



Water Industry Act 1991

1991 CHAPTER 56

PART VII

INFORMATION PROVISIONS

Powers to acquire and duties to provide information

202 Duties of undertakers to furnish the Secretary of State with information.

- (1) It shall be the duty of a company holding an appointment as a relevant undertaker to furnish the Secretary of State with all such information relating to any matter which—
- (a) is connected with, or with any proposals relating to, the carrying out by that company of the functions of a relevant undertaker; or
 - (b) is material to the carrying out by the Secretary of State of any of his functions under this Act, any of the other consolidation Acts or the ^{M1}Water Act 1989, as the Secretary of State may reasonably require.

[^{F1}(1A) It shall be the duty of a [^{F2}person] holding a licence under Chapter 1A of Part 2 of this Act to furnish the Secretary of State with all such information relating to any matter which—

- (a) is connected with, or with any proposals relating to, the carrying on by that [^{F2}person] of the activities authorised by the licence; or
 - (b) is material to the carrying out by the Secretary of State of any of his functions under this Act, any of the other consolidation Acts or the Water Act 1989, as the Secretary of State may reasonably require.]
- (2) Information required under this section shall be furnished in such form and manner, and be accompanied or supplemented by such explanations, as the Secretary of State may reasonably require.
- (3) The information which a [^{F3}person] may be required to furnish to the Secretary of State under this section shall include information which, although it is not in the possession

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of that ^{F3}person] or would not otherwise come into the possession of that ^{F3}person], is information which it is reasonable to require that ^{F3}person] to obtain.

- (4) A requirement for the purposes of this section shall be contained in a direction which—
- (a) may describe the information to be furnished in such manner as the Secretary of State considers appropriate;
 - (b) may require the information to be furnished on a particular occasion, in particular circumstances or from time to time; and
 - (c) may be given to a particular company ^{F4}or person], to companies ^{F5}or persons] of a particular ^{F6}description,] to all the companies holding appointments under Chapter I of Part II of this Act ^{F7}or ^{F8}to all the persons holding] licences under Chapter 1A of that Part].
- (5) The obligations of a relevant undertaker ^{F9}, water supply licensee or sewerage licensee] under this section shall be enforceable under section 18 above by the Secretary of State.
- (6) In this section “the other consolidation Acts” means the ^{M2}Water Resources Act 1991, ^{F10}... so much of the ^{M3}Land Drainage Act 1991 as confers functions on the Secretary of State with respect to ^{F11}the Environment Agency][^{F12}or on the Welsh Ministers with respect to the NRBW] and the ^{M4}Water Consolidation (Consequential Provisions) Act 1991.

Textual Amendments

- F1** S. 202(1A) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 44(2)**; S.I. 2004/641, **art. 3(y)**, **Sch. 2** (with art. 6, Sch. 3)
- F2** Word in s. 202(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(2)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F3** Word in s. 202(3) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(3)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F4** Words in s. 202(4)(c) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(4)(a)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F5** Words in s. 202(4)(c) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(4)(b)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F6** Word in s. 202(4)(c) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(4)(c)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F7** Words in s. 202(4)(c) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 44(3)**; S.I. 2004/641, **art. 3(y)**, **Sch. 2** (with art. 6, Sch. 3)
- F8** Words in s. 202(4)(c) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(4)(d)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F9** Words in s. 202(5) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 114(5)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(x)** (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F10** Words in s. 202(6) omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(r), **Sch. 23 para. 28(4)(c)**
- F11** Words in s. 202(6) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 120** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F12** Words in s. 202(6) inserted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 254** (with Sch. 7)

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Modifications etc. (not altering text)

- C1** S. 202 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. 14(6)** (with reg. 1(1)(c))

Marginal Citations

- M1** 1989 c. 15.
M2 1991 c. 57.
M3 1991 c. 59.
M4 1991 c. 60.

203 Power to acquire information for enforcement purposes.

[^{F13}(1) The Minister or the Authority may serve a notice under subsection (2) in respect of—

- (a) a company that holds an appointment as a relevant undertaker, if of the opinion that Condition 1 is satisfied, or
- (b) a person who holds a licence under Chapter 1A of Part 2, if of the opinion that Condition 2 is satisfied.

(1A) Condition 1 is that the company—

- (a) may be contravening, or may have contravened, a condition of the appointment or a statutory or other requirement enforceable under section 18,
- (b) may be causing or contributing to, or may have caused or contributed to, a contravention by another company holding an appointment as a relevant undertaker of a condition of the appointment or a statutory or other requirement enforceable under section 18,
- (c) may be causing or contributing to, or may have caused or contributed to, a contravention by a person holding a licence under Chapter 1A of Part 2 of a condition of the licence or a statutory or other requirement enforceable under section 18,
- (d) has not met the standards prescribed under section 38(2) in connection with the provision of supplies of water, or
- (e) has not met the standards prescribed under section 95(2) in connection with the provision of sewerage services.

(1B) Condition 2 is that the person—

- (a) may be contravening, or may have contravened, a condition of the licence or a statutory or other requirement enforceable under section 18,
- (b) may be causing or contributing to, or may have caused or contributed to, a contravention by a company holding an appointment as a relevant undertaker of a condition of the appointment or a statutory or other requirement enforceable under section 18,
- (c) may be causing or contributing to, or may have caused or contributed to, a contravention by another person holding a licence under Chapter 1A of Part 2 of a condition of the licence or a statutory or other requirement enforceable under section 18,
- (d) has not met the standards prescribed under section 38ZA(2) in connection with the provision of water supplies, or
- (e) has not met the standards prescribed under section 95ZA(2) in connection with the provision of sewerage services.

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- (1C) The notice may be served—
- (a) on any person;
 - (b) for any purpose connected with powers under Chapter 2 of Part 2.]
- (2) A notice under this subsection is a notice signed by the [F14Minister] or the Director and—
- (a) requiring the person on whom it is served to produce, at a time and place specified in the notice, to—
 - (i) the [F14Minister] or the Director; or
 - (ii) any person appointed by the [F14Minister] or the Director for the purpose,

any documents which are specified or described in the notice and are in that person’s custody or under his control; or
 - (b) requiring that person, if he is carrying on a business, to furnish, at the time and place and in the form and manner specified in the notice, the [F14Minister] or the Director with such information as may be specified or described in the notice.
- (3) No person shall be required under this section to produce any documents which he could not be compelled to produce in civil proceedings in the High Court or, in complying with any requirement for the furnishing of information, to give any information which he could not be compelled to give in evidence in any such proceedings.
- (4) A person who, without reasonable excuse, fails to do anything required of him by a notice under subsection (2) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (5) A person who intentionally alters, suppresses or destroys any document which he has been required by any notice under subsection (2) above to produce shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) If a person makes default in complying with a notice under subsection (2) above, the High Court may, on the application of the [F15Minister] or the Director, make such order as the Court thinks fit for requiring the default to be made good; and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by the person in default or by any officers of a company or other association who are responsible for its default.
- (7) Nothing in this section shall be construed as restricting any power of the Secretary of State or the Director under section 202 above or the conditions of an appointment under Chapter I of Part II of this Act [F16or of a licence under Chapter 1A of that Part] to require a company holding such an appointment [F17or a person holding such a licence] to produce any document to him or to furnish him with any information.
- [F18(8) The Minister” means—
- (a) the Secretary of State, in respect of—
 - (i) any relevant undertaker whose area is wholly or mainly in England;

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- (ii) any water supply licensee or sewerage licensee carrying out licensed activities using the supply system or sewerage system of any such undertaker;
 - (b) the Welsh Ministers, in respect of—
 - (i) any relevant undertaker whose area is wholly or mainly in Wales;
 - (ii) any water supply licensee or sewerage licensee carrying out licensed activities using the supply system or sewerage system of any such undertaker.
- (9) In this section—
- (a) references to the supply system of a water undertaker are to be construed in accordance with section 17B;
 - (b) references to the sewerage system of a sewerage undertaker are to be construed in accordance with section 17BA(7).]

Textual Amendments

- F13** S. 203(1)-(1C) substituted for s. 203(1) (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 36(2)**, 94(2)(j)
- F14** Word in s. 203(2) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 36(3)**, 94(2)(j)
- F15** Word in s. 203(6) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 36(3)**, 94(2)(j)
- F16** Words in s. 203(7) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), **ss. 101(1)**, 105(3), **Sch. 8 para. 45(3)(a)**; [S.I. 2005/2714](#), **art. 3(c)**, (with Sch. para. 8)
- F17** Words in s. 203(7) substituted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 36(4)**, 94(2)(j)
- F18** S. 203(8)(9) inserted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), **ss. 36(5)**, 94(2)(j)

Modifications etc. (not altering text)

- C2** S. 203 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. 14(7)** (with **reg. 1(1)(c)**)

204 Provision of information to sewerage undertakers with respect to trade effluent discharges.

- (1) The owner or occupier of any land on or under which is situated any sewer, drain, pipe, channel or outlet used or intended to be used for discharging any trade effluent into a sewer of a sewerage undertaker shall, when requested to do so by the undertaker—
- (a) produce to the undertaker all such plans of the sewer, drain, pipe, channel or outlet as the owner or, as the case may be, occupier possesses or is able without expense to obtain;
 - (b) allow copies of the plans so produced by him to be made by, or under the directions of, the undertaker; and
 - (c) furnish to the undertaker all such information as the owner or, as the case may be, occupier can reasonably be expected to supply with respect to the sewer, drain, pipe, channel or outlet.
- (2) A request by a sewerage undertaker for the purposes of this section shall be made in writing.
- (3) Every person who fails to comply with this section shall be guilty of an offence and liable, on summary conviction to a fine not exceeding level 3 on the standard scale.

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- (4) Expressions used in this section and in Chapter III of Part IV of this Act have the same meanings in this section as in that Chapter; and, accordingly, section 139 above shall have effect for the purposes of this section as it has effect for the purposes of that Chapter.

205 Exchange of metering information between undertakers.

- (1) Where—

- (a) different services are provided in relation to the same premises by different [^{F19}service providers] ;
- (b) one of those [^{F20}providers] has obtained a reading from a meter used in determining the amount of any charges fixed in relation to those premises;
- (c) the charges in relation to those premises of another of those [^{F20}providers] are fixed by reference to any matter to which the reading is relevant; and
- (d) that other [^{F21}provider] has agreed to bear a reasonable proportion of the expenses of obtaining the reading together with the reasonable expenses of the disclosure of the reading to it,

it shall be the duty of the [^{F22}provider] who obtained the reading to disclose the reading to the other [^{F22}provider] .

- (2) Any dispute between a [^{F23}service provider] and any other person (including another [^{F24}such provider])—

- (a) as to the terms to be contained in any agreement for the purposes of subsection (1)(d) above; or
- (b) as to the amount of any expenses to be borne by any person under any such agreement,

shall be referred to the arbitration of a single arbitrator appointed by agreement between [^{F25}the provider] and that person or, in default of agreement, by the Director.

- [^{F26}(3) The duties of a service provider under this section shall be enforceable under section 18 above by the Authority.

- (4) For the purposes of this section, the following are service providers—

- (a) any relevant undertaker; and
- (b) any [^{F27}water supply licensee].]

Textual Amendments

- F19** Words in s. 205(1)(a) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(2\)\(a\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F20** Word in s. 205(1)(b)(c) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(2\)\(b\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F21** Word in s. 205(1)(d) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(2\)\(c\)](#); S.I. 2005/2714, [art. 3\(c\)](#), (with [Sch. para. 8](#))
- F22** Words in s. 205(1) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(2\)\(d\)](#); S.I. 2005/2714, [art. 3\(c\)](#), (with [Sch. para. 8](#))
- F23** Words in s. 205(2) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(3\)\(a\)](#); S.I. 2005/2714, [art. 3\(c\)](#), (with [Sch. para. 8](#))
- F24** Words in s. 205(2) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 46\(3\)\(b\)](#); S.I. 2005/2714, [art. 3\(c\)](#), (with [Sch. para. 8](#))

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- F25** Words in s. 205(2) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 46(3)(c)**; [S.I. 2005/2714, art. 3\(c\)](#), (with Sch. para. 8)
- F26** S. 205(3)(4) substituted (1.12.2005) for s. 205(3) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), **Sch. 8 para. 46(4)**; [S.I. 2005/2714, art. 3\(c\)](#), (with Sch. para. 8)
- F27** Words in s. 205(4)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 115(b)**; [S.I. 2016/465, art. 2\(m\)](#), **Sch. 1 para. 1(y)** (with **Sch. 2**) (as amended (22.3.2017) by [S.I. 2017/462, art. 16](#))

Modifications etc. (not altering text)

- C3** S. 205 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. 14(8)** (with reg. 1(1)(c))

Status:

Point in time view as at 01/04/2016.

Changes to legislation:

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