



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

[^{F1}CHAPTER 1A

LICENSING OF WATER SUPPLIERS

Licence conditions

[^{F1}17K Water supply licences: modification references to [^{F2}CMA]

- (1) The Authority may make to the [^{F3}CMA] a reference which is so framed as to require the [^{F4}CMA to] investigate and report on the questions—
 - (a) whether any matters which—
 - (i) relate to the carrying on of activities authorised or regulated by a particular licence; and
 - (ii) are specified in the reference, operate, or may be expected to operate, against the public interest; and
 - (b) if so, whether the effects adverse to the public interest which those matters have, or may be expected to have, could be remedied or prevented by modifications of the conditions of the licence.
- (2) The Authority may make to the [^{F5}CMA] a reference which is so framed as to require the [^{F5}CMA] to investigate and report on the questions—
 - (a) whether any matters which—
 - (i) relate to the carrying on of activities authorised or regulated by retail licences or combined licences; and
 - (ii) are specified in the reference, operate, or may be expected to operate, against the public interest; and

Status: Point in time view as at 15/12/2014. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 17K is up to date with all changes known to be in force on or before 20 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)

- (b) if so, whether the effects adverse to the public interest which those matters have, or may be expected to have, could be remedied or prevented by modifications of the standard conditions of licences of that description.
- (3) The Authority may, at any time, by notice given to the [F⁵CMA] vary a reference under this section by—
- (a) adding to the matters specified in the reference; or
 - (b) excluding from the reference some of the matters so specified,
- and on receipt of any such notice the [F⁵CMA] shall give effect to the variation.
- (4) The Authority may specify in a reference under this section, or a variation of such a reference, for the purpose of assisting the [F⁵CMA] in carrying out the investigation on the reference—
- (a) any effects adverse to the public interest which, in its opinion, the matters specified in the reference or variation have or may be expected to have; and
 - (b) any modifications of the relevant conditions by which, in its opinion, those effects could be remedied or prevented.
- (5) As soon as practicable after making a reference under this section or a variation of such a reference, the Authority shall—
- (a) publish particulars of the reference or variation in such manner as it considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it; and
 - (b) serve a copy of the reference or variation on—
 - (i) the licence holder or, as the case may be, the relevant licence holders;
 - (ii) the Council;
 - (iii) the Secretary of State;
 - (iv) the Assembly; and
 - (v) the Chief Inspector of Drinking Water.
- (6) If, before the end of the period of twenty-eight days beginning with the day on which the Secretary of State receives the copy of the reference or variation, the Secretary of State directs the [F⁶CMA]—
- (a) not to proceed with the reference; or
 - (b) not to give effect to the variation,
- the [F⁶CMA] shall comply with the direction.
- (7) It shall be the duty of the Authority, for the purpose of assisting the [F⁶CMA] in carrying out an investigation on a reference under this section or in carrying out functions under section 17P below, to give to the [F⁶CMA]—
- (a) any information in the Authority's possession which relates to matters falling within the scope of the investigation or the carrying out of those functions and which is either—
 - (i) requested by the [F⁶CMA] for that purpose; or
 - (ii) information which, in the Authority's opinion, it would be appropriate for that purpose to give to the [F⁶CMA] without any such request; and
 - (b) any other assistance which the [F⁶CMA] may require, and which it is within the Authority's power to give, in relation to any such matters,
- and the [F⁶CMA], for the purpose of carrying out any such investigation or such functions, shall take account of any information given to it for that purpose under this subsection.

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- (8) In this section and the following provisions of this Chapter—
“relevant conditions”—
(a) in relation to a reference under subsection (1) above, means the conditions of the licence to which the reference relates; and
(b) in relation to a reference under subsection (2) above, means the standard conditions of the licences to which the reference relates; and
“relevant licence holder” means the holder of a licence to which a reference under subsection (2) above relates.
- (9) In determining for the purposes of this section whether any particular matter operates, or may be expected to operate, against the public interest, the [^{F7}CMA] shall have regard to the matters as respects which duties are imposed on the Secretary of State and the Authority by Part 1 of this Act.

[The functions of the CMA with respect to a reference under this section are to be
^{F8}(10) carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (including functions relating to the making of modifications following a report on a reference, and functions under sections 109 to 115 of the Enterprise Act 2002, as applied by sections 17M and 17Q).]

Textual Amendments

- F1** Pt. 2 Ch. 1A inserted (1.4.2004 for specified provisions and purposes and 1.8.2005 for further specified provisions and purposes and 1.10.2005 for further specified provisions and 1.12.2005 otherwise) by [Water Act 2003 \(c. 37\)](#), ss. 56, 105(3), [Sch. 4 para. 2](#); S.I. 2004/641, [art. 3\(1\)](#), [Sch. 1](#) (with [art. 6](#), [Sch. 3](#)); S.I. 2005/968, [art. 3\(b\)](#) (with savings in [art. 4](#), [Sch. 1](#), 2); S.I. 2005/2714, [arts. 2\(h\)](#), [3\(a\)](#) (with [Sch. para. 5](#))
- F2** Word in s. 17K heading substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(5\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F3** Word in s. 17K(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(2\)\(a\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F4** Words in s. 17K(1) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(2\)\(b\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F5** Words in ss. 17K(2)-(4) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(3\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F6** Words in s. 17K(6)(7) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(3\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F7** Word in s. 17K(9) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(3\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))
- F8** S. 17K(10) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 61\(4\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with [Sch.](#))

Modifications etc. (not altering text)

- C1** Pt. 2 Ch. 1A 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. 3\(1\)](#) (with [reg. 1\(1\)\(c\)](#))
- C2** Pt. 2 Ch. 1A 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. 5\(1\)](#) (with [reg. 1\(1\)\(c\)](#))

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- C3** Pt. 2 Ch. 1A 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. 4** (with reg. 1(1)(c))
- C4** Pt. 2 Ch. 1A modified (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. 3(2)** (with reg. 1(1)(c))
- C5** S. 17K 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. 5(2)** (with reg. 1(1)(c))

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