

WATER ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Miscellaneous

Sections 90 to 92 Water mains, etc

409. Sections 90 and 91 amend sections 42 – 44 of the WIA to enable the requisitioned costs of a water main to be paid by a single payment. The existing method of paying over 12 years is retained as an alternative (at the election of the person requisitioning the main).
410. Provisions in sections 90 to 92 are devolved to the Assembly.
- 411.

Section 90: Water main requisitions: financial conditions.

This section amends section 42 of the WIA (financial conditions of compliance with water mains requisition) to enable the relevant deficit to be paid by a single payment. It also allows for disputes about requisition payments to be determined by the Authority.

412.

Section 91: Water main requisitions: calculations of payments.

This section amends section 43 of the WIA (calculation of relevant deficit for the purpose of section 42) and is a consequence of the self lay provisions of water mains in section 92. It also provides a new section 43A which sets out how the discounted aggregate deficit will be calculated. This deficit is the estimated charge by customers over the following 12 years which are taken into account when calculating the single payment. It also makes minor amendments to section 44 of the WIA (determination of completion date and route for requisitioned main).

413.

Section 92: Self-lay and adoption of water mains and service pipes.

This section provides five new sections 51A to 51E. New Section 51A sets out the steps and agreement that must be entered into by a developer or self lay organization proposing to construct domestic water mains or service pipes which are to be vested in the water undertaker. It provides that the main must be built in accordance with the agreement with the water undertaker to enable it to be adopted on completion. The provisions do not prevent agreements being entered into in relation to declarations of vesting for pipes used for non-domestic supplies.

414. New Section 51B sets out the situations where appeals can be made to the Authority if the undertaker refuses to enter into an adoption agreement on reasonable terms.
415. New section 51C provides that the person who enters into the adoption agreement relating to a water main shall pay the undertaker's reasonable costs of incorporating the water main within its existing water mains network. It also provides for an offset

*These notes refer to the Water Act 2003 (c.37)
which received Royal Assent on 20th November 2003*

payment to be made by the undertaker to the developer or self lay organisation equivalent to the discounted estimated sum of water charges for the first twelve years in respect of premises expected to be connected to the new main.

416. New section 51D provides that if anyone other than a water undertaker builds a water main or service pipe which will be used for supplying water for domestic or food production purposes, the pipe must not be connected unless it vests in the undertaker.
417. New section 51E is supplementary to sections 51A to 51D and Subsections (2) to (7) make minor amendments to sections 45, 47, 179, 198 and 219 of the WIA.