



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Major supplies

42 Financial conditions of compliance.

- (1) The conditions mentioned in section 41(1)(c) above are satisfied in relation to a requirement for the provision of a water main by a water undertaker if—
 - (a) such undertakings as the undertaker may have reasonably required in accordance with subsection (2) below have been given by the person or persons who have required the provision of the main; and
 - (b) [^{F1}such security as charging rules allow and the undertaker may have required] has been provided for the discharge of any obligations imposed by those undertakings on any person who, under subsection (3) below, may be required to secure his undertakings.
- (2) The undertakings which a water undertaker may require for the purposes of subsection (1) above in respect of any water main are undertakings which—
 - [^{F2}(a) bind the person or persons mentioned in that subsection to pay to the undertaker such charges as the undertaker may impose in accordance with charging rules, and]
 - (b) in the case of undertakings binding two or more persons, bind them either jointly and severally or with liability to pay apportioned in such manner as they may agree.

Status: Point in time view as at 01/04/2018.

Changes to legislation: Water Industry Act 1991, Section 42 is up to date with all changes known to be in force on or before 23 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)

- (3) For the purposes of subsection (1)(b) above a person may be required to secure his undertakings in relation to the provision of a water main if—
- (a) it was by virtue of section 41(2)(a) or (b) above that he required, or joined in requiring, the provision of the main; and
 - (b) he is not a public authority.
- ^{F3}(4)
- ^{F4}(5)
- (6) Any dispute between a water undertaker and any other person as to—
- (a) the undertakings or security required by the undertaker for the purposes of this section; or
 - (b) the amount [^{F5}or amounts by way of charges] required to be paid in pursuance of any such undertaking,
- [^{F6}may be referred to the Authority for determination under section 30A above by either party to the dispute.]
- [^{F7}(7) [^{F8}In this section “relevant deficit” and “discounted aggregate deficit” have the meanings given by sections 43 and 43A below, respectively.]]

Textual Amendments

- F1** Words in s. 42(1)(b) substituted (1.4.2018) by Water Act 2014 (c. 21), ss. 18(2)(a), 94(3); S.I. 2017/462, art. 5(a) (with art. 14)
- F2** S. 42(2)(a) substituted (1.4.2018) by Water Act 2014 (c. 21), ss. 18(2)(b), 94(3); S.I. 2017/462, art. 5(a) (with art. 14)
- F3** S. 42(4) repealed (1.4.2018) by Water Act 2014 (c. 21), ss. 18(2)(c), 94(3); S.I. 2017/462, art. 5(a) (with art. 14)
- F4** S. 42(5) repealed (1.4.2018) by Water Act 2014 (c. 21), ss. 18(2)(c), 94(3); S.I. 2017/462, art. 5(a) (with art. 14)
- F5** Words in s. 42(6)(b) inserted (1.4.2018) by Water Act 2014 (c. 21), ss. 18(2)(d), 94(3); S.I. 2017/462, art. 5(a) (with art. 14)
- F6** Words in s. 42(6) substituted (28.5.2004) by Water Act 2003 (c. 37), ss. 90(3)(5), 105(3); S.I. 2004/641, art. 4(a) (with art. 6, Sch. 3)
- F7** S. 42(7) substituted (28.5.2004) by Water Act 2003 (c. 37), ss. 90(4)(5), 105(3); S.I. 2004/641, art. 4(a) (with art. 6, Sch. 3)
- F8** S. 42(7) repealed (1.4.2018 for specified purposes) by Water Act 2014 (c. 21), s. 94(3), Sch. 7 para. 54; S.I. 2017/462, art. 5(e)(ii) (with art. 14) (as amended by S.I. 2017/926, art. 2(3))

Status:

Point in time view as at 01/04/2018.

Changes to legislation:

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