



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER I

GENERAL FUNCTIONS OF SEWERAGE UNDERTAKERS [F1ETC]

Textual Amendments

- F1** Word in Pt. 4 Ch. 1 heading inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 84](#); [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)

Principal duties and standards of performance

94 General duty to provide sewerage system.

- (1) It shall be the duty of every sewerage undertaker—
- (a) to provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain those sewers [F2and any lateral drains which belong to or vest in the undertaker] as to ensure that that area is and continues to be effectually drained; and
 - (b) to make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.
- (2) It shall be the duty of a sewerage undertaker in performing its duty under subsection (1) above to have regard—

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- (a) to its existing and likely future obligations to allow for the discharge of trade effluent into its public sewers; and
 - (b) to the need to provide for the disposal of trade effluent which is so discharged.
- (3) The duty of a sewerage undertaker under subsection (1) above 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.
- (4) The obligations imposed on a sewerage undertaker by the following Chapters of this Part, and the remedies available in respect of contraventions of those obligations, shall be in addition to any duty imposed or remedy available by virtue of any provision of this section or section 95 below and shall not be in any way qualified by any such provision.
- (5) In this section “trade effluent” has the same meaning as in Chapter III of this Part.

Textual Amendments

- F2** Words in s. 94(1)(a) inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), **ss. 97(3)**, 105(3); S.I. 2004/641, **art. 4(b)** (with [Sch. 3 para. 7](#))

Modifications etc. (not altering text)

- C1** S. 94 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. 10(2)** (with **reg. 1(1)(c)**)

95 Standards of performance in connection with provision of sewerage services.

- (1) For the purpose-
- (a) of facilitating the determination of the extent to which breaches of the obligations imposed by virtue of the following provisions of this Part are to amount to breaches of the duty imposed by section 94 above; or
 - (b) of supplementing that duty by establishing overall standards of performance in relation to the provision of sewerage services by any sewerage undertaker, the Secretary of State may, in accordance with section 96 below, by regulations provide for contraventions of such requirements as may be prescribed to be treated for the purposes of this Act as breaches of that duty.
- (2) The Secretary of State may, in accordance with section 96 below, by regulations prescribe such standards of performance in connection with the provision of sewerage services as, in his opinion, ought to be achieved in individual cases.
- (3) Regulations under subsection (2) above may provide that, if a sewerage undertaker fails to meet a prescribed standard, it shall pay such amount as may be prescribed to any person who is affected by the failure and is of a prescribed description.
- (4) Without prejudice to the generality of the power conferred by subsection (2) above, regulations under that subsection may—

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- (a) include in a standard of performance a requirement for a sewerage undertaker, in prescribed circumstances, to inform a person of his rights by virtue of any such regulations;
- (b) provide for any dispute under the regulations to be referred by either party to the dispute to the Director;
- (c) make provision for the procedure to be followed in connection with any such reference and for the Director's determination on such a reference to be enforceable in such manner as may be prescribed;
- (d) prescribe circumstances in which a sewerage undertaker is to be exempted from requirements of the regulations.

^{F3}[(5) Where the Director determines any dispute in accordance with regulations under this section he shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.]

Textual Amendments

F3 S. 95(5) added (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 56\(6\), Sch. 1 para.24](#); Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt.I

[^{F4}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 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;

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- (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.]

Textual Amendments

F4 S. 95ZA inserted (1.11.2016) by [Water Act 2014 \(c. 21\)](#), **ss. 30(1), 94(3)**; S.I. 2016/1007, art. 2(e)

[95A ^{F5}Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
- (a) the compensation paid by sewerage undertakers under regulations under section 95(2) above; ^{F6}...
 - [the compensation paid by sewerage licensees under regulations under ^{F7}(aa) section 95ZA(2); and]
 - (b) the levels of overall performance achieved by sewerage undertakers [^{F8}or sewerage licensees] in connection with the provision of sewerage services.
- (2) At such times as the Director may direct, each sewerage undertaker shall give the following information to the Director—
- (a) as respects each standard prescribed by regulations under section 95(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 95(1)(b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- [At such times as the Authority may direct, each sewerage licensee is to give the ^{F9}(2A) 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.]
- [The requirements in subsections (2) and (2A) are enforceable by the Authority under ^{F10}(3) section 18.]
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of sewerage undertakers [^{F11}or sewerage licensees].
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—

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- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.]

Textual Amendments

- F5** S. 95A inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s.31](#); Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I
- F6** Word in s. 95A(1) repealed (1.11.2016) by [Water Act 2014 \(c. 21\), ss. 30\(3\)\(a\), 94\(3\)](#); S.I. 2016/1007, art. 2(e)
- F7** S. 95A(1)(aa) inserted (1.11.2016) by [Water Act 2014 \(c. 21\), ss. 30\(3\)\(b\), 94\(3\)](#); S.I. 2016/1007, art. 2(e)
- F8** Words in s. 95A(1)(b) inserted (1.11.2016) by [Water Act 2014 \(c. 21\), ss. 30\(3\)\(c\), 94\(3\)](#); S.I. 2016/1007, art. 2(e)
- F9** S. 95A(2A) inserted (1.11.2016) by [Water Act 2014 \(c. 21\), ss. 30\(4\), 94\(3\)](#); S.I. 2016/1007, art. 2(e)
- F10** S. 95A(3) substituted (1.1.2015 for specified purposes, 1.11.2016 in so far as not already in force) by [Water Act 2014 \(c. 21\), ss. 30\(5\), 94\(3\)](#); S.I. 2014/3320, art. 2(2)(b); S.I. 2016/1007, art. 2(e)
- F11** Words in s. 95A(4) inserted (1.11.2016) by [Water Act 2014 \(c. 21\), ss. 30\(6\), 94\(3\)](#); S.I. 2016/1007, art. 2(e)

[^{F12}95B Publication of statistical information about complaints

- (1) It shall be the duty of the Council to publish, in such form and manner and with such frequency as it thinks appropriate, such statistical information as it considers appropriate relating to complaints made by consumers about any matter relating to the activities of sewerage undertakers [^{F13}or sewerage licensees] and the handling of such complaints.
- (2) In subsection (1) above, “complaints” includes complaints made directly to sewerage undertakers [^{F14}or sewerage licensees] (or anyone carrying on activities on their behalf) and complaints to the Authority, the Council, the Assembly or the Secretary of State.]

Textual Amendments

- F12** S. 95B inserted (1.10.2005) by [Water Act 2003 \(c. 37\), ss. 45\(2\), 105\(3\)](#); S.I. 2005/2714, art. 2(e) (with Sch. para. 8)
- F13** Words in s. 95B(1) inserted (1.4.2017) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 85\(a\)](#); S.I. 2017/462, art. 3(k)(x)
- F14** Words in s. 95B(2) inserted (1.4.2017) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 85\(b\)](#); S.I. 2017/462, art. 3(k)(x)

96 Procedure for regulations under section 95.

[^{F15}(A1) The Secretary of State may make regulations under section 95 above—

- (a) on an application by the Authority, in accordance with subsections (1) to (3) below; or

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- (b) otherwise than on such an application, in accordance with subsections (4) to (8) below.]
- (1) ^{F16}Where the Authority has made to the Secretary of State a written application complying with subsection (2) below, the Secretary of State may make regulations under section 95 above if—
- ^{F17}[(b) the Secretary of State is satisfied that a copy of the application has been served by the Director—
- (i) on every sewerage undertaker specified in the application; ^{F18} . . .
 - (ii) on persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations;
 - (iii) ^{F19}on the Council; and
 - (iv) on such other persons or bodies as the Secretary of State may consider appropriate;]
- (c) such period as the Secretary of State considers appropriate has been allowed for the making—
- (i) by the Director; and
 - (ii) by any affected sewerage undertaker ^{F20}or person or body on whom a copy of the application has been served under paragraph ^{F21}(b) above],
- of representations or objections with respect to the Director’s proposals and any modifications proposed by the Secretary of State; and
- (d) the Secretary of State has considered ^{F22}the summary mentioned in subsection (2)(bb) below,] the Director’s reasons for his proposals and every representation or objection which has been duly made with respect to those proposals, or any proposed modifications of those proposals, and has not been withdrawn.
- ^{F23}[(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.]
- (2) An application made by the Director to the Secretary of State complies with this subsection if it—
- (a) sets out ^{F24}the Authority’s proposals for the making of] regulations under section 95 above;
 - (b) specifies the sewerage undertaker or undertakers in relation to which it is proposed ^{F25}the regulations] should apply
- ^{F26}(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;]; and
- (c) summarises the Director’s reasons for his proposals.
- (3) The Secretary of State shall not make any regulations ^{F27}on an application by the Authority under this section] except where—
- (a) the only provisions of the regulations are ^{F28}those which in the opinion of the Secretary of State give effect to the proposals set out in the Authority’s application or to those proposals] with such modifications as the Secretary of State considers appropriate; and

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- (b) each of the modifications (if any) of the Director's proposals to which effect is given by the regulations is a modification the proposal to make which has been notified—
- (i) to the Director; ^{F29} . . .
 - (ii) to any sewerage undertaker appearing to the Secretary of State to be likely to be affected by the modifications^{F30} and
 - (iii) to any person or body on whom a copy of the Authority's application was served under subsection (1)(b) above.]
- [^{F31}(4) Where no such application as is mentioned in subsection (1) above has been made, the Secretary of State may make regulations under section 95 above only if he considers—
- (a) that the regulations will contribute towards the attainment of policies relating to public health or the environment; or
 - (b) (if he does not consider that they will so contribute) that there are exceptional reasons why it is otherwise in the public interest that the regulations should be made.
- (5) Before making regulations under section 95 above by virtue of subsection (4) above, the Secretary of State shall—
- (a) give notice of his proposals;
 - (b) consider the results of the research carried out in accordance with subsection (7) below; and
 - (c) consider every representation or objection with respect to the proposals which has been duly made and not withdrawn.
- (6) A notice under subsection (5)(a) above must—
- (a) summarise the Secretary of State's reasons for his proposals;
 - (b) specify the sewerage undertaker or undertakers in relation to which it is proposed the regulations should apply; and
 - (c) specify the period within which objections or representations with respect to the proposals may be made.
- (7) Before giving notice under subsection (5)(a) above the Secretary of State shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected.
- (8) A notice under subsection (5)(a) above shall be given by serving a copy on—
- (a) the Authority;
 - (b) the Council;
 - (c) every sewerage undertaker to which the regulations will apply;
 - (d) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations; and
 - (e) such other persons or bodies as the Secretary of State may consider appropriate.]

Textual Amendments

F15 S. 96(A1) inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(2\), 105\(3\)](#); [S.I. 2005/968](#), [art. 2\(h\)](#)
(with savings in [art. 4](#), [Schs. 1, 2](#))

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- F16** Words in s. 96(1) substituted (1.4.2005) for "words preceding paragraph (a), and paragraph (a)" by virtue of [Water Act 2003 \(c. 37\)](#), [ss. 42\(3\)\(a\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F17** S. 96(1)(b) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), [Sch. 1 para. 25\(2\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F18** Word in s. 96(1)(b)(i) repealed (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(3\)\(b\)](#), 101(2), 105(3), [Sch. 9 Pt. 2](#); S.I. 2005/968, [art. 2\(h\)\(n\)\(i\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F19** S. 96(1)(b)(iii)(iv) inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(3\)\(b\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F20** Words in s. 96(1)(c)(ii) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), [Sch. 1 para. 25\(3\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F21** Words in s. 96(1)(c)(ii) substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(3\)\(c\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F22** Words in s. 96(1)(d) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 30(2); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F23** S. 96(1A) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 30(3); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F24** Words in s. 96(2)(a) substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(4\)\(a\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F25** Words in s. 96(2)(b) substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(4\)\(b\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F26** S. 96(2)(bb) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 30(4); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. I
- F27** Words in s. 96(3) substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(5\)\(a\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F28** Words in s. 96(3)(a) substituted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(5\)\(b\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F29** Word in s. 96(3)(b)(i) repealed (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(5\)\(c\)](#), 101(2), 105(3), [Sch. 9 Pt. 2](#); S.I. 2005/968, [art. 2\(h\)\(n\)\(i\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F30** S. 96(3)(b)(iii) and preceding word inserted (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(5\)\(c\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))
- F31** S. 96(4)-(8) added (1.4.2005) by [Water Act 2003 \(c. 37\)](#), [ss. 42\(6\)](#), 105(3); S.I. 2005/968, [art. 2\(h\)](#) (with savings in [art. 4](#), [Schs. 1, 2](#))

[^{F32}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.]

Textual Amendments

F32 S. 96ZA inserted (15.7.2015) by [Water Act 2014 \(c. 21\)](#), [ss. 30\(7\)](#), 94(3); S.I. 2015/1469, [art. 2\(d\)](#)

Modifications etc. (not altering text)

C2 S. 96ZA(2) modified (temp.) (1.7.2015) by [The Water Act 2014 \(Commencement No. 4 and Transitional Provisions\) Order 2015 \(S.I. 2015/1469\)](#), [art. 5\(2\)\(5\)](#)

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[96A ^{F33}Information to be given to customers about overall performance.

(1) Each sewerage undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers [^{F34}, and, if the direction so specifies, sewerage licensees using the undertaker's sewerage system for the purpose of providing sewerage services to the premises of customers,] of—

- (a) the standards of overall performance established under section 95(1)(b) above which are applicable to that undertaker; and
- (b) that undertaker's level of performance as respects each of those standards.

[Each sewerage licensee must, in such form and manner and with such frequency as ^{F35}(1A) the Authority may direct, take steps to inform the licensee's customers of—

- (a) the standards of overall performance established under section 95ZA(1) which are applicable to that licensee;
- (b) that licensee's level of performance as regards those standards.

(1B) The Authority may direct that the requirement in subsection (1A) is not to apply to such sewerage licensees as may be specified in the direction.]

(2) In giving [^{F36}a direction under subsection (1) or (1A)], the Director shall not specify a frequency of less than once in every period of twelve months.

[The sewerage licensees referred to in subsection (1) shall, if the Authority so directs, ^{F37}(2A) pass on the information about the matters mentioned in that subsection to their customers.

(2B) In subsection (1), the reference to the sewerage undertaker's sewerage system is to be construed in accordance with section 17BA(7).]

(3) The duty of a sewerage undertaker [^{F38}or sewerage licensee] to comply with this section shall be enforceable by the Director under section 18 above.]

Textual Amendments

- F33** S. 96A inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s.32](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 3, Sch. Pt.I](#)
- F34** Words in s. 96A(1) inserted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 86\(2\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(p\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F35** S. 96A(1A)(1B) inserted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 86\(3\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(p\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F36** Words in s. 96A(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 86\(4\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(p\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F37** S. 96A(2A)(2B) inserted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 86\(5\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(p\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))
- F38** Words in s. 96A(3) inserted (1.4.2016) by [Water Act 2014 \(c. 21\), s. 94\(3\), Sch. 7 para. 86\(6\)](#); [S.I. 2016/465, art. 2\(m\), Sch. 1 para. 1\(p\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

Performance of sewerage undertaker's functions by local authorities etc.

97 Performance of sewerage undertaker's functions by local authorities etc.

(1) A relevant authority may, in accordance with any arrangements which it has entered into for the purpose with any sewerage undertaker, carry out sewerage functions on

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that undertaker’s behalf in relation to such area comprising the whole or any part of that authority’s relevant area, together (where that authority are a local authority or an urban development corporation and the arrangements so provide) with parts of any adjacent relevant areas of other relevant authorities, as may be specified in the arrangements.

- (2) Arrangements entered into for the purposes of this section may contain any such provision as may be agreed between the relevant authority and the sewerage undertaker but shall not affect the availability to any person, other than the relevant authority, of any remedy against the undertaker in respect of the carrying out of the undertaker’s sewerage functions or of any failure to carry them out.
- (3) It is hereby declared that, if arrangements entered into for the purposes of this section so provide, a relevant authority shall be entitled to exercise on behalf of a sewerage undertaker any power which by or under any enactment is exercisable by the undertaker for the purposes of, or in connection with, the carrying out of the undertaker’s sewerage functions.
- (4) Where arrangements entered into for the purposes of this section provide for a local authority to carry out the sewerage functions of a sewerage undertaker on the undertaker’s behalf, section 101 of the ^{M1}Local Government Act 1972 (delegation of functions), so far as it relates to the carrying out of functions by a committee, sub-committee or officer of a local authority, shall have effect in relation to those sewerage functions only in so far as the arrangements do not otherwise provide.
- [^{F39}(4A) Where arrangements entered into for the purposes of this section provide for a local authority which are operating executive arrangements to carry out the sewerage functions of a sewerage undertaker on that undertaker’s behalf—
- (a) those sewerage functions shall be treated as functions of the authority for the purposes of section 13 of the Local Government Act 2000; and
 - (b) if or to the extent that those sewerage functions are the responsibility of the executive of that authority—
 - (i) subsection (4) above shall not apply; and
 - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply in relation to those sewerage functions only in so far as the arrangements do not provide otherwise.]
- (5) In this section—
- [^{F40}“executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000;]
- “new town” has the same meaning as in the ^{M2}New Towns Act 1981;
- “relevant area”—
- (a) in relation to a local authority, means the area of the authority and the whole of any new town or urban development area any part of which is situated within the area of the authority;
 - (aa) [^{F41}in relation to the Mayoral development corporation for any Mayoral development area, means that area;]
 - (b) [^{F42}in relation to the English new towns residuary body, means any new town in England;
 - (ba) in relation to the Welsh new towns residuary body, means any new town in Wales;]

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- (c) in relation to the development corporation for any new town, means that new town; ^{F43}and]
- (d) ^{F44}
- (e) in relation to any urban development corporation for any urban development area, means that area;
“relevant authority” means any of the following, that is to say—
 - (a) a local authority;
 - (aa) ^{F45}the Mayoral development corporation for any Mayoral development area;]
 - (b) the ^{F46}new towns residuary body], ^{F47}or a development corporation for a new town];
 - (c) the urban development corporation for any urban development area;
“sewerage functions”, in relation to a sewerage undertaker, means any of the functions of the undertaker by virtue of its appointment under Chapter I of Part II of this Act as a sewerage undertaker, other than its functions relating to sewage disposal and its functions by virtue of Chapter III of this Part;
“urban development area” means any area so designated under Part XVI of the ^{M3}Local Government, Planning and Land Act 1980.

^{F48}(6)

Textual Amendments

- F39** S. 97(4A) inserted (11.7.2001 for E. and 1.4 2002 for W.) by [S.I. 2001/2237](#), [arts. 2, 27](#); [S.I 2002/808](#), {art. 26(a)}
- F40** S. 97(5): definitions of "executive and executive arrangements" inserted (11.7.2001 for E. and 1. 4. 2002 for W.) by [S.I. 2001/2237](#), [arts. 2, 27](#); [S.I. 2002/808](#), [art. 26\(b\)](#)
- F41** Words in s. 97(5) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 41\(a\)](#)
- F42** S. 97(5): paras. (b)(ba) in definition of "relevant area" substituted (1.12.2008) for para. (b) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, [Sch. 8 para. 57\(a\)](#); [S.I. 2008/3068](#), [art. 2\(1\)\(w\)](#) (with savings and transitional provisions in arts. 6-13)
- F43** S. 97(5): word in para. (c) in definition of “relevant area” inserted (1.10.1998) by [1998 c. 38](#), s. 129(2), [Sch. 15 para. 17\(a\)](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F44** S. 97(5): para. (d) in definition of “relevant area” repealed (1.10.1998) by [1998 c. 38](#), s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F45** Words in s. 97(5) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 41\(b\)](#)
- F46** S. 97(5): words in definition of "relevant authority" substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, [Sch. 8 para. 57\(2\)](#); [S.I. 2008/3068](#), [art. 2\(1\)\(w\)](#) (with savings and transitional provisions in arts. 6-13)
- F47** S. 97(5): words in para. (b) in definition of “relevant authority” substituted (1.10.1998) by [1998 c. 38](#), s. 129(2), [Sch. 15 para. 17\(b\)](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F48** S. 97(6) repealed (19.11.1998) by [1998 c. 43](#), s. 1(1), [Sch. 1 Pt. X](#), Group 3

Marginal Citations

- M1** [1972 c. 70](#).
- M2** [1981 c. 64](#).
- M3** [1980 c. 65](#).

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