

Status: Point in time view as at 05/12/2022.

Changes to legislation: Water Industry Act 1991, SCHEDULE 2A is up to date with all changes known to be in force on or before 19 August 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)

SCHEDULES

[^{F1}SCHEDULE 2A

WATER SUPPLY LICENCES: AUTHORISATIONS

Textual Amendments

F1 Sch. 2A inserted (1.1.2016) by Water Act 2014 (c. 21), s. 94(3), Sch. 1; S.I. 2015/1938, art. 3(d)

Operation of the authorisations in England and Wales

- 1 In the descriptions of the following authorisations, a reference to the supply system of a water undertaker is a reference to the supply system of a water undertaker whose area is wholly or mainly in England—
- (a) a retail authorisation;
 - (b) a wholesale authorisation.
- 2 In the descriptions of the following authorisations, a reference to the supply system of a water undertaker is a reference to the supply system of a water undertaker whose area is wholly or mainly in Wales—
- (a) a restricted retail authorisation;
 - (b) a supplementary authorisation.

Retail authorisation

- 3 A retail authorisation given by a water supply licence is an authorisation to the water supply licensee to use the supply system of a water undertaker for the purpose of supplying water to the premises of—
- (a) the licensee,
 - (b) persons associated with the licensee, or
 - (c) the licensee's customers.
- 4 None of the premises supplied by a water supply licensee under a retail authorisation may be household premises (as defined in section 17C).

Wholesale authorisation

- 5 A wholesale authorisation given by a water supply licence is an authorisation to the water supply licensee to introduce water into the supply system of a water undertaker—
- (a) by means of which system any particular supply in accordance with a retail authorisation (whether the licensee's or another water supply licensee's) is to take place, and
 - (b) where that introduction is to be made in connection with that intended supply.

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Modifications etc. (not altering text)

- C1** Sch. 2A para. 5 modified (temp.) (22.3.2017) by [The Water Act 2014 \(Commencement No. 9 and Transitional Provisions\) Order 2017 \(S.I. 2017/462\)](#), **art. 11(5)**

Restricted retail authorisation

- 6 A restricted retail authorisation given by a water supply licence is an authorisation to the water supply licensee to use the supply system of a water undertaker for the purpose of supplying water to the premises of the licensee's customers.
- 7 The following requirements must be satisfied in relation to each of the premises to be supplied by a water supply licensee under a restricted retail authorisation—
- (a) the requirement that the premises are not household premises (as defined in section 17C);
 - (b) the threshold requirement (construed in accordance with section 17D).

Supplementary authorisation

- 8 A supplementary authorisation given by a water supply licence is an authorisation to the water supply licensee to introduce water into the supply system of a water undertaker—
- (a) by means of which system any particular supply in accordance with the licensee's restricted retail authorisation is to take place, and
 - (b) where that introduction is to be made in connection with that intended supply.

Enforcement and guidance

- 9 The requirements in paragraphs 4 and 7 are enforceable by the Authority under section 18.
- 10 (1) The Authority may from time to time, with the approval of the Secretary of State, issue guidance as to the factors that are, or are not, to be taken into account in determining the extent of any premises for the purposes of paragraphs 4 and 7.
- (2) Before giving approval under sub-paragraph (1) the Secretary of State must consult the Welsh Ministers.

Interpretation

- 11 For the purposes of this Schedule, a person (A) is associated with a water supply licensee (L) if—
- (a) where A and L are bodies corporate, one of them is a subsidiary of the other or both are subsidiaries of the same body corporate;
 - (b) where A or L is an individual or an unincorporated association and the other is a body corporate, that individual or unincorporated association controls the other or a body corporate of which the other is a subsidiary;
 - (c) A is a partnership of which L is a member.
- 12 In paragraph 11 “subsidiary” has the meaning given by section 1159 of the Companies Act 2006; and sections 450(1) to (4) and 451(1) to (3) of the Corporation

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Taxes Act 2010 (control of a company) apply for the purposes of paragraph 11 as they apply for the purposes of Part 10 of that Act.”]

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