



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART III

#### WATER SUPPLY

### CHAPTER II

#### SUPPLY DUTIES

##### *Domestic connections*

#### **46 Duty to carry out ancillary works for the purpose of making domestic connection.**

- (1) Where a water undertaker is required to make a connection in pursuance of any connection notice, it shall also be the duty of the undertaker, at the expense of the person serving the notice, to carry out such of the works to which this section applies as need to be carried out before the connection can be made.
- (2) This section applies to the laying of so much of the service pipe to be connected with the water main as it is necessary, for the purpose of making that connection, to lay in a street.
- (3) In a case where—
  - (a) the water main with which the service pipe is to be connected is situated in a street;
  - (b) the premises consisting in the building or part of a building in question together with any land occupied with it abut on the part of the street where the main is situated; and
  - (c) the service pipe to those premises will—
    - (i) enter the premises otherwise than through an outer wall of a building abutting on the street; and

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*Status: Point in time view as at 01/01/2016. This version of this provision has been superseded.*

**Changes to legislation:** *Water Industry Act 1991, Section 46 is up to date with all changes known to be in force on or before 07 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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- (ii) have a stopcock fitted to it by the undertaker in the premises,  
 this section applies to the laying of so much of the service pipe as it is necessary, for the purpose of making the required connection, to lay in land between the boundary of the street and that stopcock.
- (4) In a case where the connection notice is served in compliance with a requirement imposed by a notice by a local authority under section 80 below, this section applies to the laying of so much of the service pipe to be connected with a water main in pursuance of the connection notice as it is necessary, for the purpose of making the connection, to lay in land owned or occupied by a person who is certified by that authority—
- (a) to have unreasonably refused his consent to the laying of the service pipe; or
  - (b) to have sought to make the giving of his consent subject to unreasonable conditions.
- (5) Where a water main is alongside a street and within eighteen metres of the middle of that street, subsections (2) to (4) above shall have effect in relation to the laying, for the purpose of making a connection with that main, of a service pipe to any premises as if the street included so much of the land between the main and the boundary of the street as is not comprised in those premises or in any land occupied with those premises.
- (6) It shall be the duty of any water undertaker making a connection in pursuance of a connection notice to ensure that a stopcock belonging to the undertaker is fitted to the service pipe which is connected.
- (7) Subsections (4) to [F1(6A)] of section 45 above shall have effect—
- (a) in relation to any duties which, by virtue of a connection notice, are imposed on a water undertaker by this section; and
  - (b) in relation to any works which, by virtue of the service of such a notice, such an undertaker carries out under this section at another person's expense,
- as they have effect by virtue of that notice in relation to the duty which arises under that section or, as the case may be, to works which the undertaker carries out under that section at another person's expense.
- (8) Subject to subsection (9) below, a water undertaker may comply with any duty under this section to lay a service pipe by laying a water main instead; but nothing in section 45 above or this section shall impose any duty on a water undertaker to lay a water main where it has no power to lay a service pipe.
- (9) Where a water undertaker exercises its power under subsection (8) above to lay a water main instead of a service pipe—
- (a) paragraph (a) of section 51(1) below shall have effect as if any additional time reasonably required by reason of the laying of the main instead of the service pipe were included in the time allowed by that paragraph for the laying of the service pipe; but
  - (b) the expenses recoverable by virtue of section 45(6) and subsection (7) above shall not exceed such amount as it would have been reasonable for the undertaker to have incurred in laying a service pipe instead of the main.

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#### **Textual Amendments**

- F1** Words in s. 46(7) substituted (1.9.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 35\(3\)](#); Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II

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