



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART III

#### WATER SUPPLY

#### CHAPTER II

#### SUPPLY DUTIES

##### *Disconnections*

#### **61 Disconnections for non-payment of charges.**

- (1) Subject to the following provisions of this section, a water undertaker may disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker, or may otherwise cut off a supply of water to any premises, if the occupier of the premises—
- (a) is liable (whether in his capacity as occupier or under any agreement with the undertaker) to pay charges due to the undertaker in respect of the supply of water to those premises; and
  - (b) has failed to do so before the end of the period of seven days beginning with the day after he is served with notice requiring him to do so.

[<sup>F1</sup>(1A) The power conferred by subsection (1) above is not exercisable in relation to any premises specified in Schedule 4A to this Act.]

- (2) Where—
- (a) a water undertaker has served a notice for the purposes of paragraph (b) of subsection (1) above on a person; and
  - (b) within the period of seven days mentioned in that paragraph, that person serves a counter-notice on the undertaker stating that he disputes his liability to pay the charges in question,

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*Status: Point in time view as at 30/06/1999. This version of this provision has been superseded.*

*Changes to legislation: Water Industry Act 1991, Section 61 is up to date with all changes known to be in force on or before 16 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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the undertaker shall not in respect of that notice exercise his power by virtue of that subsection in relation to any premises except at a time when that person is the occupier of the premises and those charges are enforceable against that person in a manner specified in subsection (3) below.

- (3) For the purposes of subsection (2) above charges are enforceable in a manner specified in this subsection against a person if-
- (a) the undertaker is able to enforce a judgment against that person for the payment of the charges; or
  - (b) that person is in breach of an agreement entered into, since the service of his counter-notice, for the purpose of avoiding or settling proceedings by the undertaker for the recovery of the charges.
- (4) A water undertaker which exercises its power under this section to disconnect any pipe or otherwise to cut off any supply of water may recover, from the person in respect of whose liability the power is exercised, any expenses reasonably incurred by the undertaker in making the disconnection or in otherwise cutting off the supply.
- (5) Where—
- (a) a water undertaker has power under this section to disconnect any pipe to any premises, or otherwise to cut off any supply to any premises; and
  - (b) a supply of water is provided to those premises and to other premises wholly or partly by the same service pipe,

the undertaker may exercise that power so as to cut off the supply to those other premises if and only if the same person is the occupier of the premises in relation to which the charges are due and of the other premises.

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**Textual Amendments**

**F1** S. 61(1A) inserted (30.6.1999) by 1999 c. 9, ss. 1(1), 17(2)

**Status:**

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