



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART II

#### APPOINTMENT AND REGULATION OF UNDERTAKERS

#### [<sup>F1</sup>CHAPTER 1A

#### [<sup>F1</sup>WATER SUPPLY LICENCES AND SEWERAGE LICENCES]

#### *[<sup>F1</sup>Granting of licences*

#### Textual Amendments

- F1** Pt. 2 Ch. 1A inserted (1.4.2004 for specified provisions and purposes and 1.8.2005 for further specified provisions and purposes and 1.10.2005 for further specified provisions and 1.12.2005 otherwise) by [Water Act 2003 \(c. 37\), ss. 56, 105\(3\), Sch. 4 para. 2](#); S.I. 2004/641, [art. 3\(l\)](#), Sch. 1 (with [art. 6, Sch. 3](#)); S.I. 2005/968, [art. 3\(b\)](#) (with savings in [art. 4, Sch. 1, 2](#)); S.I. 2005/2714, [arts. 2\(h\), 3\(a\)](#) (with Sch. para. 5)

#### [<sup>F2</sup>17A Water supply licences

- (1) The Authority may grant to a person a licence in respect of the use of the supply system of a water undertaker (a “water supply licence”).
- (2) A water supply licence may give the holder of the licence one or more of the following authorisations and combination of authorisations—
  - (a) a retail authorisation;
  - (b) a wholesale authorisation;
  - (c) a restricted retail authorisation;
  - (d) a restricted retail authorisation and a supplementary authorisation.

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- (3) Schedule 2A makes provision as to the authorisations (including their operation in England and Wales).
- (4) In the case of each of the authorisations, an authorisation to do a thing is an authorisation to do it in accordance with Chapter 2A of Part 3.
- (5) The Authority may exercise the power to grant a water supply licence only in accordance with a general authorisation given by the Secretary of State.
- (6) Before giving a general authorisation as regards the Authority, the Secretary of State must consult the Welsh Ministers.
- (7) References in this Act to a water supply licensee are references to a person that is the holder for the time being of a water supply licence.]

#### Textual Amendments

**F2** Ss. 17A, 17AA substituted for s. 17A (1.1.2016 for the substitution of s. 17A(2)-(6), 1.4.2016 for the substitution of s. 17A(1) for specified purposes and ss. 17A(7), 17AA(3)-(5), 1.11.2016 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 1\(1\), 94\(3\)](#); [S.I. 2015/1938, art. 3\(a\)\(i\)](#) (with [art. 4](#)); [S.I. 2016/465, art. 2\(a\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#)); [S.I. 2016/1007, art. 2\(a\)](#) (with [arts. 3, 4](#))

#### **F2** 17AA **Water supply licences: restrictions on grants**

- (1) Before the Authority grants a water supply licence giving a wholesale authorisation, it must consult—
  - (a) the Secretary of State;
  - (b) the Chief Inspector of Drinking Water;
  - (c) the Environment Agency;
  - (d) the NRBW.
- (2) Before the Authority grants a water supply licence giving a supplementary authorisation, it must consult—
  - (a) the Secretary of State;
  - (b) the Chief Inspector of Drinking Water;
  - (c) the Environment Agency;
  - (d) the Welsh Ministers;
  - (e) the Chief Inspector of Drinking Water for Wales if there is one;
  - (f) the NRBW.
- (3) A water supply licence may not be granted to a water undertaker.
- (4) A water supply licence may not be granted to a person unless that person is a limited company.
- (5) The restriction in subsection (4) does not apply if the water supply licence gives only—
  - (a) a retail authorisation,
  - (b) a restricted retail authorisation, or
  - (c) a retail authorisation and a restricted retail authorisation.]

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*Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F2** Ss. 17A, 17AA substituted for s. 17A (1.1.2016 for the substitution of s. 17A(2)-(6), 1.4.2016 for the substitution of s. 17A(1) for specified purposes and ss. 17A(7), 17AA(3)-(5), 1.11.2016 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 1\(1\), 94\(3\)](#); [S.I. 2015/1938, art. 3\(a\)\(i\)](#) (with [art. 4](#)); [S.I. 2016/465, art. 2\(a\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#)); [S.I. 2016/1007, art. 2\(a\)](#) (with [arts. 3, 4](#))

## 17B Section 17A: supplementary

- (1) The Authority shall publish guidance issued under section 17A(9) above in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.
- (2) The Authority may, with the approval of the Secretary of State, revise the guidance so issued.
- (3) Before giving his approval to guidance revised under subsection (2) above, the Secretary of State shall consult the Assembly.
- (4) Subsection (1) above applies to guidance revised under subsection (2) above as it applies to guidance issued under section 17A(9) above.
- (5) In this Chapter, references to the supply system of a water undertaker are to the system comprising the following—
  - (a) any water mains and other pipes which it is the water undertaker’s duty to develop and maintain by virtue of section 37 below and which are used for the purpose of conveying water from the undertaker’s treatment works to the premises of customers; and
  - (b) any water mains and other pipes which—
    - (i) are used by the undertaker for the purpose of conveying non-domestic water from any of its sources to the premises of customers; and
    - (ii) are not connected to any water mains or pipes falling within paragraph (a) above or to any water mains or other pipes connected to the treatment works mentioned in that paragraph (whether directly or indirectly),and in sub-paragraph (i) above the reference to non-domestic water is to water supplied other than for domestic or food production purposes.
- (6) In subsection (5)(a) above, the reference to treatment works is a reference to the works designated from time to time by the Secretary of State as treatment works for the purposes of this subsection.
- (7) Before designating any works for the purposes of subsection (6) above, the Secretary of State shall consult the Assembly.
- (8) A list of any works designated for the purposes of subsection (6) above shall be published from time to time by the Secretary of State in such manner as he considers appropriate for the purpose of bringing the designations to the attention of persons likely to be affected by them.

**F3**(9) .....

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#### Textual Amendments

**F3** S. 17B(9) repealed (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 10\(4\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(f\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

### **17BA** Sewerage licences

- (1) The Authority may grant to a person a licence in respect of the use of the sewerage system of a sewerage undertaker whose area is wholly or mainly in England (a “sewerage licence”).
- (2) A sewerage licence may give the holder of the licence one or more of the following—
  - (a) a retail authorisation;
  - (b) a wholesale authorisation;
  - (c) a disposal authorisation.
- (3) Schedule 2B makes provision as to the authorisations.
- (4) In the case of each of the authorisations, an authorisation to do a thing is an authorisation to do it in accordance with Chapter 2A of Part 4.
- (5) The Authority may exercise the power to grant a sewerage licence only in accordance with a general authorisation given by the Secretary of State.
- (6) References in this Act to a sewerage licensee are references to a person that is the holder for the time being of a sewerage licence.
- (7) References in this Chapter to the sewerage system of a sewerage undertaker are references to the system comprising—
  - (a) the system of public sewers, the facilities for emptying public sewers and the sewage disposal works and other facilities for dealing effectually with the contents of public sewers that the undertaker is required to provide by section 94, and
  - (b) the lateral drains that the undertaker is required to maintain by section 94.

#### Textual Amendments

**F4** Ss. 17BA, 17BB inserted (1.1.2016 for the substitution of s. 17BA(2)-(5), 1.4.2016 for the insertion of s. 17BA(1) for specified purposes and ss. 17BA(7), 17BB(2)-(4)) by [Water Act 2014 \(c. 21\)](#), [ss. 4\(1\), 94\(3\)](#); [S.I. 2015/1938](#), art. 3(b)(i); [S.I. 2016/465](#), art. 2(b)(i) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

### **17BB** Sewerage licences: restrictions on grants

- (1) The Authority must consult the Secretary of State, the Environment Agency and the NRBW before granting a licence that gives—
  - (a) a wholesale authorisation, or
  - (b) a disposal authorisation.
- (2) A sewerage licence granted to a sewerage undertaker may not give the holder—
  - (a) a retail authorisation, or

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- (b) a wholesale authorisation.
- (3) A sewerage licence may not be granted to a person unless that person is a limited company.
- (4) The restriction in subsection (3) does not apply if the sewerage licence gives only a retail authorisation.]

#### Textual Amendments

- F4** Ss. 17BA, 17BB inserted (1.1.2016 for the substitution of s. 17BA(2)-(5), 1.4.2016 for the insertion of s. 17BA(1) for specified purposes and ss. 17BA(7), 17BB(2)-(4) by [Water Act 2014 \(c. 21\)](#), [ss. 4\(1\), 94\(3\)](#); [S.I. 2015/1938, art. 3\(b\)\(i\)](#); [S.I. 2016/465, art. 2\(b\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

### 17C Meaning of household premises

- (1) For the purposes of [<sup>F5</sup>paragraphs 4 and 7(a) of Schedule 2A and paragraph 2 of Schedule 2B], “household premises” means premises in which, or in any part of which, a person has his home.
- (2) The fact that a person has his home in, or in part of, any premises does not mean that the premises are household premises unless the principal use of the premises is as a home.
- (3) The Secretary of State may by regulations make provision as to—
  - (a) the circumstances in which a person is or is not to be treated as having his home in, or in part of, any premises for the purposes of this section; and
  - (b) the factors which are, or are not, to be taken into account in determining the principal use of any premises for those purposes.
- (4) The power to make regulations under subsection (3) above is exercisable by the Assembly (and not by the Secretary of State) in relation to premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in Wales.

#### Textual Amendments

- F5** Words in s. 17C(1) substituted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), [s. 94\(3\)](#), [Sch. 7 para. 11](#); [S.I. 2015/1938, art. 3\(f\)\(i\)](#)

### 17D The threshold requirement

- (1) This section applies for the purpose of construing the reference to the threshold requirement in [<sup>F6</sup>paragraph 7(b) of Schedule 2A] in relation to the supply of water to any premises [<sup>F7</sup>in accordance with a restricted retail authorisation].
- (2) The requirement is that, at the time when the [<sup>F8</sup>water supply licensee] first enters into an undertaking with a customer to give the supply, the total quantity of water estimated to be supplied to the premises annually pursuant to the undertaking [<sup>F9</sup>is not less than—
  - (a) 5 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in England, and

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- (b) 50 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in Wales].
- (3) Any estimate of the quantity of water to be supplied to any premises for the purposes of subsection (2) above shall be made in accordance with guidance issued by the Authority with the approval of the Secretary of State.
- (4) Any guidance issued under subsection (3) above may, in particular—
  - (a) specify—
    - (i) the factors to be, and not to be, taken into account;
    - (ii) the assumptions to be made; and
    - (iii) the method of calculation to be employed, in making estimates; and
  - (b) make provision as to the commencement of the annual periods by reference to which estimates are to be made.
- (5) Before giving his approval to any guidance issued under that subsection, the Secretary of State shall consult the Assembly.
- (6) Subsections (1) to (4) of section 17B above apply to guidance issued under subsection (3) above as they apply to guidance issued under section 17A(9) above.
- (7) The Secretary of State may make provision by regulations as to the circumstances in which a licensed water supplier is not, for the purposes of subsection (2) above, to be treated as entering into an undertaking with a new customer to give a supply of water to any premises (subject to subsection (12) below).
- (8) The Secretary of State may by regulations amend subsection (2) above by substituting, for the quantity of water for the time being specified there, a different quantity of water (subject to subsection (12) below).
- (9) Regulations under subsection (8) above—
  - (a) shall include provision for the amendment made by the regulations not to apply in relation to any undertaking entered into before the date on which the regulations come into force; and
  - (b) may include provision for that amendment not to apply in relation to any undertaking which is proposed, but not entered into, before that date.
- (10) A statutory instrument containing regulations under subsection (8) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (11) Before making regulations under subsection (8) above, the Secretary of State shall consult—
  - (a) the Authority; and
  - (b) such other persons (if any) as the Secretary of State thinks it appropriate to consult.
- (12) The powers to make regulations under subsections (7) and (8) above are exercisable by the Assembly (and not by the Secretary of State) in relation to premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in Wales.

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- (13) Subsections (9) and (11) above apply in relation to regulations made by the Assembly under subsection (8) above by virtue of subsection (12) above as they apply in relation to regulations made by the Secretary of State under subsection (8) above.

#### Textual Amendments

- F6** Words in s. 17D(1) substituted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(2)(a)**; [S.I. 2015/1938](#), art. 3(f)(ii) (with art. 4)
- F7** Words in s. 17D(1) inserted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(2)(b)**; [S.I. 2015/1938](#), art. 3(f)(ii) (with art. 4)
- F8** Words in s. 17D(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(3)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(g)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F9** Words in s. 17D(2) substituted (15.12.2011) by [The Water Supply \(Amendment to the Threshold Requirement\) Regulations 2011 \(S.I. 2011/3014\)](#), regs. 1(1), **2** (with reg. 1(2))

#### <sup>F10</sup> **17DA** Guidance

The Authority must publish guidance issued from time to time under—

- (a) section 17D(3),
- (b) paragraph 10 of Schedule 2A, or
- (c) paragraph 4 of Schedule 2B,

in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.]

#### Textual Amendments

- F10** S. 17DA inserted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 13**; [S.I. 2015/1938](#), art. 3(f)(iv)

#### **17E Determinations by the Authority**

<sup>F11</sup>(1) The Authority may determine, in a case referred to it by—

- (a) a water supply licensee or a potential customer of a water supply licensee, or
- (b) a sewerage licensee or a potential customer of a sewerage licensee,

whether a proposed supply of water to, or proposed sewerage services for, the customer would be in accordance with what is authorised by the licensee's licence.]

(2) The matters which the Authority may determine include the following matters—

- (a) the extent of the premises to be supplied for the purposes of <sup>F12</sup>paragraph 4 or 7(a) or (b) of Schedule 2A];

<sup>F13</sup>(aa) [ the extent of the premises to be served for the purposes of paragraph 2 of Schedule 2B;]

- (b) whether the premises to be supplied <sup>F14</sup>or served] are household premises (as defined in section 17C above); and
- (c) whether the threshold requirement is satisfied in relation to the premises to be supplied (construed in accordance with section 17D above),

and also include any other matter the determination of which is relevant to those matters.



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**Textual Amendments**

- F11** S. 17E(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 14\(2\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(h\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F12** Words in s. 17E(2)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 14\(3\)\(a\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(h\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F13** S. 17E(2)(aa) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 14\(3\)\(b\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(h\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F14** Words in s. 17E(2)(b) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 14\(3\)\(c\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(h\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)

**17F Procedure for granting water supply [<sup>F15</sup> and sewerage] licences**

[<sup>F16</sup>(1) The Authority must determine for each type of relevant application that may be made—

- (a) the form and manner in which an application is to be made;
- (b) the information it is to contain;
- (c) the documents that are to accompany it;
- (d) the fee that is to accompany it.

(1A) The fees may be different in different circumstances.

(1B) The Authority may make a new determination as to a matter referred to in subsection (1).

(1C) The Authority must publish a notice of what it has determined under subsection (1) or (1B) in such manner as it thinks appropriate for bringing the determination to the attention of those affected by the determination.

(1D) For the purposes of subsection (1) a relevant application is an application for—

- (a) the grant of a water supply or sewerage licence giving a particular authorisation or combination of authorisations;
- (b) the variation of a water supply or sewerage licence so that it gives—
  - (i) a particular authorisation only, or
  - (ii) a particular combination of authorisations.

(1E) A person making a relevant application must comply with such provisions of a notice published under subsection (1C) as relate to the application.]

<sup>F17</sup>(2) .....

<sup>F18</sup>(3) .....

(4) If <sup>F19</sup>... the Authority proposes to refuse [<sup>F20</sup>a relevant application], <sup>F21</sup>... it shall give to the applicant a notice—

- (a) stating that <sup>F21</sup>... it proposes to refuse the application;
- (b) stating the reasons why <sup>F21</sup>... it proposes to refuse the application; and
- (c) specifying the time within which representations or objections with respect to the proposed refusal may be made,



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and shall consider any representations or objections which are duly made and not withdrawn.

- <sup>F22</sup>(5) .....
- (6) A licence shall be in writing and, unless revoked or suspended in accordance with any condition contained in it, shall continue in force for such period as may be specified in or determined by or under the licence.
- (7) <sup>F23</sup>As soon as practicable after granting a licence or variation of a licence, ... the Authority shall serve a copy of the licence or licence as varied—
- (a) on the licence holder;
  - (b) on the Assembly;
  - (c) on the Chief Inspector of Drinking Water;
  - (d) on the Environment Agency;
  - [ on the NRBW;]
- <sup>F24</sup>(da)
- (e) on the Council;
  - (f) on each relevant undertaker;
  - [ <sup>F25</sup>(g) on each water supply licensee and sewerage licensee (other than the holder of the licence in question);]
- <sup>F26</sup>(h) .....
- (i) <sup>F27</sup>... on the Secretary of State.
- (8) Any sums received <sup>F28</sup>... by the Authority by virtue of this section shall be paid into the Consolidated Fund.

#### Textual Amendments

- F15** Words in s. 17F title inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(2\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F16** S. 17F(1)-(1E) substituted for s. 17F(1) (1.4.2016) by [Water Act 2014 \(c. 21\)](#), [ss. 25\(2\)](#), 94(3); S.I. 2016/465, art. 2(f) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F17** S. 17F(2) repealed (14.7.2014) by [Water Act 2014 \(c. 21\)](#), [ss. 25\(3\)](#), 94(2)(f)
- F18** S. 17F(3) repealed (14.7.2014) by [Water Act 2014 \(c. 21\)](#), [ss. 25\(3\)](#), 94(2)(f)
- F19** Words in s. 17F(4) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(3\)\(a\)](#); S.I. 2015/1938, art. 3(f)(v)
- F20** Words in s. 17F(4) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), [ss. 25\(4\)](#), 94(3); S.I. 2016/465, art. 2(f) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F21** Words in s. 17F(4) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(3\)\(b\)](#); S.I. 2015/1938, art. 3(f)(v)
- F22** S. 17F(5) repealed (14.7.2014) by [Water Act 2014 \(c. 21\)](#), [ss. 25\(3\)](#), 94(2)(f)
- F23** Words in s. 17F(7) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(4\)\(a\)](#); S.I. 2015/1938, art. 3(f)(v)
- F24** S. 17F(7)(da) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), [Sch. 2 para. 227](#) (with [Sch. 7](#))
- F25** S. 17F(7)(g) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(4\)\(b\)](#); S.I. 2016/465, art. 2(m), [Sch. 1 para. 1\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F26** S. 17F(7)(h) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(4\)\(c\)](#); S.I. 2015/1938, art. 3(f)(v)
- F27** Words in s. 17F(7)(i) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(4\)\(d\)](#); S.I. 2015/1938, art. 3(f)(v)

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**F28** Words in s. 17F(8) repealed (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 15\(5\)](#); [S.I. 2015/1938](#), art. 3(f)(v)

## **17FA Applications forwarded by the Water Industry Commission for Scotland**

**F29**

- (1) The Secretary of State may by regulations make provision about—
- (a) treating a 2005 Act application for the grant of a water services licence under section 6 of the 2005 Act as being also an application under section 17F for the grant of a water supply licence giving only a retail authorisation or a restricted retail authorisation or both;
  - (b) treating a 2005 Act application for the grant of a sewerage services licence under section 6 of the 2005 Act as being also an application under section 17F for the grant of a sewerage licence giving only a retail authorisation.
- (2) The regulations may in particular make provision about—
- (a) the circumstances in which, and the conditions subject to which, a 2005 Act application is to be treated as an application under section 17F for a water supply or sewerage licence giving a particular authorisation or particular authorisations;
  - (b) the time at which an application is to be treated as having been made;
  - (c) the processing of an application by the Authority.
- (3) Provision under subsection (2)(a) may require a 2005 Act application that is forwarded to the Authority—
- (a) to contain, or to be accompanied by, such information or information of such description as is specified by the regulations;
  - (b) to be accompanied by such documents or documents of such descriptions as are specified by the regulations;
  - (c) to be accompanied by a fee, or a fee of a description, specified by the regulations.
- (4) In this section and section 17FB—
- “the 2005 Act” means the Water Services etc. (Scotland) Act 2005;
- “2005 Act application” means an application under paragraph 1 of Schedule 2 to the 2005 Act.

### **Textual Amendments**

**F29** Ss. 17FA, 17FB inserted (18.12.2015 for the insertion of s. 17FA, 1.4.2016 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 6\(2\)](#), 94(3); [S.I. 2015/1938](#), art. 2(a)(ii); [S.I. 2016/465](#), art. 2(c) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

## **17FB Applications forwarded to the Water Industry Commission for Scotland**

- (1) If the conditions in subsection (2) are satisfied, the Authority must—
- (a) forward to the Commission a copy of an application under section 17F for the grant of a water supply licence or sewerage licence, and
  - (b) send to the Commission such information and such fee as appear to the Authority to be required in order that the application may be treated by the Commission as a 2005 Act application for the grant of—

*Status: Point in time view as at 01/11/2016.*

*Changes to legislation: Water Industry Act 1991, Cross Heading: Granting of licences is up to date with all changes known to be in force on or before 24 June 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)*

- (i) a water services licence under section 6 of the 2005 Act, or
  - (ii) a sewerage services licence under section 6 of the 2005 Act, as the case may be.
- (2) The conditions are that—
- (a) the Authority is requested to do so by the applicant;
  - (b) the application under section 17F appears to the Authority to be an application that would be treated by the Commission as a 2005 Act application for the grant of—
    - (i) a water services licence under section 6 of the 2005 Act, or
    - (ii) a sewerage services licence under section 6 of the 2005 Act, as the case may be;
  - (c) the applicant has given the Authority—
    - (i) such information as is mentioned in subsection (1)(b), and
    - (ii) a means of sending to the Commission such fee as is mentioned in subsection (1)(b).
- (3) The Authority must—
- (a) forward a copy of the application, and
  - (b) send such information and fee as are mentioned in subsection (1)(b),
- before the end of the agreed period for an application of that description.
- (4) In this section—
- “the agreed period”, in relation to an application under section 17F of a particular description, means the period agreed between the Authority and the Commission as the period applying to an application of that description for the purposes of subsection (3);
- “the Commission” means the Water Industry Commission for Scotland.]]

#### Textual Amendments

**F29** Ss. 17FA, 17FB inserted (18.12.2015 for the insertion of s. 17FA, 1.4.2016 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 6\(2\)](#), 94(3); [S.I. 2015/1938](#), [art. 2\(a\)\(ii\)](#); [S.I. 2016/465](#), [art. 2\(c\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), [art. 16](#))

**Status:**

Point in time view as at 01/11/2016.

**Changes to legislation:**

Water Industry Act 1991, Cross Heading: Granting of licences is up to date with all changes known to be in force on or before 24 June 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.