



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER I

APPOINTMENTS

Modification of appointment conditions

17 Modification by order under other enactments.

[^{F1}(1) Where the [^{F2}CMA] or (as the case may be) the Secretary of State (in this section “the relevant authority”) makes a relevant order, the order may, subject to subsection (3), also provide for the modification of the conditions of a company’s appointment under this Chapter to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above “relevant order” means—

- (a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the 2002 Act where—
 - (i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was carried on by a relevant undertaker; or
 - (ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is carried on by a relevant undertaker; or
- (b) an order under section 160 or 161 of the 2002 Act where the feature, or combination of features, of the market [^{F3}or markets] in the United Kingdom for goods or services which prevents, restricts or distorts competition is—

Status: Point in time view as at 01/04/2014.

Changes to legislation: Water Industry Act 1991, Section 17 is up to date with all changes known to be in force on or before 17 July 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)

- (i) the structure or an aspect of the structure of a market for the supply of goods or services by a relevant undertaker; or
 - (ii) the conduct of a relevant undertaker or of customers of a relevant undertaker.]
- (3) No modification shall be made by virtue of this section of any provisions of a company's appointment under this Chapter which—
- (a) are contained in that appointment for the purposes of section 7(4)(c) above; or
 - (b) being provisions relating to the disposal of, or of interests or rights in or over, a company's protected land, are stated in the appointment to be provisions which cannot be modified.
- [^{F4}(4) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the 2002 Act have the same meanings in that subsection as in that Part.]

Textual Amendments

- F1** S. 17(1)(2) substituted (20.6.2003 for all purposes subject to art. 3(1) of the first commencing S.I. and 29.12.2004 "for water purposes") by Enterprise Act 2002 (c. 40), s. 168(9), 279, **Sch. 9 para. 7(2)**; S.I. 2003/1397, **art. 2(1)**, Sch.; S.I. 2004/3233, **art. 2**, Sch. (with arts. 3-5)
- F2** Word in s. 17(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 60**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 17(2)(b) inserted (1.4.2014) by The Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014 (S.I. 2014/892), art. 1(1), **Sch. 1 para. 77** (with art. 3)
- F4** S. 17(4) substituted (20.6.2003 for all purposes subject to art. 3(1) of the first commencing S.I. and 29.12.2004 "for water purposes") by Enterprise Act 2002 (c. 40), s. 168(9), 279, **Sch. 9 para. 7(3)**; S.I. 2003/1397, **art. 2(1)**, Sch.; S.I. 2004/3233, **art. 2**, Sch. (with arts. 3-5)

Modifications etc. (not altering text)

- C1** S. 17(2)(a) amended (20.6.2003) by The Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003 (S.I. 2003/1592), art. 16, **Sch. 4 para. 10**

Status:

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