



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART VI

#### UNDERTAKERS' POWERS AND WORKS

#### CHAPTER III

#### SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS' POWERS

##### *Interpretation of Part VI*

#### **192 Interpretation of Part VI.**

- (1) In this Part “discharge pipe” means a pipe from which discharges are or are to be made under section 165 above.
  - (2) In this Part references to maintaining a pipe include references to cleansing it and references to altering a pipe include references to altering its size or course, to moving or removing it and to replacing it with a pipe which is of the same description of relevant pipe (within the meaning of section 158 above) as the pipe replaced.
  - (3) The powers conferred by this Part on a relevant undertaker shall be exercisable both inside and outside the undertaker’s area.
- <sup>F1</sup>[(3A) A relevant undertaker proposing to exercise any of its powers under section 158 or 159 above outside its own area shall, if subsection (3B) below applies, give notice of its proposal to the water undertaker or (as the case may be) sewerage undertaker for the area in question and, if that subsection applies, shall not carry out its proposal—
- (a) without the consent of that other undertaker; or
  - (b) where that other undertaker refuses to give its consent, or fails to give its consent before the end of the period of 28 days beginning with the day on which it is notified of the proposal, without the consent of the Director.

- (3B) This subsection applies where the proposal is to lay—

*Status: Point in time view as at 25/03/2022.*

*Changes to legislation: Water Industry Act 1991, Cross Heading: Interpretation of Part VI is up to date with all changes known to be in force on or before 19 July 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)*

- (a) a water main which is not intended to be—
    - (i) a trunk main; or
    - (ii) a water main used solely for the purpose of supplying water otherwise than for domestic purposes; or
  - (b) a sewer which is intended to be a public sewer but not a storm-water overflow sewer.]
- (4) In so far as any powers conferred by this Part on a relevant undertaker authorise the removal of any pipe or the alteration of its size or course, those powers shall be subject to such obligations by virtue of which the undertaker is required—
- (a) to maintain a pipe or a connection with it; or
  - (b) to alter a pipe only where certain conditions are satisfied, as are imposed on the undertaker by or under any enactment.
- (5) The powers conferred by virtue of this Part are without prejudice to any power conferred by virtue of any agreement and are cumulative.

#### **Textual Amendments**

- F1** S. 192(3A)-(3B) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s.47](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 3, Sch. Pt. I](#)

#### **Modifications etc. (not altering text)**

- C1** S. 192 applied (with modifications) (28.6.2013) by [The Water Industry \(Specified Infrastructure Projects\) \(English Undertakers\) Regulations 2013 \(S.I. 2013/1582\), reg. 1\(1\)\(b\), Sch. 1 para. 13\(11\)](#) (with [reg. 1\(1\)\(c\)](#))

**Status:**

Point in time view as at 25/03/2022.

**Changes to legislation:**

Water Industry Act 1991, Cross Heading: Interpretation of Part VI is up to date with all changes known to be in force on or before 19 July 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.