service pipe as it is necessary, for the purpose of making the required connection, to lay in land between the boundary of the street and that stopcock.
- (4) In a case where the connection notice is served in compliance with a requirement imposed by a notice by a local authority under section 80 below, this section applies to the laying of so much of the service pipe to be connected with a water main in pursuance of the connection notice as it is necessary, for the purpose of making the connection, to lay in land owned or occupied by a person who is certified by that authority—
- (a) to have unreasonably refused his consent to the laying of the service pipe; or
 - (b) to have sought to make the giving of his consent subject to unreasonable conditions.
- (5) Where a water main is alongside a street and within eighteen metres of the middle of that street, subsections (2) to (4) above shall have effect in relation to the laying, for the purpose of making a connection with that main, of a service pipe to any premises as if the street included so much of the land between the main and the boundary of the street as is not comprised in those premises or in any land occupied with those premises.
- (6) It shall be the duty of any water undertaker making a connection in pursuance of a connection notice to ensure that a stopcock belonging to the undertaker is fitted to the service pipe which is connected.
- (7) Subsections (4) to (6) of section 45 above shall have effect-
- (a) in relation to any duties which, by virtue of a connection notice, are imposed on a water undertaker by this section; and
 - (b) in relation to any works which, by virtue of the service of such a notice, such an undertaker carries out under this section at another person's expense,
- as they have effect by virtue of that notice in relation to the duty which arises under that section or, as the case may be, to works which the undertaker carries out under that section at another person's expense.
- (8) Subject to subsection (9) below, a water undertaker may comply with any duty under this section to lay a service pipe by laying a water main instead; but nothing in section 45 above or this section shall impose any duty on a water undertaker to lay a water main where it has no power to lay a service pipe.
- (9) Where a water undertaker exercises its power under subsection (8) above to lay a water main instead of a service pipe—
- (a) paragraph (a) of section 51(1) below shall have effect as if any additional time reasonably required by reason of the laying of the main instead of the service pipe were included in the time allowed by that paragraph for the laying of the service pipe; but

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- (b) the expenses recoverable by virtue of section 45(6) and subsection (7) above shall not exceed such amount as it would have been reasonable for the undertaker to have incurred in laying a service pipe instead of the main.

47 Conditions of connection with water main.

- (1) Subject to subsection (3) and sections 48 to 50 below, where the owner or occupier of any premises (“the relevant premises”) serves a connection notice on a water undertaker, the undertaker may make compliance with one or more of the requirements specified in subsection (2) below a condition of its complying with the duties to which it is subject by virtue of that notice.
- (2) The requirements mentioned in subsection (1) above are—
 - (a) a requirement that such security as the undertaker may reasonably require has been provided for the discharge of any obligations imposed by virtue of section 45(6) or 46(7)(b) above on the person who served the connection notice;
 - (b) a requirement, in a case where the connection required by the connection notice is necessary as a consequence of a disconnection made by reason of any person’s failure to pay any charges, that the person serving the connection notice has paid any amount owed by him to the undertaker—
 - (i) in respect of a supply of water to the relevant premises; or
 - (ii) in respect of expenses incurred in the making of the disconnection;
 - (c) a requirement that a meter for use in determining the amount of any charges which have been or may be fixed in relation to the relevant premises by reference to volume has been installed and connected either—
 - (i) by the undertaker; or
 - (ii) in accordance with specifications approved by the undertaker;
 - (d) a requirement that—
 - (i) so much of the service pipe to the relevant premises as does not belong to, or fall to be laid by, the undertaker; and
 - (ii) the plumbing of the premises,
 comply with specifications approved by the undertaker for the purpose of ensuring that it will be reasonably practicable for such a meter as is mentioned in paragraph (c) above to be installed and connected as so mentioned;
 - (e) a requirement that a separate service pipe has been provided—
 - (i) to each house or building on the relevant premises; or
 - (ii) where different parts of a building on the relevant premises are separately occupied, to each of those parts or to any of them;
 - (f) a requirement, in relation to the relevant premises—
 - (i) that such a requirement as may be imposed under section 66 below has been complied with; or
 - (ii) in a case where such a requirement could be imposed but for there already being such a cistern as is mentioned in that section, that the cistern and its float-operated valve are in good repair;
 - (g) a requirement that there is no contravention in relation to the water fittings used or to be used in connection with—
 - (i) the supply of water to the relevant premises; or
 - (ii) the use of water in those premises,

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- of such of the requirements of regulations under section 74 below as are prescribed for the purposes of this paragraph; and
- (h) a requirement that every such step has been taken as has been specified in any notice served on any person under section 75 below in relation to the relevant premises.
- (3) A condition shall not be imposed by a water undertaker under this section on a person who has served a connection notice except by a counter-notice served on that person before the end of the period of fourteen days beginning with the day after the service of the connection notice.
- (4) This section shall be without prejudice to the provisions of sections 233 and 372 of the ^{M1}Insolvency Act 1986 (conditions of supply after insolvency).

Marginal Citations

M1 1986 c. 45.

48 Interest on sums deposited in pursuance of the deposit condition.

- (1) Where for the purposes of subsection (2)(a) of section 47 above any sums have been deposited with a water undertaker by way of security for the discharge of any obligation, the undertaker shall pay interest at such rate as may be determined either—
- (a) by the undertaker with the approval of the Director; or
- (b) in default of a determination under paragraph (a) above, by the Director, on every sum of 50p so deposited for every three months during which it remains in the hands of the undertaker.
- (2) An approval or determination by the Director for the purposes of this section—
- (a) may be given or made in relation to a particular case or description of cases or generally; and
- (b) may be revoked at any time.

49 Supplemental provisions with respect to the metering conditions.

- (1) The power conferred on a water undertaker to impose conditions under section 47 above for the purposes of metering—
- (a) shall be exercisable in relation to any premises even if the undertaker has no immediate intention, when the power is exercised, of fixing charges in relation to those premises by reference to volume; but
- (b) shall not be exercisable so as to require the alteration or removal of any pipe laid or plumbing installed before 1st April 1989.
- (2) Specifications approved by any water undertaker for the purposes of subsection (2)(c) or (d) of section 47 above may be approved—
- (a) in relation to particular premises; or
- (b) by being published in such manner as the undertaker considers appropriate, in relation to premises generally or to any description of premises.

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- (3) Any dispute between a water undertaker and any other person as to the terms of any condition imposed under section 47 above for the purposes of metering shall be referred to the arbitration of a single arbitrator appointed—
 - (a) by agreement between the undertaker and that person; or
 - (b) in default of agreement, by the Secretary of State.
- (4) References in this section to the imposition of a condition under section 47 above for the purposes of metering are references to the imposition of conditions by virtue of subsection (2)(c) or (d) of that section.

50 Restriction on imposition of condition requiring separate service pipes.

- (1) This section applies where the effect of a connection notice served in respect of any house is to require a service pipe to that house to be connected with a water main with which it has previously been connected.
- (2) Where this section applies, the water undertaker on which the connection notice is served shall not be entitled to make the reconnection subject to any such condition as, apart from this section, may be imposed by virtue of section 47(2)(e) above unless the undertaker would have been entitled under section 64 below to require the provision of a separate service pipe if the reconnection had already been made.

51 Time for performance of connection etc. duties.

- (1) A water undertaker shall not be in breach of a duty imposed by virtue of the service of a connection notice unless—
 - (a) in the case of a duty to lay any service pipe or to connect any service pipe to which such a duty relates, it has failed to lay that pipe or to make that connection as soon as reasonably practicable after the relevant day;
 - (b) in the case of a duty to connect a service pipe the whole of which has already been laid when the notice is served on the undertaker, it has failed to make the connection before the end of the period of fourteen days beginning with the relevant day.
- (2) In any case in which a water undertaker is subject to any such duty as is mentioned in subsection (1)(a) above, it shall be presumed, unless the contrary is shown in relation to that case, that the period of twenty-one days beginning with the relevant day is the period within which it is reasonably practicable for a water undertaker—
 - (a) to lay so much of any service pipe; and
 - (b) to fit such stopcock,
 as it is necessary to lay or fit in that case for connecting a water main in a street with a service pipe at the boundary of any premises which abut on the part of the street where the main is situated.
- (3) Where—
 - (a) a connection notice is served in respect of any premises; and
 - (b) at the time when the notice is served, the customer's part of the service pipe to those premises has not been laid,

the duties of the undertaker under sections 45 and 46 above shall not arise by virtue of that notice until the person serving the notice, having obtained the necessary consents from the owners and occupiers of any affected land, has, at his own expense, laid so

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much of the service pipe as it is necessary, for the purpose of making the connection, to lay otherwise than in a street or in land mentioned in subsections (3) to (5) of section 46 above.

(4) In subsection (3) above the reference to the customer's part of the service pipe to any premises is a reference to so much of the service pipe to those premises as falls to be laid otherwise than by the water undertaker in pursuance of section 46 above.

(5) Where—

- (a) a person who has served a connection notice on a water undertaker has failed to comply with his obligation under section 45(3)(a) above to supplement that notice with information required by the undertaker; and
- (b) that requirement was made by the undertaker at such a time before the end of the period within which the undertaker is required to comply with the duties imposed by virtue of the notice as gave that person a reasonable opportunity to provide the required information within that period,

the undertaker may delay its compliance with those duties until a reasonable time after the required information is provided.

(6) In this section “the relevant day”, in relation to a duty imposed on a water undertaker by virtue of a connection notice, means the day after whichever is the latest of the following days, that is to say—

- (a) the day on which the notice was served on the undertaker;
- (b) in a case where it is necessary for the person serving the notice to lay any service pipe after serving the notice, the day on which a notice stating that the pipe has been laid is served on the undertaker;
- (c) the day on which all such conditions are satisfied as the undertaker has, under sections 47 to 50 above, made conditions of its compliance with that duty.

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