



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER II

PROVISION OF SEWERAGE SERVICES

Connections between public sewers

[^{F1}110A Main connections

- (1) This section applies where—
 - (a) a qualifying person requests a sewerage undertaker to permit a main connection into the established undertaker's sewerage system for the benefit of the qualifying person, or
 - (b) a sewerage undertaker proposes such an arrangement;and references in this section to the established undertaker are references to the sewerage undertaker who is to permit the main connection.
- (2) In this section “qualifying person” means—
 - (a) a sewerage undertaker, or
 - (b) a person who has made an application for an appointment or variation under section 8 which has not been determined.
- (3) On the application of the qualifying person or the established undertaker, the Authority may—
 - (a) if it appears to the Authority that it is necessary or expedient for the purposes of this Part that the established undertaker should permit a main connection into its sewerage system, and

Status: Point in time view as at 17/05/2024.

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- (b) if the Authority is satisfied that the established undertaker and qualifying person cannot reach agreement,
 by order require the established undertaker to permit the connection for such period and on such terms and conditions as may be specified in the order.
- (4) Before making an order under subsection (3), the Authority must consult the appropriate agency.
- (5) Subject to subsection (6), an order under subsection (3) has effect as an agreement between the established undertaker and the qualifying person.
- (6) If the Authority makes an order under subsection (3) on the application of a person who is a qualifying person by virtue of subsection (2)(b), the Authority must frame the order so that it does not have effect until—
- (a) the person becomes a sewerage undertaker for the area specified in the order, or
 - (b) the person becomes a sewerage undertaker for an area that includes the area specified in the order (in the case of a sewerage undertaker applying for a variation).
- (7) Neither the CMA nor the Authority may exercise, in respect of an agreement with a sewerage undertaker for it to permit a main connection into its sewerage system for the benefit of a qualifying person, the powers conferred by—
- (a) section 32 of the Competition Act 1998 (directions in relation to agreements);
 - (b) section 35(2) of that Act (interim directions).
- (8) Subsection (7)(b) does not apply to the exercise of powers in respect of conduct—
- (a) which is connected with such agreement as is mentioned in subsection (7), and
 - (b) in respect of which section 35(1) of the Competition Act 1998 applies because of an investigation under section 25 of that Act relating to a suspected infringement of the Chapter 2 prohibition imposed by section 18(1) of that Act.
- (9) In exercising its functions under this section, the Authority must have regard to the desirability of—
- (a) facilitating effective competition within the sewerage services industry;
 - (b) the established undertaker's recovering the expenses of complying with its obligations by virtue of this section and securing a reasonable return on its capital;
 - (c) the established undertaker's being able to meet its existing obligations, and likely future obligations, to provide sewerage services without having to incur unreasonable expenditure in carrying out works;
 - (d) not putting at risk the ability of the established undertaker to meet its existing obligations, or likely future obligations, to provide such services.
- (10) In this section and section 110B “the appropriate agency”, in relation to a determination whether to make an order under subsection (3) or section 110B(1) which would result in, or which would vary or terminate, a main connection agreement, means—
- (a) the Environment Agency, in a case where all parties to the main connection agreement are or would be—
 - (i) a sewerage undertaker whose area is wholly in England, or

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- (ii) a person who would, if the person's application for an appointment or variation is determined in accordance with the application, be such a sewerage undertaker;
 - (b) the NRBW, in a case where all parties to the main connection agreement are or would be—
 - (i) a sewerage undertaker whose area is wholly in Wales, or
 - (ii) a person who would, if the person's application for an appointment or variation is determined in accordance with the application, be such a sewerage undertaker;
 - (c) both the Environment Agency and the NRBW, in any other case.
- (11) In this section and sections 110B to 110J—
 - “main connection” means—
 - (a) a connection between a sewer or disposal main and a sewer or disposal main, or
 - (b) a connection which allows a sewer or disposal main to discharge directly into a sewage disposal works;
 - “main connection agreement” means an agreement with one or more sewerage undertakers for that undertaker or each of them to permit a main connection into its sewerage system and includes—
 - (a) an order under subsection (3) which is deemed to be an agreement by virtue of subsection (5), and
 - (b) any agreement which has been varied by order under section 110B(1).]

Textual Amendments

- F1** Ss. 110A-110J substituted for s. 110A (1.11.2016 for the substitution of ss. 110A, 110B, 110J, 1.4.2018 for E. for specified purposes, 1.4.2019 for W. in so far as not already in force) by [Water Act 2014](#) (c. 21), **ss. 9(1), 94(3)** (with s. 9(2)(3)); S.I. 2016/1007, art. 2(c)(i); S.I. 2017/1288, art. 3(b); S.I. 2018/397, art. 2(b)

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