



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER III

PROTECTION OF CUSTOMERS ETC..

General provisions

27 General duty of Director to keep matters under review.

- (1) It shall be the duty of the Director, so far as it appears to him practicable from time to time to do so, to keep under review the carrying on both in England and Wales and elsewhere of activities connected with the matters in relation to which
 - [^{F1}(a) water undertakers or sewerage undertakers carry out functions; and
 - (b) [^{F2}water supply licensees or sewerage licensees] carry on activities authorised by their licences.]
- (2) It shall also be the duty of the Director, so far as it appears to him practicable from time to time to do so, to collect information with respect to—
 - (a) the carrying out by companies appointed under Chapter I of this Part of the functions of relevant undertakers; or
 - [^{F3}(aa) the carrying on by [^{F4}persons] holding licences under Chapter 1A of this Part of the activities authorised by their licences; or]
 - (b) any [^{F5}company mentioned in paragraph (a) or (aa) above] ,with a view to his becoming aware of, and ascertaining the circumstances relating to, matters with respect to which any power or duty is conferred or imposed on him by or under any enactment.
- (3) The Secretary of State may give general directions indicating—

Status: Point in time view as at 10/05/2022.

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- (a) considerations to which the Director should have particular regard in determining the order of priority in which matters are to be brought under review in performing his duty under subsection (1) or (2) above; and
 - (b) considerations to which, in cases where it appears to the Director that any of his powers under Parts II to V and VII of this Act are exercisable, he should have particular regard in determining whether to exercise those powers;
- and it shall be the duty of the Director to comply with any such directions.
- (4) It shall be the duty of the Director, where either he considers it expedient or he is requested by the Secretary of State or [^{F6}the CMA] to do so, to give information, advice and assistance to the Secretary of State or that Director with respect to any matter relating to—
- (a) the functions of either description of relevant undertaker; or
 - (b) the carrying out of any such functions by a company holding an appointment under Chapter I of this Part [^{F7} or
 - (c) the activities authorised by [^{F8}the authorisations or combinations of authorisations given by licences under Chapter 1A of this Part (see sections 17A and 17BA)]; or
 - (d) the carrying on of any such activities by a [^{F9}person] holding any such licence.]

Textual Amendments

- F1** S. 27(1)(a)(b) substituted (1.12.2005) for words by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 12(2)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F2** Words in s. 27(1)(b) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 39(2)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(k)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, **art. 16**)
- F3** S. 27(2)(aa) inserted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 12(3)(a)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F4** Word in s. 27(2)(aa) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 39(3)(a)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(k)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, **art. 16**)
- F5** Words in s. 27(2)(b) substituted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 12(3)(b)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F6** Words in s. 27(4) substituted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), **art. 1(1)**, **Sch. 1 para. 81** (with art. 3)
- F7** S. 27(4)(c)(d) and preceding word inserted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 12(4)**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F8** Words in s. 27(4)(c) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 39(4)(a)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(k)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, **art. 16**)
- F9** Word in s. 27(4)(d) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 39(4)(b)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(k)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, **art. 16**)

Modifications etc. (not altering text)

- C1** S. 27 applied (with modifications) (28.6.2013) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582), **reg. 1(1)(b)**, **Sch. 1 para. 8** (with **reg. 1(1)(c)**) (as amended (10.1.2015) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) (Amendment) Regulations 2015 (S.I. 2015/22), **regs. 1(1), 5**)

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C2 S. 27(4): functions exercisable by the Assembly concurrently with the Ministers of the Crown (W.) (1.7.1999) by [S.I. 1999/672](#), art. 2, [Sch. 1](#)

[^{F10}27ZA Power to require information for purpose of monitoring

- (1) The Authority may, for the purpose of performing its duty under section 27(1) or (2), serve a notice under subsection (2) on—
 - (a) a water undertaker or sewerage undertaker;
 - (b) a water supply licensee or sewerage licensee.
- (2) A notice under this subsection is a notice which requires the person on whom it is served—
 - (a) to produce to the Authority, at a time and place specified in the notice (which must be reasonable), any documents specified or described in the notice which are in that person’s custody or under that person’s control, or
 - (b) to provide to the Authority, at a time and place and in the form and manner specified in the notice (which must be reasonable), information specified or described in the notice.
- (3) The requirements imposed by a notice under subsection (2) are enforceable by the Authority under section 18.
- (4) Nothing in this section requires a disclosure of information that would contravene the data protection legislation (but in determining whether a disclosure would do so, take into account the duty imposed by this section).
- (5) In subsection (4) “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3(9) of that Act).]

Textual Amendments

F10 S. 27ZA inserted (10.5.2022 for specified purposes) by [Environment Act 2021 \(c. 30\)](#), ss. 85, 147(3)(4) (with s. 144); [S.I. 2022/518](#), regs. 1(2), 2(e)

Status:

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