



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART II **E+W**

#### APPOINTMENT AND REGULATION OF UNDERTAKERS

### CHAPTER IV **E+W**

#### INTERPRETATION OF PART II

### 36 Interpretation of Part II. **E+W**

- (1) In this Part—
  - [<sup>F1</sup>“the 1973 Act” means the <sup>M1</sup>Fair Trading Act 1973; and]
  - “the 1980 Act” means the <sup>M2</sup>Competition Act 1980.
  - [<sup>F2</sup>“the 2002 Act” means the Enterprise Act 2002;]
- (2) References in this Part to an appointment or variation replacing a company as a relevant undertaker are references to the following, that is to say—
  - (a) the appointment of a company to be the water undertaker or sewerage undertaker for any area which is or includes the whole or any part of any area for which another company already holds an appointment as water undertaker or, as the case may be, sewerage undertaker; or
  - (b) a variation by virtue of which the area for which a company holds an appointment under Chapter I of this Part is modified so as to include the whole or any part of an area for which another company already holds an appointment as water undertaker or, as the case may be, sewerage undertaker.
- (3) For the purposes of this Part premises in a part of an area are served by a company holding an appointment under Chapter I of this Part—
  - (a) in relation to an appointment or variation by virtue of which that company would be replaced as the water undertaker for that part of that area, if those premises—

*Status: Point in time view as at 28/06/2013.*

*Changes to legislation: Water Industry Act 1991, chapter IV is up to date with all changes known to be in force on or before 17 September 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) are supplied with water by means of a connection with a distribution main of that company; or
- <sup>F3</sup>(ii) .....
- and
- (b) in relation to an appointment or variation by virtue of which that company would be replaced as the sewerage undertaker for that part of that area, if those premises—
- (i) are drained by means of a relevant sewer [<sup>F4</sup>or drain] ; or
- <sup>F5</sup>(ii) .....
- (4) In this section—
- “distribution main” means a water main that is not a trunk main; and
- [<sup>F6</sup>“relevant sewer or drain”, in relation to any appointment or variation which would replace a company as a sewerage undertaker, means any of the following, that is to say—
- (a) a public sewer or lateral drain vested in that company;
- (b) a sewer or lateral drain in relation to which that company has made a declaration of vesting under section 102 below which has not yet taken effect;
- (c) a sewer or lateral drain in relation to which that company has entered into an agreement under section 104 below.]

#### Textual Amendments

- F1** Words in s. 36(1) ceased to have effect (29.12.2004) and repealed (prosp.) by [Enterprise Act 2002 \(c. 40\)](#), ss. 168(9), 278, 279, **Sch. 9 para. 8(a)**, Sch. 26; S.I. 2004/3233, **art. 2**, Sch. (with arts. 3-5)
- F2** Words in s. 36(1) inserted (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 168(9), 279, **Sch. 9 para. 8(b)**; S.I. 2003/1397, **art. 2(1)**, Sch.
- F3** S. 36(3)(a)(ii) repealed (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), ss. 40(5)(a), 56(7), **Sch. 2**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I
- F4** Words in s. 36(3)(b)(i) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 97(2)(a)**, 105(3); S.I. 2004/641, **art. 4(b)** (with **art. 6**, Sch. 3)
- F5** S. 36(3)(b)(ii) repealed (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), ss. 40(5)(b), 56(7), **Sch.2**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt.I
- F6** S. 36(4): definition substituted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 97(2)(b)**, 105(3); S.I. 2004/641, **art. 4(b)** (with **art. 6**, Sch. 3)

#### Marginal Citations

- M1** 1973 c. 41.
- M2** 1980 c. 21.

**Status:**

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