

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS: LICENSING OF WATER SUPPLIERS ETC

Water Industry Act 1991 (c. 56)

39 (1) Section 174 (offences of interference with works) is amended as follows.

(2) After subsection (1) there is inserted—

“(1A) Subject to subsection (2) below, if any person without the consent of the licensed water supplier—

- (a) intentionally or recklessly interferes with any pipe or any structure, installation or apparatus which—
 - (i) is vested in any licensed water supplier (in the case of a pipe) or belongs to any such supplier (in any other case); and
 - (ii) is used in connection with the carrying on by the supplier of the activities authorised by its licence; or
- (b) by any act or omission negligently interferes with any such pipe or with any such structure, installation or apparatus so as to damage it or so as to have an effect on its use or operation,

that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.”

(3) In subsection (2)—

- (a) after “subsection (1)” there is inserted “or (1A)”, and
- (b) in paragraph (b)—
 - (i) after “water undertaker” there is inserted “or licensed water supplier”, and
 - (ii) in sub-paragraph (ii), for the words from “the stopcock was” to the end there is substituted “subsection (2A) below applies”.

(4) After that subsection there is inserted—

“(2A) This subsection applies—

- (a) in the case of a stopcock belonging to a water undertaker, if the stopcock was closed otherwise than by the undertaker;
- (b) in the case of a stopcock belonging to a licensed water supplier—
 - (i) if the stopcock was closed otherwise than by the supplier; or
 - (ii) if the stopcock was closed by the supplier and the person in question for the purposes of subsection (2) above is the water undertaker whose supply system is used for the purpose of the supply made by the supplier,

and in this subsection the reference to the supply system of a water undertaker shall be construed in accordance with section 17B(5) above.”

- (5) In subsection (3), in paragraph (c), for “section” there is substituted “subsection”.
- (6) After that subsection there is inserted—
- “(3A) Any person who, without the consent of the licensed water supplier—
- (a) attaches any pipe or apparatus to any pipe which is—
 - (i) vested in a licensed water supplier; and
 - (ii) used in connection with the carrying on by the supplier of the activities authorised by its licence;
 - (b) attaches any pipe or apparatus to any service pipe which does not belong to such a supplier or a water undertaker but which is a pipe by means of which water is supplied by such a supplier to any premises;
 - (c) makes any alteration in a service pipe by means of which water is so supplied, or in any apparatus attached to any such pipe; or
 - (d) subject to subsection (4) below, uses any pipe or apparatus which has been attached or altered in contravention of this subsection,
- shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.”
- (7) In subsection (4)—
- (a) after “subsection (3) above” there is inserted “or paragraph (d) of subsection (3A) above”, and
 - (b) for “that subsection” there is substituted “subsection (3) or (3A) above (as the case may require)”.
- (8) After subsection (5) there is inserted—
- “(5A) If any person wilfully or negligently injures or suffers to be injured any water fitting which—
- (a) belongs to a licensed water supplier; and
 - (b) is used in connection with the carrying on by the supplier of the activities authorised by its licence,
- he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.”
- (9) After subsection (8) there is inserted—
- “(8A) In this section “consumer”—
- (a) in relation to a supply of water provided by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall;
 - (b) in relation to a supply of water provided by a licensed water supplier to any premises, means a person who is for the time being the person on whom liability to pay charges to the supplier in respect of that supply of water would fall.”
- (10) In subsection (9), for ““consumer” and “water fitting” have the same meanings” there is substituted ““water fitting” has the same meaning”.