



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER III

SUPPLEMENTAL PROVISIONS WITH RESPECT TO UNDERTAKERS' POWERS

Vesting of works in undertaker

179 Vesting of works in undertaker.

- (1) Subject to subsection (3) below and to any provision to the contrary contained in an agreement between the relevant undertaker and the person in whom an interest in the pipe or works is or is to be vested—
 - (a) every relevant pipe which has been laid, in exercise of any power conferred by this Part or otherwise, by a relevant undertaker; and
 - (b) every sewage disposal works constructed by a sewerage undertaker, shall vest in the undertaker which laid it or, as the case may be, the undertaker which constructed them.
- (2) In addition to the sewers and works which vest in a sewerage undertaker by virtue of subsection (1) above, the following shall also vest in such an undertaker, that is to say—
 - (a) every sewer or sewage disposal works with respect to which a declaration of vesting made by that undertaker under Chapter II of Part IV of this Act takes effect; and
 - (b) every sewer which is laid in the area of that undertaker under Part XI of the ^{M1}Highways Act 1980 (making up private streets) and is not a sewer belonging to a road maintained by a highway authority.

Status: Point in time view as at 01/12/1991.

Changes to legislation: Water Industry Act 1991, Cross Heading: Vesting of works in undertaker is up to date with all changes known to be in force on or before 06 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)

- (3) Subsection (1) above shall not apply to a service pipe laid in a street other than the street in which the water main with which it connects is situated and shall not apply to a service pipe laid otherwise than in a street where that pipe is laid—
- (a) in pursuance of the duty imposed by virtue of section 46(4) above; or
 - (b) in substitution for a service pipe belonging to a person other than the person who lays the replacement pipe.
- (4) If any water fittings let for hire by a water undertaker are suitably marked, they—
- (a) shall continue to be the property of and removable by the undertaker, even if they are fixed to some part of the premises in which they are situated or are laid in the soil under any premises; and
 - (b) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against a person in whose possession they are;
- but nothing in this subsection shall affect the valuation for rating of any rateable hereditament.
- (5) It is hereby declared that anything which, in pursuance of any arrangements under section 97 above, is done on behalf of a sewerage undertaker by a relevant authority within the meaning of that section is, subject to any provision to the contrary contained in any such arrangements, to be treated for the purposes of this section as done by the undertaker.
- (6) The preceding provisions of this section are without prejudice, in relation to any company appointed to be a relevant undertaker, to the vesting of anything in that company by virtue of any scheme under Schedule 2 to this Act or of the exercise by any relevant undertaker of any power to acquire property by agreement or compulsorily.
- (7) In this section—
- “relevant pipe”—
- (a) in relation to a water undertaker, means any water main (including a trunk main), resource main, discharge pipe or service pipe; and
 - (b) in relation to a sewerage undertaker, means any sewer or disposal main;
- and
- “water fittings” has the same meaning as in Part III of this Act;
- and water fittings let on hire by a water undertaker shall be treated as suitably marked for the purposes of this section if and only if they bear either such a distinguishing metal plate affixed to them or such a distinguishing brand or other mark conspicuously impressed or made on them as sufficiently indicates the undertaker as the actual owner of the fittings.

Marginal Citations

M1 1980 c. 66.

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