



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

CHAPTER II

SUPPLY DUTIES

Means of supply

65 Duties of undertakers as respects constancy and pressure.

- (1) Subject to the following provisions of this section, it shall be the duty of a water undertaker to cause the water in such of its water mains and other pipes as—
 - (a) are used for providing supplies of water for domestic purposes; or
 - (b) have fire-hydrants fixed on them,to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area.
- (2) Nothing in subsection (1) above shall require a water undertaker to provide a supply of water at a height greater than that to which it will flow by gravitation through its water mains from the service reservoir or tank from which that supply is taken.
- (3) For the purposes of this section a water undertaker shall be entitled to choose the service reservoir or tank from which any supply is to be taken.
- (4) Nothing in subsection (1) above shall impose any duty on a water undertaker to maintain the constancy or pressure of any supply of water during any period during which it is reasonable for that supply to be cut off or reduced for the purposes of the carrying out of any necessary works.

Status: Point in time view as at 05/04/2024.

Changes to legislation: Water Industry Act 1991, Section 65 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)

- (5) The Secretary of State may by order modify the application of the preceding provisions of this section in relation to any water undertaker.
- (6) The Secretary of State shall not make an order under subsection (5) above except—
- (a) in accordance with Schedule 5 to this Act; and
 - (b) on an application made in accordance with that Schedule by the Director or by the water undertaker in relation to which the order is made.
- (7) Subject to subsection (6) above, the power of the Secretary of State to make an order under subsection (5) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament
- (8) An order under subsection (5) above may—
- (a) require the payment of compensation by a water undertaker to persons affected by the order;
 - (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
 - (c) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (9) The obligations of a water undertaker under this section shall be enforceable under section 18 above by the ^{F1}Director].
- (10) In addition, where a water undertaker is in breach of a duty under this section, the undertaker shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (11) In any proceedings against any water undertaker for an offence under subsection (10) above it shall be a defence for that undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.

Textual Amendments

- F1** Word in s. 65(9) substituted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), [Sch. 1 para.22](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt.I

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