



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV **E+W**

#### SEWERAGE SERVICES

### CHAPTER II **E+W**

#### PROVISION OF SEWERAGE SERVICES

##### *Connections between public sewers*

#### **[<sup>F1</sup>110B Variation and termination of main connection agreements **E+W****

- (1) On the application of any party to a main connection agreement, the Authority may—
  - (a) if it appears to the Authority that it is necessary or expedient for the purpose of this Part that the main connection agreement should be varied or terminated, and
  - (b) if the Authority is satisfied that variation or termination cannot be achieved by agreement,by order vary or terminate the main connection agreement.
- (2) Before making an order under subsection (1), the Authority must consult the appropriate agency.
- (3) If an order under subsection (1) is made in relation to a main connection agreement, the agreement—
  - (a) has effect subject to the provision made by the order, or
  - (b) ceases to have effect (as the case may be).
- (4) An order under subsection (1) may require any party to the agreement to pay compensation to any other party.

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*Status: Point in time view as at 01/11/2016. This version of this provision has been superseded.*

*Changes to legislation: Water Industry Act 1991, Section 110B is up to date with all changes known to be in force on or before 20 August 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)*

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- (5) Neither the CMA nor the Authority may exercise, in respect of an agreement to vary or terminate a main connection agreement, 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).
- (6) Subsection (5)(b) does not apply to the exercise of powers in respect of conduct—
- (a) which is connected with an agreement to vary or terminate a main connection agreement, 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.
- (7) In exercising its functions under this section, the Authority must have regard to the expenses incurred by the established undertaker in complying with its obligations under the main connection agreement in question and 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.
- (8) In this section and sections 110C to 110J “established undertaker”, in relation to a sewerage agreement, means the sewerage undertaker which is required by the agreement to permit a main connection into its sewerage system.]

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**Textual Amendments**

**F1** Ss. 110A-110J substituted for s. 110A (1.11.2016 for the substitution of ss. 110A, 110B, 110J) by [Water Act 2014 \(c. 21\)](#), [ss. 9\(1\), 94\(3\)](#) (with s. 9(2)(3)); [S.I. 2016/1007](#), art. 2(c)(i)

**Status:**

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