



# Water Industry Act 1991

## 1991 CHAPTER 56

### <sup>F1</sup>[PART IIIA

#### PROMOTION OF THE EFFICIENT USE OF WATER

##### Textual Amendments

- F1** Part IIIA (ss. 93A-93D) inserted (1.2.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 102** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 2**

#### **93A** Duty to promote the efficient use of water.

- (1) It shall be the duty of every water undertaker [<sup>F2</sup>or [<sup>F3</sup>water supply licensee]] to promote the efficient use of water by [<sup>F4</sup>that person's customers].
- (2) The duty of a water undertaker [<sup>F2</sup>or [<sup>F5</sup>water supply licensee]] under this section shall be enforceable under section 18 above—
  - (a) by the Secretary of State; or
  - (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.
- (3) Nothing in this Part shall have effect to authorise or require a water undertaker [<sup>F2</sup>or [<sup>F6</sup>water supply licensee]] to impose any requirement on any of [<sup>F7</sup>that person's customers] or potential customers.

##### Textual Amendments

- F2** Words in s. 93A(1)(2)(3) inserted (1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 29**; S.I. 2005/2714, **art. 3(c)** (with Sch. para. 8)
- F3** Words in s. 93A(1) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 80(1)(a)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(o)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)

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- F4** Words in s. 93A(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 80\(1\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F5** Words in s. 93A(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 80\(1\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F6** Words in s. 93A(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 80\(1\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F7** Words in s. 93A(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 80\(1\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

### **93B Power of Director to impose requirements on water undertakers.**

- (1) The Director may require a water undertaker [<sup>F8</sup>or [<sup>F9</sup>water supply licensee]], in [<sup>F10</sup>the performance of that undertaker's or licensee's duty] under section 93A above, to—
  - (a) take any such action; or
  - (b) achieve any such overall standards of performance,
 as he may specify in the document imposing the requirement.
- (2) Where the Director, in the document imposing a requirement on a water undertaker [<sup>F11</sup>or [<sup>F12</sup>water supply licensee]] under subsection (1) above, stipulates that any contravention of the requirement by the undertaker [<sup>F13</sup>or licensee] will be a breach of [<sup>F14</sup>the undertaker's or licensee's duty] under section 93A above, any contravention of that requirement by the undertaker shall be a breach of that duty.
- (3) Without prejudice to the generality of subsection (1) above, a requirement under that subsection may—
  - (a) require a water undertaker [<sup>F15</sup>or [<sup>F16</sup>water supply licensee]] to make available to [<sup>F17</sup>that person's customers] or potential customers such facilities as may be specified in the document imposing the requirement;
  - (b) require a water undertaker [<sup>F15</sup>or [<sup>F16</sup>water supply licensee]] to provide or make available to [<sup>F17</sup>that person's customers] or potential customers such information as may be specified in the document imposing the requirement, and may specify the form in which, the times at which or the frequency with which any such information is to be provided or made available.
- (4) In exercising his powers under this section in relation to any water undertaker [<sup>F18</sup>or [<sup>F19</sup>water supply licensee]] the Director shall have regard to the extent to which water resources are available to that undertaker [<sup>F20</sup>or licensee].
- (5) Before imposing any requirement on a water undertaker [<sup>F21</sup>or [<sup>F22</sup>water supply licensee]] under subsection (1) above the Director shall consult that undertaker [<sup>F23</sup>or licensee].
- (6) Nothing in this section authorises the Director to impose any requirement on a water undertaker [<sup>F24</sup>or [<sup>F25</sup>water supply licensee]] which has or may have the effect of authorising or requiring that undertaker [<sup>F26</sup>or licensee] to impose any requirement on any of [<sup>F27</sup>that person's customers] or potential customers.

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### Textual Amendments

- F8** Words in s. 93B(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(2)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F9** Words in s. 93B(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F10** Words in s. 93B(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(3)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F11** Words in s. 93B(2) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(3)(a)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F12** Words in s. 93B(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F13** Words in s. 93B(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(4)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F14** Words in s. 93B(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(5)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F15** Words in s. 93B(3)(a)(b) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(4)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F16** Words in s. 93B(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F17** Words in s. 93B(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(6)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F18** Words in s. 93B(4) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(5)(a)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F19** Words in s. 93B(4) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F20** Words in s. 93B(4) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(4)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F21** Words in s. 93B(5) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(6)(a)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F22** Words in s. 93B(5) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F23** Words in s. 93B(5) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(4)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F24** Words in s. 93B(6) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 30(7)(a)**; [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F25** Words in s. 93B(6) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(2)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F26** Words in s. 93B(6) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(4)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F27** Words in s. 93B(6) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 81(6)**; [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

### 93C Publicity of requirements imposed under section 93B.

- (1) Where, under section 93B(1) above, the Director imposes any requirement on a water undertaker [<sup>F28</sup>or [<sup>F29</sup>water supply licensee]], the Director may arrange for that requirement to be publicised in any such manner as he may consider appropriate for the purpose of bringing it to the attention of that undertaker's [<sup>F30</sup>or licensee's] customers.
- (2) Without prejudice to the generality of subsection (1) above, the Director may arrange for such publicising of the requirement as is mentioned in that subsection by—

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- (a) himself publicising the requirement or causing it to be publicised; or
- (b) directing the undertaker [<sup>F31</sup>or licensee] to inform or arrange to inform its customers of the requirement.

#### Textual Amendments

- F28** Words in s. 93C(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 31\(2\)\(a\)](#); [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F29** Words in s. 93C(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 82\(2\)\(a\)](#); [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F30** Words in s. 93C(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 82\(2\)\(b\)](#); [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F31** Words in s. 93C(2)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 82\(3\)](#); [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

### 93D Information as to compliance with requirements under section 93B.

- (1) Where a water undertaker [<sup>F32</sup>or [<sup>F33</sup>water supply licensee]] is subject to any requirement imposed under section 93B(1) above, the Director may arrange for there to be given to the customers of that undertaker [<sup>F34</sup>or licensee] at any such times or with such frequency, and in any such manner, as he may consider appropriate, such information about the level of performance achieved by the undertaker [<sup>F34</sup>or licensee] in relation to that requirement as appears to the Director to be expedient to be given to those customers.
- (2) Without prejudice to the generality of subsection (1) above, the Director may arrange for such giving of information as is mentioned in that subsection by—
  - (a) himself disseminating the information or causing it to be disseminated; or
  - (b) directing the undertaker [<sup>F35</sup>or licensee] to give or arrange to give the information to its customers.
- (3) At such times and in such form or manner as the Director may direct, a water undertaker [<sup>F36</sup>or [<sup>F37</sup>water supply licensee]] shall provide the Director with such information as may be specified in the direction in connection with the undertaker's [<sup>F38</sup>or licensee's] performance in relation to any requirement imposed upon the undertaker [<sup>F39</sup>or licensee] under section 93B(1) above.
- (4) A water undertaker [<sup>F40</sup>or [<sup>F41</sup>water supply licensee]] who fails without reasonable excuse to do anything required of him by virtue of subsection (3) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

#### Textual Amendments

- F32** Words in s. 93D(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 32\(2\)\(a\)](#); [S.I. 2005/2714, art. 3\(c\)](#) (with [Sch. para. 8](#))
- F33** Words in s. 93D(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 83\(2\)](#); [S.I. 2016/465, art. 2\(m\)](#), [Sch. 1 para. 1\(o\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

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- F34** Words in s. 93D(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(3)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F35** Words in s. 93D(2)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(3)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F36** Words in s. 93D(3) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 32(4)(a)**; [S.I. 2005/2714](#), **art. 3(c)** (with **Sch. para. 8**)
- F37** Words in s. 93D(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(2)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F38** Words in s. 93D(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(4)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F39** Words in s. 93D(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(3)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F40** Words in s. 93D(4) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 32(5)**; [S.I. 2005/2714](#), **art. 3(c)** (with **Sch. para. 8**)
- F41** Words in s. 93D(4) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 83(2)**; [S.I. 2016/465](#), art. 2(m), **Sch. 1 para. 1(o)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)

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