



Water Industry Act 1991

1991 CHAPTER 56

PART VII

INFORMATION PROVISIONS

Registers, maps etc.

195 The Director's register.

- (1) The Director shall, at such premises and in such form as he may determine, maintain a register for the purposes of Part II of this Act.
- (2) Subject to any direction given under subsection (3) below, the Director shall cause to be entered in the register the provisions of—
 - (a) every appointment under Chapter I of Part II of this Act, every termination or transfer of any such appointment, every variation of the area for which any company holds any such appointment and every modification of the conditions of any such appointment;
 - (b) every direction, consent or determination given or made under any such appointment by the Secretary of State, the Monopolies Commission or the Director himself;
 - (c) every final enforcement order made under section 18 above, every provisional enforcement order made or confirmed under that section and every revocation of such a final or provisional enforcement order;
 - (d) every undertaking given to and accepted by the Secretary of State or the Director for the purposes of subsection (1)(b) of section 19 above and every notice under subsection (3) of that section; and
 - (e) every special administration order and every discharge of such an order.
- (3) If it appears to the Secretary of State that the entry of any provision in the register would be against the public interest, he may direct the Director not to enter that provision in the register; and the Director shall comply with any such direction.

Status: Point in time view as at 01/07/1992. This version of this cross heading contains provisions that are not valid for this point in time.

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- (4) The contents of the register shall be available for inspection by the public at such times, and subject to the payment of such charges, as may be specified in an order made by the Secretary of State.
- (5) Any person may, on the payment of such fee as may be specified in an order so made, require the Director to supply him with a copy of, or extract from, the contents of any part of the register, being a copy or extract which is certified by the Director to be a true copy or extract.
- (6) The power to make an order under subsection (4) or (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) Any sums received by the Director under this section shall be paid into the Consolidated Fund.

VALID FROM 01/04/2005

[^{F1}195A Reasons for decisions

- (1) This section applies to the following decisions of the Authority, the Secretary of State or the Assembly, namely—
 - (a) the modification of the conditions of an appointment under Chapter 1 of Part 2 of this Act or the variation of the area to which an appointment relates;
 - (b) the modification of the conditions of a licence under Chapter 1A of that Part;
 - (c) the termination of such an appointment or the revocation of such a licence;
 - (d) the giving of any directions or consent in pursuance of a condition included in such an appointment by virtue of section 12(1) above or in such a licence by virtue of section 17G(3)(a) or (b) above;
 - (e) the determination of a question referred in pursuance of a condition included in such an appointment by virtue of section 12(2) above or in such a licence by virtue of section 17G(3)(c) above;
 - (f) the making of a determination under section 17E or 66D(1) above; and
 - (g) the making of a final enforcement order, the making or confirmation of a provisional enforcement order or the revocation of a final order or of a provisional order which has been confirmed.
- (2) As soon as reasonably practicable after making such a decision the Authority, the Secretary of State or the Assembly shall publish a notice stating the reasons for the decision in such manner as it considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be interested.
- (3) A person publishing a notice under subsection (2) above shall serve a copy on the company holding the appointment or licence to which the decision relates.
- (4) A person preparing a notice under subsection (2) above shall have regard to the need for excluding, so far as that is practicable, any matter which relates to the affairs of a particular individual or body of persons (corporate or unincorporate), where he considers that publication of that matter would or might seriously and prejudicially affect the interests of that individual or body.

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- (5) This section does not apply in relation to a decision of the Authority resulting in any provision which the Authority was directed under section 195(3) above not to enter in the register required to be kept under that section.]

Textual Amendments

- F1** S. 195A inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), **ss. 51**, 105(3); [S.I. 2005/968](#), **art. 2(j)** (with [Sch. 2 para. 1](#))

Modifications etc. (not altering text)

- C1** S. 195A applied (1.12.2005) by [The Water Supply Licence \(New Customer Exception\) Regulations 2005 \(S.I. 2005/3076\)](#), **reg. 5(3)**

196 Trade effluent registers.

- (1) It shall be the duty of every sewerage undertaker to secure that copies of—
- (a) every consent given or having effect as if given by the undertaker under Chapter III of Part IV of this Act;
 - (b) every direction given or having effect as if given by the undertaker under that Chapter;
 - (c) every agreement entered into or having effect as if entered into by the undertaker under section 129 above; and
 - (e) every notice served on the undertaker under section 132 above,
- are kept available, at all reasonable times, for inspection by the public free of charge at the offices of the undertaker.
- (2) It shall be the duty of every sewerage undertaker, on the payment of such sum as may be reasonable, to furnish a person who requests it with a copy of, or of an extract from, anything kept available for inspection under this section.
- (3) The duties of a sewerage undertaker under this section shall be enforceable under section 18 above by the Director.

197 Register for the purposes of works discharges.

- (1) Every water undertaker shall keep a register of persons and premises for the purposes of section 166 above.
- (2) A water undertaker shall enter the name and address of a person in that register in respect of any premises which abut on any watercourse if that person has requested to be so registered and is either—
- (a) the owner or occupier of those premises; or
 - (b) an officer of an association of owners or occupiers of premises which abut on that watercourse and include those premises.
- (3) If any water undertaker contravenes, without reasonable excuse, any of the requirements of this section, it shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

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198 Maps of waterworks.

- (1) Subject to subsections (4) and (5) below, it shall be the duty of every water undertaker to keep records of the location of—
 - (a) every resource main, water main or discharge pipe which is for the time being vested in that undertaker; and
 - (b) any other underground works, other than a service pipe, which are for the time being vested in that undertaker.
- (2) It shall be the duty of every water undertaker to secure that the contents of any records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the undertaker.
- (3) Any information which is required under this section to be made available by a water undertaker for inspection by the public shall be so made available in the form of a map.
- (4) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (5) Nothing in this section shall require a water undertaker, at any time before 1st September 1999, to keep records of—
 - (a) any pipe which was laid before 1st September 1989; or
 - (b) any underground works which were completed before 1st September 1989, unless those particulars were shown on 31st August 1989 on a map kept by a water authority or statutory water company under section 12 of Schedule 3 to the ^{M1}Water Act 1945 (maps of underground works).
- (6) The reference in subsection (5) above to section 12 of Schedule 3 to the ^{M2}Water Act 1945 shall have effect, without prejudice to section 20(2) of the ^{M3}Interpretation Act 1978 (references to enactments to include references to enactments as amended, extended or applied), as including a reference to that section as applied, with or without modifications, by any local statutory provision.
- (7) The duties of a water undertaker under this section shall be enforceable under section 18 above by the Secretary of State.
- (8) In this section “discharge pipe” has the same meaning as in Part VI of this Act.

Marginal Citations

- M1** 1945 c. 42.
M2 1945 c. 42.
M3 1978 c. 30.

199 Sewer maps.

- (1) Subject to subsections (6) to (8) below, it shall be the duty of every sewerage undertaker to keep records of the location and other relevant particulars—

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- (a) of every public sewer or disposal main which is vested in the undertaker;
 - (b) of every sewer in relation to which a declaration of vesting has been made by the undertaker under Chapter II of Part IV of this Act but has not taken effect; and
 - (c) of every drain or sewer which is the subject of any agreement to make such a declaration which has been entered into by the undertaker under section 104 above.
- (2) For the purposes of this section the relevant particulars of a drain, sewer or disposal main are (in addition to its location) particulars—
 - (a) of whether it is a drain, sewer or disposal main and of the descriptions of effluent for the conveyance of which it is or is to be used; and
 - (b) of whether it is vested in the undertaker or, if it is not, of whether it is a sewer in relation to which a declaration has been made under Chapter II of Part IV of this Act or a drain or sewer which is the subject of an agreement under section 104 above.
- (3) The records kept by a sewerage undertaker under this section shall be kept separately in relation to the area of each local authority within whose area there is any drain, sewer or disposal main of which that undertaker is required to keep records and to whom the undertaker is required under section 200 below to provide copies of the contents of those records.
- (4) It shall be the duty of every sewerage undertaker to secure that the contents of all the records for the time being kept by it under this section are available, at all reasonable times, for inspection by the public free of charge at an office of the undertaker.
- (5) Any information which is required under this section to be made available by a sewerage undertaker for inspection by the public shall be so made available in the form of a map.
- (6) For the purpose of determining whether any failure to make a modification of any records kept under this section constitutes a breach of the duty imposed by subsection (1) above, that duty shall be taken to require any modification of the records to be made as soon as reasonably practicable after the completion of the works which make the modification necessary; and, where records kept under this section are modified, the date of the modification and of the completion of the works making the modification necessary shall be incorporated in the records.
- (7) Nothing in this section shall require a sewerage undertaker to keep records of any particulars of a drain, sewer or disposal main laid before 1st September 1989 if—
 - (a) the undertaker does not know of, or have reasonable grounds for suspecting, the existence of the drain, sewer or disposal main; or
 - (b) it is not reasonably practicable for the undertaker to discover the course of the drain, sewer or disposal main and it has not done so.
- (8) Nothing in this section shall require a sewerage undertaker, at any time before 1st September 1999, to keep records of any particulars of any such drain, sewer or disposal main laid before 1st September 1989 as would not be excluded from its records by virtue of subsection (7) above unless—
 - (a) those particulars were shown on 31st August 1989 on a map kept by a local authority under section 32 of the ^{M4}Public Health Act 1936 (sewer maps); or
 - (b) it is a drain or sewer in relation to which a declaration of vesting, or an agreement to make such a declaration, has been made since 31st August 1989.

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- (9) The duties of a sewerage undertaker under this section shall be enforceable under section 18 above by the Secretary of State.

Marginal Citations

M4 1936 c. 49.

200 Provision of sewer maps to local authorities.

- (1) It shall be the duty of every sewerage undertaker so to provide local authorities, free of charge, with—
- (a) copies of the contents of records kept under section 199 above; and
 - (b) copies of any modifications of those records,
- as to ensure that every local authority to whose area any of those records relate are at all times informed of the contents for the time being of the records relating to their area.
- (2) A local authority shall secure that so much of any information provided to them by virtue of this section as consists in the contents for the time being of records kept by a sewerage undertaker under section 199 above is available, at all reasonable times, for inspection by the public free of charge at an office of the authority.
- (3) Any information which is required under this section to be provided to a local authority or to be made available by a local authority for inspection by the public shall be so provided or made available in the form of a map.
- (4) The duties of a sewerage undertaker under this section shall be enforceable under section 18 above by the Secretary of State.
- (5) In this section and, accordingly, in section 199(3) above “local authority”, in relation to the Inner Temple and the Middle Temple, includes, respectively, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

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