



# Water Act 2014

## 2014 CHAPTER 21

### PART 1

#### WATER INDUSTRY

### CHAPTER 3

#### REGULATION OF THE WATER INDUSTRY

*Regulation of relevant undertakers, water supply licensees and sewerage licensees*

#### **30 Standards of performance: sewerage**

(1) After section 95 of the Water Industry Act 1991 there is inserted—

**“95ZA Standards of performance in connection with provision of sewerage services: sewerage licensees**

- (1) For the purpose of establishing overall standards of performance in connection with the provision of sewerage services by sewerage licensees in accordance with their retail authorisations, the Secretary of State may, in accordance with section 96ZA, by regulations—
- (a) impose requirements in connection with the provision of sewerage services;
  - (b) provide for a requirement so imposed to be enforceable under section 18 by—
    - (i) the Secretary of State, or
    - (ii) the Authority, with the consent of or in accordance with a general authorisation given by the Secretary of State.
- (2) The Secretary of State may, in accordance with section 96ZA, by regulations prescribe such standards of performance in connection with the provision of

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*Status: This is the original version (as it was originally enacted).*

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sewerage services as, in the Secretary of State's opinion, ought to be achieved in individual cases.

- (3) Regulations under subsection (2) may provide that if a sewerage licensee fails to meet a prescribed standard the licensee must pay such amount as may be prescribed to any person who—
    - (a) is affected by the failure, and
    - (b) is of a prescribed description.
  - (4) Without prejudice to the generality of the power conferred by subsection (2), regulations under subsection (2) may—
    - (a) include in a standard of performance a requirement for a sewerage licensee, in prescribed circumstances, to inform a person of that person's rights by virtue of any such regulations;
    - (b) provide for a dispute under the regulations to be referred by either party to the dispute to the Authority;
    - (c) make provision for the procedure to be followed in connection with any such reference and for the Authority's determination on such a reference to be enforceable in such manner as may be prescribed;
    - (d) prescribe circumstances in which a sewerage licensee is to be exempted from requirements of the regulations.
  - (5) Where the Authority determines any dispute in accordance with regulations under this section it must, in such manner as may be specified in the regulations, give its reasons for reaching its decision with respect to the dispute.”
- (2) Section 95A of that Act (information as to levels of performance of sewerage undertakers) is amended in accordance with subsections (3) to (6).
- (3) In subsection (1) (duty of Water Services Regulation Authority to collect information)
- (a) the “and” following paragraph (a) is repealed;
  - (b) after paragraph (a) there is inserted—
    - “(aa) the compensation paid by sewerage licensees under regulations under section 95ZA(2); and”;
  - (c) in paragraph (b), after “sewerage undertakers” there is inserted “or sewerage licensees”.
- (4) After subsection (2) there is inserted—
- “(2A) At such times as the Authority may direct, each sewerage licensee is to give the following information to the Authority—
- (a) as respects each standard established by regulations under section 95ZA(1), such information with respect to the level of performance achieved by the licensee as may be specified in the direction;
  - (b) as respects each standard prescribed by regulations under section 95ZA(2), the number of cases in which compensation was paid and the aggregate amount or value of that compensation.”
- (5) For subsection (3) (offence of failing to comply with subsection (2)) there is substituted—

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- “(3) The requirements in subsections (2) and (2A) are enforceable by the Authority under section 18.”
- (6) In subsection (4) (publication of information collected), after “sewerage undertakers” there is inserted “or sewerage licensees”.
- (7) After section 96 there is inserted—

**“96ZA Procedure for regulations under section 95ZA**

- (1) Section 96 applies for the purposes of making regulations under section 95ZA as it applies for the purposes of making regulations under section 95.
- (2) In the application of section 96 by virtue of subsection (1), a reference to a sewerage undertaker is to be treated as a reference to a sewerage licensee.”