



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER II

PROTECTION OF UNDERTAKERS' WORKS, APPARATUS ETC.

Protection of meters

175 Offence of tampering with meter.

(1) If any person—

- (a) so interferes with a meter used by any relevant undertaker [^{F1}, water supply licensee or sewerage licensee] in determining the amount of any charges fixed in relation to any premises as intentionally or recklessly to prevent the meter from showing, or from accurately showing, the volume of water supplied to, or of effluent discharged from, those premises; or
- (b) carries out any works which he knows are likely to affect the operation of such a meter or which require the disconnection of such a meter,

he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(2) A person shall not be guilty of an offence under this section in respect of anything done by him with the [^{F2}appropriate consent] .

[^{F3}(3) In subsection (2) above, the “appropriate consent” means—

- (a) if the meter is used by one relevant undertaker, the consent of that undertaker;
- [^{F4}(b) if the meter is used by one water supply licensee, the consent of that licensee;
- (ba) if the meter is used by one sewerage licensee, the consent of that licensee;]
- (c) if the meter is used by two or more of the following persons—

Status: Point in time view as at 01/09/2016.

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- (i) a relevant undertaker;
- [^{F5}(ii) a water supply licensee;
- (iii) a sewerage licensee.]

the consent of each of those persons.

- (4) In subsection (3) above, references to the consent of a relevant undertaker are references to consent under section 176 below.]

Textual Amendments

- F1** Words in s. 175(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 109\(2\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(v\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F2** Words in s. 175(2) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 40\(3\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F3** S. 175(3)(4) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 40\(4\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F4** S. 175(3)(b)(ba) substituted for s. 175(3)(b) (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 109\(3\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(v\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F5** S. 175(3)(c)(ii)(iii) substituted for s. 175(3)(c)(ii) (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 109\(3\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(v\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

176 Consent for the purposes of section 175.

- (1) Where an application is made to any relevant undertaker for a consent for the purposes of section 175 above, the undertaker—
- (a) shall give notice of its decision with respect to the application as soon as reasonably practicable after receiving it; and
 - (b) subject to subsection (2) below, may make it a condition of giving any consent that the undertaker itself should carry out so much of any works to which the application relates as is specified in the notice of its decision.
- (2) On such an application a relevant undertaker shall not refuse its consent, or impose any such condition as is mentioned in subsection (1)(b) above, unless it is reasonable to do so.
- (3) Where any relevant undertaker has given a notice to any person imposing any such condition as is mentioned in subsection (1)(b) above, the undertaker—
- (a) shall carry out those works as soon as reasonably practicable after giving the notice; and
 - (b) may recover from that person any expenses reasonably incurred by it in doing so.
- (4) Any dispute between a relevant undertaker and any other person (including another such undertaker)—
- (a) as to whether the undertaker or that other person should bear any expenses under subsection (3) above; or
 - (b) as to the amount of any expenses to be borne by any person under that subsection,

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shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person or, in default of agreement, by the Director.

- (5) Subsection (3) above shall not apply where the person who was given the notice notifies the undertaker that the carrying out of the works to which the condition relates is no longer required.

177 Financial obligations with respect to any interference with a meter.

- (1) A relevant undertaker which carries out any works made necessary by the commission of an offence under section 175 above shall be entitled to recover any expenses reasonably incurred in carrying out those works from the person who committed the offence.

- (2) Any person who sustains any loss or damage in consequence of any failure by any relevant undertaker—

- (a) to comply with any obligation imposed on it by section 176 above; or
- (b) to exercise reasonable care in the performance of the duty imposed by subsection (3)(a) of that section,

shall be entitled to recover compensation from the undertaker.

- (3) Any dispute between a relevant undertaker and any other person (including another such undertaker)—

- (a) as to whether the undertaker or that other person should bear any expenses under this section;
- (b) as to whether the undertaker should pay any compensation under this section; or
- (c) as to the amount of any expenses to be borne by any person under this section or as to the amount of any such compensation,

shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person or, in default of agreement, by the Director.

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