



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER III

PROTECTION OF CUSTOMERS ETC..

Provisions with respect to competition

31 Functions of Director with respect to competition.

- (1) If and to the extent that he is requested by the Director General of Fair Trading to do so, it shall be the duty of the Director to exercise the functions of that Director under Part III of the 1973 Act so far as relating to courses of conduct which are or may be detrimental to the interests of persons who are consumers in relation to—
 - (a) the supply of water by water undertakers; or
 - (b) the provision of sewerage services by sewerage undertakers;and this duty shall apply whether those interests are economic or interests in respect of health, safety or other matters.
- (2) The Director shall continue to be entitled, concurrently with the Director General of Fair Trading, to exercise—
 - (a) the functions of that Director under sections 44 and 45 of the 1973 Act; and
 - (b) the functions of that Director under sections 50, 52, 53, 86 and 88 of that Act, so far as relating to monopoly situations which exist or may exist in relation to commercial activities connected with the supply of water or the provision of sewerage services.

Status: Point in time view as at 01/04/1999. This version of this provision has been superseded.

Changes to legislation: Water Industry Act 1991, Section 31 is up to date with all changes known to be in force on or before 06 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)

- [^{F1}(3) The Director shall be entitled to exercise, concurrently with the Director General of Fair Trading, the functions of that Director under the provisions of Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51), so far as relating to—
- (a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act, or
 - (b) conduct of the kind mentioned in section 18(1) of that Act,
- which relate to commercial activities connected with the supply of water or securing a supply of water or with the provision or securing of sewerage services.]
- (4) So far as necessary for the purposes of or in connection with the provisions of subsections (1) [^{F2}and (2)] above, the references to the Director General of Fair Trading in—
- (a) Parts III and IV of the 1973 Act;
 - (b) sections 86, 88 and 133 of the 1973 Act; ^{F3} . . .
 - ^{F3}(c)
- shall be construed as if they were or, as the case may require, as if they included references to the Director.
- [^{F4}(4A) So far as necessary for the purposes of, or in connection with, the provisions of subsection (3) above, references in Part I of the Competition Act 1998 to the Director General of Fair Trading are to be read as including a reference to the Director (except in sections 38(1) to (6), 51, 52(6) and (8) and 54 of that Act and in any other provision of that Act where the context otherwise requires).]
- (5) Before either Director first exercises in relation to any matter functions mentioned in paragraph (a) or in paragraph (b) of subsection (2) above ^{F5} . . . [^{F6}or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994], he shall consult the other Director.
 - (6) Neither Director shall exercise in relation to any matter any functions mentioned in paragraph (a) or in paragraph (b) of subsection (2) above ^{F7} . . . [^{F8}or in paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994] if any of the functions mentioned in [^{F9}that provision] have already been exercised in relation to that matter by the other Director.
 - (7) It shall be the duty of the Director, for the purpose of assisting the [^{F10}Competition Commission] in carrying out an investigation on a reference made to them by the Director by virtue of subsection (2) ^{F11} . . . above, to give to the Commission—
 - (a) any information which is in his possession and which relates to matters falling within the scope of the investigation, and which is either requested by the Commission for that purpose or is information which in his opinion it would be appropriate for that purpose to give to the Commission without any such request; and
 - (b) any other assistance which the Commission may require, and which it is within his power to give, in relation to any such matters;

and the Commission shall, for the purposes of carrying out any such investigation, take into account any information given to them for that purpose under this subsection.
 - (8) If any question arises as to whether subsection (2) or (3) above [^{F12}or paragraph 8 of Schedule 2 to the Deregulation and Contracting Out Act 1994] applies to any particular case, that question shall be referred to and determined by the Secretary of State; and no objection shall be taken to anything done under—

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- (a) Part IV or section 86 or 88 of the 1973 Act; or
[^{F13}(b) Part I of the Competition Act 1998 (other than sections 38(1) to (6) and 51),]
by or in relation to the Director on the ground that it should have been done by or in
relation to the Director General of Fair Trading.
- [^{F14}(8A) Section 93B of the 1973 Act (offences of supplying false or misleading information) is
to have effect so far as relating to functions exercisable by the Director by virtue of—
(a) subsection (2) above and paragraph 1 of Schedule 10 to the Competition Act
1998, or
(b) paragraph 8 of Schedule 2 to the ^{M1}Deregulation and Contracting Out Act
1994,
as if the reference in section 93B(1)(a) to the Director General of Fair Trading included
a reference to the Director.]
- (9) Expressions used in the 1973 Act ^{F15}. . . and in this section have the same meanings
in this section as in that Act.

Textual Amendments

- F1** S. 31(3) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 para. 5(5)(6)** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F2** Words in s. 31(4) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. II para. 5(5)(7)(a)** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F3** S. 31(4)(c) and the word “and” immediately preceding it repealed (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), Sch. 10 Pt. II para. 5(5)(7)(b), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F4** S. 31(4A) inserted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. II para. 5(5)(8)** (with s. 73); S.I. 1997/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F5** Words in s. 31(5) repealed (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, ss. 66(5), 74(3), Sch. 10 Pt. II para. 5(5)(9), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F6** Words in s. 31(5) inserted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 10(1)(2)**
- F7** Words in s. 31(6) repealed (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, ss. 66(5), 74(3), Sch. 10 Pt. II para. 5(5)(10), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F8** Words in s. 31(6) inserted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 10(3)(a)**
- F9** Words in s. 31(6) substituted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 10(3)(b)**
- F10** Words in s. 31(7) substituted (1.4.1999) by S.I. 1999/506, **art. 30(b)**
- F11** Words in s. 31(7) repealed (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), Sch. 10 Pt. II para. 5(5)(11), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F12** Words in s. 31(8) inserted (3.1.1995) by 1994 c. 40, ss. 7(2), 82(2), **Sch. 2 para. 10(4)**
- F13** S. 31(8)(b) substituted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 Pt. II para. 5(5)(12)** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
- F14** S. 31(8A) inserted (26.11.1998 for specified purposes and otherwise 1.4.1999) by 1998 c. 41, ss. 54(3), 76(3), **Sch. 10 Pt. IV para. 13(8)** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 1999/505, **art. 2, Sch.**
- F15** Words in s. 31(9) repealed (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, ss. 54(3), 74(3), Sch. 10 Pt. II para. 5(5)(13), **Sch. 14 Pt. I** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**

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Modifications etc. (not altering text)

- C1** S. 31(3) restricted (26.11.1998 for specified purposes and otherwise 1.3.2000) by 1998 c. 41, s. 54(3), **Sch. 10 para. 5(1)** (with s. 73); S.I. 1998/2750, **art. 2(1)**; S.I. 2000/344, **art. 2 Sch.**
S. 31(3) amended (1.3.2000) by 1998 c. 41, ss. 54, 66(5), **Sch. 10 Pt. I para. 5(1)** (with s. 73); S.I. 2000/344, **art. 2 Sch.**

Marginal Citations

- M1** 1994 c. 40.

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