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## SCHEDULES

### SCHEDULE 7 **E+W**

#### FURTHER AMENDMENTS

##### *Water Industry Act 1991 (c. 56)*

2 The Water Industry Act 1991 is amended as follows.

#### **Commencement Information**

- I1** Sch. 7 para. 2 in force at 1.1.2015 for specified purposes by S.I. 2014/3320, **art. 2(2)(e)(i)**
- I2** Sch. 7 para. 2 in force at 15.7.2015 for specified purposes by S.I. 2015/1469, **art. 2(f)(ii)**
- I3** Sch. 7 para. 2 in force at 1.9.2015 for specified purposes by S.I. 2015/1469, **art. 3(f)(ii)**
- I4** Sch. 7 para. 2 in force at 1.11.2015 for specified purposes by S.I. 2015/1469, **art. 4(c)(ii)**
- I5** Sch. 7 para. 2 in force at 18.12.2015 for specified purposes by S.I. 2015/1938, **art. 2(g)(ii)**
- I6** Sch. 7 para. 2 in force at 1.1.2016 for specified purposes by S.I. 2015/1938, **art. 3(f)(viii)**
- I7** Sch. 7 para. 2 in force at 1.4.2016 for specified purposes by S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(b)** (with Sch. 2)
- I8** Sch. 7 para. 2 in force at 1.9.2016 for specified purposes by S.I. 2016/465, **art. 3(g)(ii)** (with Sch. 2)
- I9** Sch. 7 para. 2 in force at 1.11.2016 for specified purposes by S.I. 2016/1007, **art. 2(h)(i)**

- 3 (1) Section 2 (general duties with respect to water industry) is amended as follows.
- (2) In subsection (1), for the words from “the following” to the end there is substituted “the powers and duties conferred or imposed on the Secretary of State or the Authority by virtue of any of the relevant provisions.”
- (3) In subsection (2A)(d), for “of a licensed water supplier” there is substituted “of a water supply licensee or sewerage licensee”.
- (4) In subsection (2C)—
- (a) the “and” after paragraph (d) is repealed;
  - (b) in paragraph (e), for the words from “not eligible” to the end there is substituted “household premises (as defined in section 17C)”;
  - (c) after paragraph (e) there is inserted “; and
  - (f) customers, of companies holding an appointment under Chapter 1 of Part 2 of this Act, whose premises are below the consumption threshold and in the area of a relevant undertaker whose area is wholly or mainly in Wales,”.
- (5) In subsection (2D), for the words from “not eligible” to “the total quantity” there is substituted “below the consumption threshold if the total quantity”.
- (6) In subsection (2DB) (inserted by section 22), in paragraph (b) (meaning of sewerage systems), for the words from “a reference to the system comprising” to the end there is substituted “to be construed in accordance with section 17BA(7).”

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- (7) In subsection (5A), in the definition of “the interests of consumers”—
- (a) in paragraph (a), for “licensed water suppliers” there is substituted “ water supply licensees ”;
  - (b) in paragraph (b), for “by sewerage undertakers” there is substituted “ either by sewerage undertakers or by sewerage licensees acting in their capacity as such ”.
- (8) In subsection (6)—
- (a) in paragraph (a), for the words from “the provisions of” to “water suppliers” there is substituted “ the relevant provisions ”;
  - (b) in paragraph (a), for the words from “contained in” to the end, there is substituted “contained in—
    - (i) Part 2 of this Act (except section 27A and Schedule 3A),
    - (ii) any of sections 37A to 38, 38ZA, 39, 39ZA, 39B to 39D, 40E to 40J, 42, 51CD to 51CG, 63AC to 63AF, 66B, 66CA to 66H, 66K, 66L, 66O(2), 95, 95ZA, 96, 96ZA, 99, 105ZF to 105ZI, 110F to 110J, 110L to 110O, 117E to 117O, 117R, 117S, 143B to 143E, 144ZA to 144ZF, 153, 181, 182, 185, 192A, 192B, 195, 195A and 201 to 203 below, and
    - (iii) any of sections 42 to 54 of the Water Act 2014.”;
  - (c) paragraphs (b) and (c) are repealed.

#### Commencement Information

- I10** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 15.7.2015 for specified purposes by S.I. 2015/1469, **art. 2(f)(ii)**
- I11** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 1.9.2015 for specified purposes by S.I. 2015/1469, **art. 3(f)(ii)**
- I12** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 1.11.2015 for specified purposes by S.I. 2015/1469, **art. 4(c)(ii)**
- I13** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 18.12.2015 for specified purposes by S.I. 2015/1938, **art. 2(g)(ii)**
- I14** Sch. 7 para. 3(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(c)(i)** (with Sch. 2)
- I15** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 1.9.2016 for specified purposes by S.I. 2016/465, **art. 3(g)(ii)** (with Sch. 2)
- I16** Sch. 7 para. 3(1)(2)(8)(a)(c) in force at 1.11.2016 for specified purposes by S.I. 2016/1007, **art. 2(h)(aa)(ii)**
- I17** Sch. 7 para. 3(2)(8)(a)(c) in force at 1.4.2016 for specified purposes by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(c)(iv)** (with Sch. 2)
- I18** Sch. 7 para. 3(3)(6)(7) in force at 1.4.2016 by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(c)(ii)** (with Sch. 2)
- I19** Sch. 7 para. 3(8)(b) in force at 15.7.2015 for specified purposes by S.I. 2015/1469, **art. 2(f)(i)**
- I20** Sch. 7 para. 3(8)(b) in force at 1.9.2015 for specified purposes by S.I. 2015/1469, **art. 3(f)(i)**
- I21** Sch. 7 para. 3(8)(b) in force at 1.11.2015 for specified purposes by S.I. 2015/1469, **art. 4(c)(i)**
- I22** Sch. 7 para. 3(8)(b) in force at 18.12.2015 for specified purposes by S.I. 2015/1938, **art. 2(g)(i)**
- I23** Sch. 7 para. 3(8)(b) in force at 1.4.2016 for specified purposes by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(c)(iii)** (with Sch. 2)
- I24** Sch. 7 para. 3(8)(b) in force at 1.9.2016 for specified purposes by S.I. 2016/465, **art. 3(g)(i)** (with Sch. 2)
- I25** Sch. 7 para. 3(8)(b) in force at 1.11.2016 for specified purposes by S.I. 2016/1007, **art. 2(h)(bb)(ii)**

- 4 In section 2A (strategic priorities and objectives: England) (inserted by section 24), in subsection (4)(d), for “licensed water suppliers” there is substituted “ water supply licensees and sewerage licensees ”.

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#### Commencement Information

**I26** Sch. 7 para. 4 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(d) (with Sch. 2)

- 5 In section 2B (strategic priorities and objectives: Wales) (inserted by section 24), in subsection (4)(d), for “licensed water suppliers” there is substituted “ water supply licensees ”.

#### Commencement Information

**I27** Sch. 7 para. 5 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(d) (with Sch. 2)

- 6 In section 6 (appointment of relevant undertakers), in subsection (5A), for “a licensed water supplier” there is substituted “ a water supply licensee or sewerage licensee ”.

#### Commencement Information

**I28** Sch. 7 para. 6 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(d) (with Sch. 2)

- 7 (1) Section 10 (transitional provision with respect to replacement appointments) is amended as follows.
- (2) In subsection (2), for “and (4)” there is substituted “ to (4) ”.
- (3) After subsection (3) there is inserted—
- “(3A) To the extent that charging rules issued under section 144ZA relate to charges imposed or security required by a relevant undertaker under section 185, those rules are to apply in relation to the new undertaker as if the appointment or variation had come into force.”

#### Commencement Information

**I29** Sch. 7 para. 7 in force at 1.11.2016 by S.I. 2016/1007, art. 2(h)(iii)

- 8 In section 12 (determinations under conditions of appointment)—
- (a) in subsection (3B) (application of certain provisions to references to competition authority under section 12) for “sections 16A and 16B” there is substituted “ sections 14A and 14B ”;
- (b) in subsection (3D), for “16B” there is substituted “ 14B ”.
- 9 For the heading of Chapter 1A of Part 2 there is substituted— “ Water supply licences and sewerage licences ”.

#### Commencement Information

**I30** Sch. 7 para. 9 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(e) (with Sch. 2)

- 10 (1) Section 17B (provision supplementary to section 17A) is amended as follows.
- (2) For the title there is substituted “ Meaning of supply system ”.

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- (3) Subsections (1) to (4) (provision as to guidance on extent of premises) are repealed.
- (4) Subsection (9) (references to a licensed water supplier) is repealed.

#### Commencement Information

- I31** Sch. 7 para. 10(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(f)** (with Sch. 2)
- I32** Sch. 7 para. 10(4) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(f)** (with Sch. 2)

- 11 In section 17C (meaning of “household premises”), in subsection (1), for “section 17A(3)(a) above” there is substituted “ paragraphs 4 and 7(a) of Schedule 2A and paragraph 2 of Schedule 2B ”.

#### Commencement Information

- I33** Sch. 7 para. 11 in force at 1.1.2016 by S.I. 2015/1938, **art. 3(f)(i)**

- 12 (1) Section 17D (the threshold requirement) is amended as follows.
- (2) In subsection (1) (purpose of section 17D)—
- (a) for “section 17A(3)(b) above” there is substituted “ paragraph 7(b) of Schedule 2A ”;
  - (b) after “the supply of water to any premises” there is inserted “ in accordance with a restricted retail authorisation ”.
- (3) In subsection (2) (description of the requirement), for “licensed water supplier” there is substituted “ water supply licensee ”.
- (4) In subsection (3) (guidance on making estimate)—
- (a) after “guidance issued” there is inserted “ from time to time ”;
  - (b) for “the Secretary of State” there is substituted “ the Welsh Ministers ”.
- (5) Subsection (5) (duty of Secretary of State to consult the National Assembly for Wales before issuing guidance) is repealed.
- (6) Subsection (6) (application of guidance provision to threshold requirement) is repealed.
- (7) In subsection (7) (regulations as to entering into an undertaking to supply water)—
- (a) for “The Secretary of State” there is substituted “ The Welsh Ministers ”;
  - (b) for “licensed water supplier” there is substituted “ water supply licensee ”;
  - (c) the words “(subject to subsection (12) below)” are repealed.
- (8) In subsection (8) (regulations to alter the threshold)—
- (a) for “The Secretary of State” there is substituted “ The Welsh Ministers ”;
  - (b) the words “(subject to subsection (12) below)” are repealed.
- (9) In subsection (10) (procedure), for “each House of Parliament” there is substituted “ the Assembly ”.
- (10) In subsection (11) (consultation before making regulations)—

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- (a) for “the Secretary of State”, in the first place where those words occur, there is substituted “ the Welsh Ministers ”;
- (b) for “the Secretary of State thinks” there is substituted “ the Welsh Ministers think ”.

(11) Subsections (12) and (13) (exercise of powers by Welsh Ministers) are repealed.

#### Commencement Information

- I34** Sch. 7 para. 12(1) in force at 1.1.2016 for specified purposes by S.I. 2015/1938, **art. 3(f)(iii)**
- I35** Sch. 7 para. 12(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(g)** (with Sch. 2)
- I36** Sch. 7 para. 12(2) in force at 1.1.2016 by S.I. 2015/1938, **art. 3(f)(ii)** (with art. 4)
- I37** Sch. 7 para. 12(3) in force at 1.4.2016 by S.I. 2016/465, **art. 2(m), Sch. 1 para. 1(g)** (with Sch. 2)

13 After section 17D there is inserted—

#### “17DA Guidance

The Authority must publish guidance issued from time to time under—

- (a) section 17D(3),
- (b) paragraph 10 of Schedule 2A, or
- (c) paragraph 4 of Schedule 2B,

in such manner as the Authority considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.”

#### Commencement Information

- I38** Sch. 7 para. 13 in force at 1.1.2016 by S.I. 2015/1938, **art. 3(f)(iv)**

14 (1) Section 17E (determinations by the Authority) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) The Authority may determine, in a case referred to it by—

- (a) a water supply licensee or a potential customer of a water supply licensee, or
- (b) a sewerage licensee or a potential customer of a sewerage licensee, whether a proposed supply of water to, or proposed sewerage services for, the customer would be in accordance with what is authorised by the licensee's licence.”

(3) In subsection (2)—

- (a) in paragraph (a), for “section 17A(3) above” there is substituted “ paragraph 4 or 7(a) or (b) of Schedule 2A ”;
- (b) after paragraph (a) there is inserted—
  - “(aa) the extent of the premises to be served for the purposes of paragraph 2 of Schedule 2B;”;
- (c) in paragraph (b), after “to be supplied” there is inserted “ or served ”.

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#### Commencement Information

**I39** Sch. 7 para. 14 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(h)** (with Sch. 2)

- 15 (1) Section 17F (procedure for granting water supply licences) is amended as follows.
- (2) In the title, after “water supply” there is inserted “ and sewerage ”.
- (3) In subsection (4)—
- (a) the words “the Secretary of State or” are repealed;
  - (b) the words “he or”, in each place they occur, are repealed.
- (4) In subsection (7)—
- (a) the words “the Secretary of State or” are repealed;
  - (b) for paragraph (g) there is substituted—
    - “(g) on each water supply licensee and sewerage licensee (other than the holder of the licence in question);”;
  - (c) paragraph (h) is repealed;
  - (d) in paragraph (i), the words “if the licence or variation is granted by the Authority,” are repealed.
- (5) In subsection (8), the words “by the Secretary of State or” are repealed.

#### Commencement Information

- I40** Sch. 7 para. 15(1) in force at 1.1.2016 for specified purposes by S.I. 2015/1938, **art. 3(f)(vi)**
- I41** Sch. 7 para. 15(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(i)** (with Sch. 2)
- I42** Sch. 7 para. 15(2)(4)(b) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(i)** (with Sch. 2)
- I43** Sch. 7 para. 15(3)(4)(a)(c)(d)(5) in force at 1.1.2016 by S.I. 2015/1938, **art. 3(f)(v)**

- 16 (1) Section 17G (water supply licence conditions) is amended as follows.
- (2) For the title there is substituted “ Licence conditions ”.
- (3) In subsection (1) (conditions to be included)—
- (a) for “A water supply licence” there is substituted “ A licence under this Chapter ”;
  - (b) in paragraph (a), the words “the Secretary of State or, as the case may be,” are repealed;
  - (c) in paragraph (a), the words “him or” are repealed;
  - (d) in paragraph (b), for “the Secretary of State” there is substituted “ the Authority ”;
  - (e) in paragraph (b), for “water supply licence” there is substituted “ licence under this Chapter ”.
- (4) After subsection (2) there is inserted—
- “(2A) Conditions may be included by virtue of subsection (1)(a) in a sewerage licence whether or not they are connected with—
- (a) effectual dealing with the contents of sewers, or
  - (b) the use of the sewerage system of a sewerage undertaker.”

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- (5) In subsection (3) (directions and determinations), for “water supply licence” there is substituted “ licence under this Chapter ”.
- (6) In subsection (4) (persons who may give directions etc), in paragraph (a)(iii), at the beginning there is inserted “so far as subsection (3) applies to water supply licences,”.
- (7) In subsection (5) (duration and modification of conditions), for “water supply licence” there is substituted “ licence under this Chapter ”.
- (8) In subsection (7) (payments received by Secretary of State paid into the Consolidated Fund), for “the Secretary of State” there is substituted “ the Authority ”.

#### Commencement Information

**I44** Sch. 7 para. 16 in force at 1.1.2016 by S.I. 2015/1938, art. 3(f)(vii)

- 17 (1) Section 17H (standard conditions of water supply licences) is amended as follows.
- (2) For subsections (1) to (3) there is substituted—
- “(1) The Secretary of State may determine the conditions that are to be the standard conditions of water supply licences granted by the Authority.
- (1A) Before determining the standard conditions, the Secretary of State must consult the Welsh Ministers as regards conditions relating to a restricted retail authorisation or a supplementary authorisation.
- (1B) The Secretary of State is to publish the standard conditions in such manner as the Secretary of State considers appropriate.
- (2) The standard conditions may be different depending on the different authorisations or combinations of authorisations to which the conditions are to relate.
- (3) The power to determine standard conditions in relation to water supply licences giving a particular authorisation or a particular combination of authorisations may be exercised only before the grant of the first licence to give that authorisation or that particular combination of authorisations (but this is without prejudice to the power to modify standard conditions in accordance with the provisions of this Chapter).”
- (3) In subsection (4) (general provision about standard conditions), for “of either description” there is substituted “ giving any particular authorisation or combination of authorisations ”.
- (4) In subsection (6) (power to exclude or modify standard conditions in a particular case)—
- (a) the words “the Secretary of State or” are repealed;
  - (b) the words “he or” are repealed.
- (5) In subsection (7) (steps before exercising power in subsection (6))—
- (a) the words “the Secretary of State or” are repealed;
  - (b) in paragraph (a), the words “he or” are repealed;
  - (c) in paragraph (b), the words “he or” are repealed.

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- (6) In subsection (8) (publication of notice of intention to modify standard conditions)—
- (a) in paragraph (a), the words “the Secretary of State or (as the case may be)” are repealed;
  - (b) for paragraph (b)(i) there is substituted—
    - “(i) if the notice relates to a water supply licence giving a restricted retail authorisation or a restricted retail authorisation and a supplementary authorisation, on the Welsh Ministers;”;
  - (c) paragraph (b)(iii) is repealed;
  - (d) in paragraph (b)(iv), the words “if the notice is published by the Authority,” are repealed;
  - (e) after paragraph (b)(iv) there is inserted—
    - “(v) on the Water Industry Commission for Scotland.”
- (7) In subsection (9) (direction not to exclude or modify a standard condition), for “the Assembly” there is substituted “ the Welsh Ministers in a case where notice was served on them under subsection (8)(b)(i) ”.
- (8) In subsection (10) (power under subsection (6) not to be exercised in certain circumstances)—
- (a) the words “Secretary of State or the” are repealed;
  - (b) the words “he or” are repealed.

#### Commencement Information

**I45** Sch. 7 para. 17 in force at 1.1.2016 by S.I. 2015/1938, art. 3(f)(vii)

18 After section 17H there is inserted—

#### “17HA Standard conditions of sewerage licences

- (1) The Secretary of State may determine the conditions that are to be the standard conditions of sewerage licences granted by the Authority.
- (2) The Secretary of State is to publish the standard conditions in such manner as the Secretary of State considers appropriate.
- (3) The standard conditions may be different depending on the different authorisations or combinations of authorisations to which the conditions are to relate.
- (4) The power to determine standard conditions in relation to sewerage licences giving a particular authorisation or a particular combination of authorisations may be exercised only before the grant of the first licence to give that authorisation or that particular combination of authorisations (but this is without prejudice to the power to modify standard conditions in accordance with the provisions of this Chapter).
- (5) The standard conditions for the purposes of sewerage licences giving any particular authorisation or combination of authorisations may contain provision—



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- (a) for any standard condition included in a licence of that description not to have effect until brought into operation in such manner and in such circumstances as may be specified in or determined under the standard conditions;
  - (b) for the effect of any standard condition included in such a licence to be suspended in such manner, and in such circumstances, as may be so specified or determined; and
  - (c) for any standard condition included in such a licence which is for the time being suspended to be brought back into operation in such manner and in such circumstances as may be so specified or determined.
- (6) Subject to subsection (7), each condition which is a standard condition is to be incorporated by reference in each sewerage licence (or in each such licence to which the standard condition applies).
- (7) Subject to the following provisions of this section, the Authority may, in granting a licence, exclude or modify any of the standard conditions to such extent as the Authority considers requisite to meet the circumstances of a particular case.
- (8) Before excluding any standard conditions or making any modifications under subsection (7), the Authority must give notice—
- (a) stating that the Authority proposes to exclude the conditions or make the modifications and setting out the effect of so doing;
  - (b) stating the reasons why the Authority proposes to exclude the conditions or make the modifications; and
  - (c) specifying the time (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed exclusions or modifications may be made,
- and the Authority must consider any representations or objections which are duly made and not withdrawn.
- (9) A notice under subsection (8) must be given—
- (a) by publishing the notice in such manner as the Authority considers appropriate for the purpose of bringing the notice to the attention of persons likely to be affected by the making of the exclusions or modifications; and
  - (b) by serving a copy of the notice—
    - (i) on the Secretary of State;
    - (ii) on the Environment Agency;
    - (iii) on the NRBW;
    - (iv) on the Water Industry Commission for Scotland.
- (10) If, within the time specified in the notice under subsection (8), the Secretary of State directs the Authority not to exclude or modify any standard condition, the Authority must comply with the direction.
- (11) The Authority may not exclude any conditions, or make any modifications, under subsection (7) unless the Authority is of the opinion that the exclusions or modifications are such that—

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- (a) the licence holder would not be unduly disadvantaged in competing with other holders of sewerage licences; and
- (b) no other holder of a sewerage licence would be unduly disadvantaged in competing with other holders of such licences (including the holder of the licence being granted).

(12) The modification under subsection (7) of part of a standard condition is not to prevent any other part of the condition from continuing to be treated as a standard condition for the purposes of this Chapter.”

#### Commencement Information

**I46** Sch. 7 para. 18 in force at 1.1.2016 by S.I. 2015/1938, art. 3(f)(vii)

- 19 (1) Section 17I (modification of licences by agreement) is amended as follows.
- (2) For the title there is substituted “ Modification of licences by agreement ”.
- (3) In subsection (1) (power of Authority to modify licence), for the words from “conditions of” to the end there is substituted “conditions of—
- (a) a particular water supply licence, or
  - (b) a particular sewerage licence.”
- (4) In subsection (2)(b) (modification not to cause undue disadvantage)—
- (a) in sub-paragraph (i), after “water supply licences” there is inserted “ or, as the case may be, sewerage licences ”;
  - (b) in sub-paragraph (ii), after “a water supply licence” there is inserted “ or, as the case may be, a sewerage licence ”.
- (5) In subsection (4)(b) (persons to be served with notice of proposed modifications), in sub-paragraph (iv), at the beginning there is inserted “if the notice relates to a water supply licence.”.
- (6) In subsection (5) (direction not to modify a condition), the words “(after consulting the Assembly)” are repealed.
- (7) After subsection (5) there is inserted—
- “(5A) The Secretary of State is to consult the Welsh Ministers before giving a direction under subsection (5) in relation to a water supply licence.”

#### Commencement Information

**I47** Sch. 7 para. 19 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 20 (1) Section 17J (general modification of standard conditions) is amended as follows.
- (2) For the title there is substituted “ Modification of standard conditions ”.
- (3) In subsection (1) (power of Authority to modify standard conditions), for the words from “may modify” to the end there is substituted “may modify—
- (a) the standard conditions of water supply licences, or
  - (b) the standard conditions of sewerage licences.”

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*Status: Point in time view as at 01/11/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Water Act 2014, Cross Heading: Water Industry Act 1991 (c. 56) is up to date with all changes known to be in force on or before 09 June 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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- (4) After subsection (1) there is inserted—
- “(1A) Modifications may relate to—
- (a) standard conditions contained in all water supply licences or sewerage licences, or
  - (b) standard conditions contained in those water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations.”
- (5) In subsection (2) (power to make incidental and consequential modifications)—
- (a) for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”;
  - (b) for “any licence of that description” there is substituted “ any licence so affected ”.
- (6) In subsection (4)(b) (persons to be served with notice of proposed modifications), in sub-paragraph (iv), at the beginning there is inserted “if the notice relates to a water supply licence.”.
- (7) In subsection (5) (direction not to modify a standard condition), the words “(after consulting the Assembly)” are repealed.
- (8) After subsection (5) there is inserted—
- “(5A) The Secretary of State is to consult the Welsh Ministers before giving a direction under subsection (5) in relation to a water supply licence.”
- (9) In subsection (6) (modification conditional on views of relevant licence holders), for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”.
- (10) In subsection (8) (preconditions for modification of standard condition), in paragraph (c), after “a water supply licence” there is inserted “ or, as the case may be, a sewerage licence ”.
- (11) In subsection (10) (consultation with Welsh Ministers), after “subsection (6) above” there is inserted “ in relation to the standard conditions of water supply licences ”.
- (12) In subsection (12) (changed standard conditions to be used in new licences)—
- (a) for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”;
  - (b) in paragraph (a), for “licences of that description” there is substituted “ water supply licences or, as the case may be, sewerage licences ”;
  - (c) after paragraph (b) there is inserted—
- “Where the Authority modifies the standard conditions of water supply licences or sewerage licences that grant particular authorisations or combinations of authorisations, paragraph (a) has effect only as regards licences granting the same authorisations or combinations of authorisations.”
- (13) In subsection (13) (meaning of “relevant licence holder”), for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences or of such of those licences as grant a particular authorisation or combination of authorisations ”.

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#### Commencement Information

**I48** Sch. 7 para. 20 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 21 (1) Section 17K (references to competition authority in relation to the modification of licences) is amended as follows.
- (2) For the title there is substituted “ Modification references to competition authority ”.
- (3) In subsection (1) (reference of a particular licence), in paragraph (a)(i), for “a particular licence” there is substituted “ a particular water supply or sewerage licence ”.
- (4) In subsection (2) (general matters that may be referred), in paragraph (a)(i), for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations ”.
- (5) In subsection (5)(b) (persons to be served with copy of reference or variation), in sub-paragraph (iv), at the beginning there is inserted “in a case relating to a water supply licence or licences,”.

#### Commencement Information

**I49** Sch. 7 para. 21 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 22 (1) Section 17N (reports on modification references) is amended as follows.
- (2) For the title there is substituted “ Reports on modification references ”.
- (3) In subsection (10)(a) (persons to be served with report relating to a particular licence), in sub-paragraph (iv), at the beginning there is inserted “if the report relates to a water supply licence,”.
- (4) In subsection (11)(a) (persons to be served with report relating to a standard condition), in sub-paragraph (ii), at the beginning there is inserted “if the report relates to water supply licences,”.
- (5) In subsection (12) (meaning of “relevant time”), in paragraph (a), after “Secretary of State and” there is inserted “ , if the report relates to water supply licences, ”.

#### Commencement Information

**I50** Sch. 7 para. 22 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 23 (1) Section 17O (modification of licences following report) is amended as follows.
- (2) For the title there is substituted “ Modification of licences following report ”.
- (3) In subsection (2) (power to make incidental and consequential modifications), for “the standard conditions of retail licences or combined licences” there is substituted “  
 (a) the standard conditions of water supply licences or sewerage licences, or

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- (b) the standard conditions of water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations.”.
- (4) In subsection (5)(c)(iii), at the beginning there is inserted “in a case relating to a water supply licence or licences,”.
- (5) In subsection (10) (changed standard conditions to be used in new licences)—
  - (a) for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”;
  - (b) in paragraph (a), for “licences of that description” there is substituted “ water supply licences or, as the case may be, sewerage licences ”;
  - (c) after paragraph (b) there is inserted—

“Where the Authority modifies the standard conditions of water supply licences or sewerage licences that grant particular authorisations or combinations of authorisations, paragraph (a) has effect only as regards licences granting the same authorisations or combinations of authorisations.”

#### Commencement Information

**I51** Sch. 7 para. 23 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 24 (1) Section 17P (competition authority's power of veto following report) is amended as follows.
- (2) For the title there is substituted “ Power of veto following report ”.
  - (3) In subsection (7)(b) (persons to be served with notice of modifications proposed), in sub-paragraph (v), at the beginning there is inserted “if the reference relates to water supply licences,”.
  - (4) In subsection (10) (power to make incidental and consequential modifications), for “the standard conditions of retail licences or combined licences” there is substituted “—
    - (a) the standard conditions of water supply licences or sewerage licences, or
    - (b) the standard conditions of water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations,”.
  - (5) In subsection (11) (changed standard conditions to be used in new licences)—
    - (a) for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”;
    - (b) in paragraph (a), for “licences of that description” there is substituted “ water supply licences or, as the case may be, sewerage licences ”;
    - (c) after paragraph (b) there is inserted—

“Where the Authority modifies the standard conditions of water supply licences or sewerage licences that grant particular authorisations or combinations of authorisations, paragraph (a) has effect only as regards licences granting the same authorisations or combinations of authorisations.”

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#### Commencement Information

**I52** Sch. 7 para. 24 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(j)** (with Sch. 2)

- 25 (1) Section 17R (modification of licences by order under other enactments) is amended as follows.
- (2) For the title there is substituted “ Modification by order under other enactments ”.
- (3) In subsection (1) (power for the competition authorities and the Secretary of State to modify standard conditions in order to give effect to orders under the Enterprise Act 2002), for paragraphs (a) and (b) there is substituted—
- “(a) the conditions of a particular water supply or sewerage licence,  
(b) the standard conditions of water supply licences or sewerage licences, or  
(c) the standard conditions of water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations.”.
- (4) In subsection (2) (identification of orders under the Enterprise Act 2002)—
- (a) in paragraph (a)(i), for “a retail licence or combined licence” there is substituted “ a water supply licence or sewerage licence ”;
- (b) in paragraph (a)(ii), for “a retail licence or combined licence” there is substituted “ a water supply licence or sewerage licence ”;
- (c) in paragraph (b), for “a retail licence or combined licence” there is substituted “ a water supply licence or sewerage licence ”.
- (5) In subsection (4) (changed standard conditions to be included in new licences and power to make incidental and consequential modifications of existing licences)—
- (a) for “subsection (1)(b)” there is substituted “ subsection (1)(b) or (c) ”;
- (b) for “the standard conditions of retail licences or combined licences” there is substituted “ the standard conditions of water supply licences or sewerage licences or of water supply licences or sewerage licences that grant a particular authorisation or combination of authorisations ”.
- (6) In subsection (5) (publication of modifications), for “retail licences or combined licences” there is substituted “ water supply licences or sewerage licences ”.

#### Commencement Information

**I53** Sch. 7 para. 25 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(j)** (with Sch. 2)

- 26 (1) Section 18 (orders for securing compliance with certain provisions) is amended as follows.
- (2) In subsection (1)—
- (a) after “Part or” there is inserted “ any person holding ”;
- (b) in paragraph (a), after “that company” there is inserted “ or that person ”;
- (c) in paragraph (a)(i), after “appointment or” there is inserted “the person's”;
- (d) in paragraph (b), after “that company” there is inserted “ or that person ”.
- (3) In subsection (1A)—

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- (a) in paragraph (a)(i), for “a company” there is substituted “ a person ”;
  - (b) in paragraph (b), for “any company” there is substituted “ any person ”;
  - (c) in that paragraph, for “the company” there is substituted “ the person ”.
- (4) In subsection (2), after “Part or” there is inserted “ any person holding ”.
- (5) In subsection (6)(a), after “Part or” there is inserted “ a person holding ”.

**Commencement Information**

**I54** Sch. 7 para. 26 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 27 In section 19 (exceptions to the duty to enforce), for “company”, in each place, there is substituted “ person ”.

**Commencement Information**

**I55** Sch. 7 para. 27 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 28 In section 20 (procedure for enforcement orders), for “company to which”, in each place, there is substituted “ person to whom ”.

**Commencement Information**

**I56** Sch. 7 para. 28 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 29 (1) Section 21 (validity of enforcement orders) is amended as follows.
- (2) In subsection (1)—
- (a) for “company to which” there is substituted “ person to whom ”;
  - (b) for “company”, in the second place it occurs, there is substituted “ person ”.
- (3) In subsection (2), for “company” there is substituted “ person ”.

**Commencement Information**

**I57** Sch. 7 para. 29 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 30 In section 22 (effect of enforcement order), in subsection (3)—
- (a) for “company”, in each place, there is substituted “ person ”;
  - (b) for “it” there is substituted “ the person ”.

**Commencement Information**

**I58** Sch. 7 para. 30 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 31 (1) Section 22A (penalties) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)(ii), for “company” there is substituted “ person ”;

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- (b) in paragraph (b), in the opening words, for “company”, in both places, there is substituted “ person ”;
  - (c) in the closing words, for “the company” there is substituted “ that company or that person ”.
- (3) In subsection (2)—
- (a) in paragraph (a)(ii), for “company” there is substituted “ person ”;
  - (b) in paragraph (b), in the opening words, for “company”, in both places, there is substituted “ person ”;
  - (c) in the closing words, for “the company” there is substituted “ that company or that person ”.
- (4) In subsection (4), in the opening words, for “company” there is substituted “ person ”.
- (5) In subsection (6)—
- (a) in the opening words, after “penalty” there is inserted “ on a person ”;
  - (b) in paragraph (a), for “company”, there is substituted “ person ”;
  - (c) in paragraph (d), for “company”, there is substituted “ person ”.
- (6) In subsection (7)—
- (a) for “company”, there is substituted “ person on whom the penalty has been imposed ”;
  - (b) the words “on it” are repealed.
- (7) In subsection (8)(b), for “company”, there is substituted “ person on whom the penalty is to be or has been imposed ”.
- (8) In subsection (11), for the words from “10%” to “(determined)” there is substituted “—
- (a) 10% of the turnover of the company, or
  - (b) in a case where the person on whom the penalty is imposed is not a company, 10% of the turnover of the business of the person,
- (determined)”.

#### **Commencement Information**

**I59** Sch. 7 para. 31 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(j)** (with Sch. 2)

- 32 (1) Section 22C (time limits on the imposition of financial penalties) is amended as follows.
- (2) In subsection (1)—
- (a) in the opening words, after “penalty” there is inserted “ on a person ”;
  - (b) in paragraph (a), for “company” there is substituted “ person ”;
  - (c) in paragraph (b), for “company” there is substituted “ person ”.
- (3) In subsection (2), in the opening words—
- (a) after the first “penalty” there is inserted “ on a person ”;
  - (b) for “company” there is substituted “ person ”.



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#### Commencement Information

**I60** Sch. 7 para. 32 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 33 (1) Section 22E (appeals) is amended as follows.
- (2) In subsection (1), for “company on which” there is substituted “ person on whom ”.
- (3) In subsections (2)(a) and (b) (in both places) and (4)(b), for “company” there is substituted “ person ”.

#### Commencement Information

**I61** Sch. 7 para. 33 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

- 34 In section 22F (recovery of penalties), for “company” there is substituted “ person ”.

#### Commencement Information

**I62** Sch. 7 para. 34 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(j) (with Sch. 2)

VALID FROM 01/04/2017

- 35 (1) Section 23 (meaning and effect of special administration orders) is amended as follows.
- (2) In subsection (1), for “a qualifying licensed water supplier” there is substituted “ a qualifying water supply licensee or a qualifying sewerage licensee ”.
- (3) In subsection (2A)—
- (a) for “a qualifying licensed water supplier” there is substituted “ a qualifying water supply licensee ”;
- (b) for “subsection (6)(b)” there is substituted “ subsection (7) ”.
- (4) After subsection (2A) there is inserted—
- “(2AA) The purposes of a special administration order made in relation to a company which is a qualifying sewerage licensee must be—
- (a) the transfer to another company or companies, as a going concern, of so much of the company's undertaking as it is necessary to transfer in order to secure that the activities relating to the removal or removals of matter mentioned in subsection (9) may be properly carried on, and
- (b) the carrying on of those activities pending the making of the transfer.”
- (5) In subsection (2B)(b)—
- (a) in the opening words, for “or (2A)(a)” there is substituted “ , (2A)(a) or (2AA)(a) ”;
- (b) in sub-paragraph (ii), for “or (2A)(a)” there is substituted “ , (2A)(a) or (2AA)(a) ”.

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(6) In subsection (2C), for “and (2A)(b)” there is substituted “, (2A)(b) and (2AA)(b)”.

(7) In subsection (4), for paragraph (b) there is substituted—

“(b) a company carries on activities relating to—

- (i) the introduction or introductions of water mentioned in subsection (7) formerly carried on by another company; or
- (ii) the removal or removals of matter mentioned in subsection (9) formerly carried on by another company.”

(8) In subsection (6)—

- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;
- (b) for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee ”;
- (c) for paragraphs (a) and (b) there is substituted—
  - “(a) it is the holder of a water supply licence giving it a wholesale or supplementary authorisation (within the meaning of Chapter 1A of this Part), and
  - (b) the condition in subsection (7) is satisfied in relation to it.”

(9) After subsection (6) there is inserted—

“(7) The condition in this subsection is that—

- (a) the introduction of water by the licence holder which is permitted under section 66B or 66C is designated as a strategic supply under section 66G, or
- (b) the introductions of water by the licence holder which are permitted under section 66B or 66C are designated as a collective strategic supply under section 66H.”

(10) After subsection (7) (inserted by sub-paragraph (9)) there is inserted—

“(8) For the purposes of this section, sections 24 to 26 and Schedule 2, a sewerage licensee is a qualifying sewerage licensee if—

- (a) it is the holder of a sewerage licence giving it a wholesale or disposal authorisation (within the meaning of Chapter 1A of this Part), and
- (b) the condition in subsection (9) is satisfied in relation to it.

(9) The condition in this subsection is that—

- (a) the removal of matter by the licence holder which is permitted under section 117C or 117D is designated as strategic sewerage provision under section 117N, or
- (b) the removals of matter by the licence holder which are permitted under section 117C or 117D are designated as collective strategic sewerage provision under section 117O.”

VALID FROM 01/04/2017

36 (1) Section 24 (special administration orders made on special petitions) is amended as follows.

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- (2) In subsection (1A)—
- (a) in paragraphs (a) and (b), the words “(after consulting the Assembly)” are repealed;
  - (b) in paragraph (b), before “the Authority” there is inserted “by”;
  - (c) in the words following paragraph (b), for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee or qualifying sewerage licensee ”.
- (3) After subsection (1A) there is inserted—
- “(1B) Before presenting a petition under subsection (1A) in relation to a qualifying water supply licensee whose licence gives it a supplementary authorisation, the Secretary of State or the Authority (as the case may be) must consult the Welsh Ministers.”
- (4) In subsection (2)—
- (a) in paragraph (bb), for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee ”;
  - (b) after paragraph (bb) there is inserted—
    - “(bc) in the case of a company which is a qualifying sewerage licensee, that—
    - (i) action taken by the company has caused a contravention by a sewerage undertaker of any principal duty; and
    - (ii) that action is serious enough to make it inappropriate for the company to continue to hold its licence;”;
  - (c) in paragraph (d), for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee or a qualifying sewerage licensee ”.
- (5) In subsection (7)(b), for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee or a qualifying sewerage licensee ”.

VALID FROM 01/04/2017

- 37 In section 25 (power to make special administration order on winding-up petition) for “qualifying licensed water supplier”, in both places, there is substituted “ qualifying water supply licensee or a qualifying sewerage licensee ”.

VALID FROM 01/04/2017

- 38 In section 26 (restrictions on voluntary winding up and insolvency proceedings), in subsection (1), for “qualifying licensed water supplier” there is substituted “ qualifying water supply licensee or a qualifying sewerage licensee ”.

- 39 (1) Section 27 (general duty of Authority to keep matters under review) is amended as follows.

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- (2) In subsection (1)(b), for “licensed water suppliers” there is substituted “ water supply licensees or sewerage licensees ”.
- (3) In subsection (2)—
- (a) in paragraph (aa), for “companies” there is substituted “ persons ”;
  - (b) in paragraph (b), after “company” there is inserted “ or person ”.
- (4) In subsection (4)—
- (a) in paragraph (c), for the words from “retail” to “Part)” there is substituted “ the authorisations or combinations of authorisations given by licences under Chapter 1A of this Part (see sections 17A and 17BA) ”;
  - (b) in paragraph (d), for “company” there is substituted “ person ”.

#### Commencement Information

**I63** Sch. 7 para. 39 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 40 In section 27A (establishment of the Council and committees), in subsection (13), in the definition of “the interests of consumers”—
- (a) in paragraph (a), for “licensed water suppliers” there is substituted “ water supply licensees ”;
  - (b) in paragraph (b), for “by sewerage undertakers” there is substituted “ either by sewerage undertakers or by sewerage licensees acting in their capacity as such ”.

#### Commencement Information

**I64** Sch. 7 para. 40 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 41 (1) Section 27C (the interests of consumers) is amended as follows.
- (2) In subsection (1)—
- (a) the “and” after paragraph (d) is repealed;
  - (b) in paragraph (e), for the words from “not eligible” to the end there is substituted “ household premises (as defined in section 17C) ”;
  - (c) after paragraph (e) there is inserted “; and
  - (f) customers, of companies holding an appointment under Chapter 1 of Part 2 of this Act, whose premises are below the consumption threshold and in the area of a relevant undertaker whose area is wholly or mainly in Wales,”.
- (3) In subsection (2), for the words from “not eligible” to “the total quantity” there is substituted “ below the consumption threshold if the total quantity ”.

#### Commencement Information

**I65** Sch. 7 para. 41 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 42 In section 27E (provision of advice and information to public authorities), in subsection (1), for “licensed water suppliers” there is substituted “ water supply licensees, sewerage licensees ”.

*Status: Point in time view as at 01/11/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

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**Commencement Information**

**I66** Sch. 7 para. 42 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 43 (1) Section 27H (provision of information to the Council) is amended as follows.
- (2) In subsection (1)—
- (a) the “or” at the end of paragraph (b) is repealed;
  - (b) in paragraph (c), for “a licensed water supplier” there is substituted “ a water supply licensee, or ”;
  - (c) after paragraph (c) there is inserted—  
“ (d) a sewerage licensee.”.
- (3) In subsections (2), (3) and (4), after “body”, in each place, there is inserted “ or person ”.
- (4) In subsection (4)—
- (a) for “it” there is substituted “ the body or person ”;
  - (b) for “its” there is substituted “ the ”.

**Commencement Information**

**I67** Sch. 7 para. 43 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 44 (1) Section 27K (sections 27H to 27J: supplementary) is amended as follows.
- (2) In subsection (2), for “or a licensed water supplier” there is substituted “ , a water supply licensee or a sewerage licensee ”.
- (3) In subsection (5), for “and a licensed water supplier” there is substituted “ , a water supply licensee and a sewerage licensee ”.

**Commencement Information**

**I68** Sch. 7 para. 44 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 45 (1) Section 29 (consumer complaints) is amended as follows.
- (2) In subsection (1)—
- (a) for “or a licensed water supplier” there is substituted “ , a water supply licensee or a sewerage licensee ”;
  - (b) for “by that licensed water supplier” there is substituted “ by that water supply licensee or that sewerage licensee ”.
- (3) In subsection (5)(a), for the words from “by a licensed water supplier” to “Wales” there is substituted “—
- (i) by a water supply licensee using the supply system of a water undertaker whose area is wholly or mainly in Wales, or
  - (ii) by a sewerage licensee using the supply system of a sewerage undertaker whose area is wholly or mainly in Wales”.

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- (4) In subsections (8)(a) and (b) and (9), for “or the licensed water supplier” there is substituted “, the water supply licensee or the sewerage licensee”.

**Commencement Information**

**I69** Sch. 7 para. 45 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 46 In the heading to Chapter 1 of Part 3 (general duties of water undertakers) at the end there is inserted “etc”.

**Commencement Information**

**I70** Sch. 7 para. 46 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 47 In section 37A (water resources management plans: preparation and review)—
- (a) in subsection (3)(b), for “licensed water suppliers” there is substituted “water supply licensees”;
  - (b) in subsection (8)(d) for “licensed water supplier” there is substituted “water supply licensee”.

**Commencement Information**

**I71** Sch. 7 para. 47 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 48 In section 37C (water resources management plans: provision of information)—
- (a) for “licensed water supplier”, in each place, there is substituted “water supply licensee”;
  - (b) in the closing words to subsection (3), for “licensed water supplier's” there is substituted “water supply licensee's”.

**Commencement Information**

**I72** Sch. 7 para. 48 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 49 In section 37D (water resources management plans: supplementary), in subsection (3)(b), for “licensed water supplier” there is substituted “water supply licensee”.

**Commencement Information**

**I73** Sch. 7 para. 49 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 50 In section 38B (publication of statistical information about complaints)—
- (a) in subsection (1), for “licensed water suppliers” there is substituted “water supply licensees”;
  - (b) in subsection (2), for “licensed water suppliers” there is substituted “water supply licensees”.

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#### Commencement Information

**I74** Sch. 7 para. 50 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 51 (1) Section 39A (information to be given to customers about performance) is amended as follows.
- (2) In subsections (1) and (2A), for “licensed water suppliers”, in both places, there is substituted “ water supply licensees ”.
- (3) After subsection (1) there is inserted—
- “(1A) Each water supply licensee must, in such form and manner and with such frequency as the Authority may direct, take steps to inform the licensee’s customers of—
- (a) the standards of overall performance established under section 38ZA(1) which are applicable to that licensee;
- (b) that licensee’s level of performance as regards those standards.
- (1B) The Authority may direct that the requirement in subsection (1A) is not to apply to such water supply licensees as may be specified in the direction.”
- (4) In subsection (2), for “any such direction” there is substituted “ a direction under subsection (1) or (1A) ”.
- (5) In subsection (2B), for “section 17B(5)” there is substituted “ section 17B ”.
- (6) In subsection (3), for “licensed water supplier” there is substituted “ water supply licensee ”.

#### Commencement Information

**I75** Sch. 7 para. 51 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 52 In section 39B (drought plans: preparation and review)—
- (a) in subsection (4)(b), for “licensed water suppliers” there is substituted “ water supply licensees ”;
- (b) in subsection (7)(d), for “licensed water supplier” there is substituted “ water supply licensee ”.

#### Commencement Information

**I76** Sch. 7 para. 52 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(k) (with Sch. 2)

- 53 In section 39C (drought plans: provision of information)—
- (a) for “licensed water supplier”, in each place, there is substituted “ water supply licensee ”;
- (b) in the closing words to subsection (3), for “licensed water supplier’s” there is substituted “water supply licensee’s”.

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#### Commencement Information

**I77** Sch. 7 para. 53 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(k)** (with Sch. 2)

VALID FROM 01/04/2018

54 In section 42 (financial conditions for compliance with the duty in section 41), subsection (7) (terms defined in sections 43 and 43A) is repealed.

VALID FROM 01/04/2018

55 Sections 43 and 43A (calculations for the purpose of section 42) are repealed.

VALID FROM 01/04/2018

56 In section 47 (conditions of connection with water main), in subsection (1), for “sections 48 to” there is substituted “ sections 49 and ”.

VALID FROM 01/04/2018

57 Section 48 (interest on sums provided by way of security) is repealed.

VALID FROM 01/04/2017

58 (1) Section 52 (domestic supply duty) is amended as follows.  
(2) In subsection (4A) (exclusion of certain premises), in paragraph (c), at the beginning, there is inserted “in the case of premises to be supplied using the supply system of a water undertaker whose area is wholly or mainly in Wales,”.

VALID FROM 01/04/2017

59 In section 55 (supplies for non-domestic purposes), in subsection (1A)(b), after “17C above) or” there is inserted “ , in the case of premises to be supplied using the supply system of a water undertaker whose area is wholly or mainly in Wales, ”.

VALID FROM 01/04/2017

60 (1) Section 61 (disconnections for non-payment of charges) is amended as follows.  
(2) In subsection (1)—  
(a) for “the following provisions of this section” there is substituted “ subsections (1A) to (6) ”;



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(b) after “cut off a supply of water to any premises,” there is inserted “if subsection (1ZA) or (1ZB) applies.

“(1ZA) This subsection applies”.

(3) After the subsection (1ZA) so formed there is inserted—

“(1ZB) This subsection applies if a water supply licensee requests the undertaker to disconnect the service pipe or otherwise cut off the supply of water to the premises.

(1ZC) A water supply licensee may make a request under subsection (1ZB) only if—

- (a) the occupier of the premises is liable under an agreement with the licensee to pay charges to the licensee in respect of the supply of water to the premises,
- (b) the licensee has served notice on the occupier requiring payment of charges due,
- (c) the occupier has failed to pay the charges before the end of the period of seven days beginning with the day after the notice was served, and
- (d) that period has expired.”

(4) In subsection (2)—

- (a) in paragraph (a), for “subsection (1)” there is substituted “ subsection (1ZA) ”;
- (b) in the words following paragraph (b), for “that subsection” there is substituted “ subsection (1) ”.

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

“(2A) Where—

- (a) a water supply licensee has served a notice for the purposes of subsection (1ZC)(b) on a person, and
- (b) within the period of seven days mentioned in subsection (1ZC)(c), the person serves a counter-notice on the licensee stating that he disputes his liability to pay the charges in question,

the licensee may not make a request under subsection (1ZB) in relation to the 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).”

(6) In subsection (3)—

- (a) after “subsection (2)” there is inserted “ or (2A) ”;
- (b) in paragraph (a), after “the undertaker” there is inserted “ or, as the case may be, the licensee ”;
- (c) in paragraph (b), after “the undertaker” there is inserted “ or, as the case may be, the licensee ”.

(7) In subsection (4)—

- (a) the words “, from the person in respect of whose liability the power is exercised,” are repealed;
- (b) at the end there is inserted “—

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- (a) from the person in respect of whose liability the power is exercised, in a case where the power is exercised in the circumstances mentioned in subsection (1ZA);
- (b) from the water supply licensee who made the request, in a case where the power is exercised in the circumstances mentioned in subsection (1ZB)."

(8) In subsection (5)—

- (a) in paragraph (b)—
  - (i) after “those premises” there is inserted “ (“the primary premises”) ”;
  - (ii) after “other premises” there is inserted “ (“the secondary premises”) ”;
- (b) in the words after paragraph (b)—
  - (i) for “those other premises” there is substituted “ the secondary premises ”;
  - (ii) for “the premises in relation to which the charges are due” there is substituted “ the primary premises ”;
  - (iii) for “the other premises” there is substituted “ the secondary premises ”.

(9) After subsection (5) there is inserted—

- “(6) The undertaker may not cut off the supply to the secondary premises in reliance on subsection (5) if—
- (a) in a case where the undertaker is exercising the power in subsection (1) because charges are due to it, the secondary premises are supplied by a person other than the undertaker;
  - (b) in a case where the undertaker is exercising the power in subsection (1) because of a request for disconnection under subsection (1ZB), the secondary premises are supplied by a person other than the licensee which made that request.”

VALID FROM 01/04/2017

61 In section 63 (general duties of undertakers with respect to disconnections), after subsection (3) there is inserted—

“(3A) A water undertaker is not guilty of an offence under subsection (3) where it disconnects a service pipe or otherwise cuts off a supply of water under section 61 in the circumstances mentioned in section 61(1ZB) (request from water supply licensee).”

62 In the italic heading preceding section 63AA, for “licensed water supplier” there is substituted “ water supply licensee ”.

#### Commencement Information

**I78** Sch. 7 para. 62 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(l)** (with Sch. 2)

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- 63 (1) Section 63AA (supply by licensed water supplier: domestic supply duty) is amended as follows.
- (2) In the title, for “licensed water supplier” there is substituted “ water supply licensee ”.
- (3) In subsection (1)(a), for “licensed water supplier” there is substituted “ water supply licensee ”.

**Commencement Information**

**179** Sch. 7 para. 63 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(i) (with Sch. 2)

VALID FROM 06/03/2017

- 64 (1) Section 63AB (supply by licensed water supplier: non-domestic supply) is amended as follows.
- (2) In the title, for “licensed water supplier” there is substituted “ water supply licensee ”.
- (3) In subsection (1), in the opening words, after “above” there is inserted “ or section 63AC(2) ”.
- (4) In subsection (1)(a), for “licensed water supplier” there is substituted “ water supply licensee ”.

- 65 (1) Section 63AC (interim duty of water undertaker: domestic and non-domestic supply) is amended as follows.
- (2) In subsections (1)(a) and (2), for “licensed water supplier” there is substituted “ water supply licensee ”.

**Commencement Information**

**180** Sch. 7 para. 65 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 66 In the italic heading preceding section 68, for “licensed water suppliers” there is substituted “ water supply licensees ”.

**Commencement Information**

**181** Sch. 7 para. 66 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 67 (1) Section 68 (duties with respect to water quality) is amended as follows.
- (2) In the title, for “licensed water suppliers” there is substituted “ water supply licensees ”.
- (3) In subsection (1A)—
- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;
- (b) in paragraph (a), for “its retail authorisation” there is substituted “ the licensee's retail authorisation or restricted retail authorisation ”;
- (c) in paragraph (b), for “that supplier” there is substituted “ that licensee ”;

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- (d) in paragraph (b), for “its retail authorisation” there is substituted “ the licensee's retail authorisation or restricted retail authorisation ”;
  - (e) the words following paragraph (b) are repealed.
- (4) In subsection (3A)—
- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;
  - (b) in paragraph (b), for “the supplier” there is substituted “ the licensee ”.
- (5) In subsection (3B), for “licensed water supplier” there is substituted “ water supply licensee ”.
- (6) In subsection (5), for “licensed water supplier” there is substituted “ water supply licensee ”.
- (7) After subsection (5) there is inserted—
- “(6) References in this section to a retail authorisation or a restricted retail authorisation are to be construed in accordance with Schedule 2A.
- (7) In this section “prescribed” means—
- (a) in relation to a water undertaker whose area is wholly or mainly in Wales, and
  - (b) in relation to a water supply licensee so far as relating to licensed activities using the supply system of such a water undertaker, prescribed by regulations made by the Welsh Ministers by statutory instrument, which is subject to annulment in pursuance of a resolution of the Assembly.”

#### Commencement Information

**I82** Sch. 7 para. 67 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 68 (1) Section 69 (regulations for preserving water quality) is amended as follows.
- (2) In subsections (1), (2), (5)(aa), (6)(b) and (c) and (7)(a)(ii) and (b), for “licensed water supplier”, in each place, there is substituted “ water supply licensee ”.
  - (3) In subsections (3) and (4)(a) and (b), for “licensed water suppliers”, in each place, there is substituted “ water supply licensees ”.
  - (4) In subsection (5)(aa), for “that supplier” there is substituted “ that licensee ”.
  - (5) In subsections (5)(b) and (6)(b), for “or supplier”, in both places, there is substituted “ or licensee ”.

#### Commencement Information

**I83** Sch. 7 para. 68 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 69 In section 72 (contamination of water sources), in subsection (5)(c) for “licensed water supplier” there is substituted “ water supply licensee ”.

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#### Commencement Information

**184** Sch. 7 para. 69 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 70 In section 73 (offences of contaminating, wasting and misusing water etc), in subsection (1)—
- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;
  - (b) in paragraph (b), for “supplier” there is substituted “ licensee ”.

#### Commencement Information

**185** Sch. 7 para. 70 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 71 (1) Section 74 (regulations for preventing contamination, waste etc and with respect to water fittings) is amended as follows.
- (2) In subsection (1)(b) and (d), for “licensed water supplier”, in each place, there is substituted “ water supply licensee ”.
  - (3) In subsection (1)(c), for “a licensed water supplier” there is substituted “ that or another water supply licensee ”.

#### Commencement Information

**186** Sch. 7 para. 71 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

- 72 (1) Section 75 (power to prevent damage and to take steps to prevent contamination, waste etc) is amended as follows.
- (2) In subsection (1A), for “licensed water supplier” there is substituted “ water supply licensee ”.
  - (3) In subsection (11)(b), for “licensed water supplier” there is substituted “ water supply licensee ”.
  - (4) In subsection (12), for “section 17B(5)” there is substituted “ section 17B ”.

#### Commencement Information

**187** Sch. 7 para. 72 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(m) (with Sch. 2)

VALID FROM 01/04/2017

- 73 In section 76 (temporary bans on use)—
- (a) in subsection (1), for “by it” there is substituted “ by means of its supply system ”;
  - (b) after subsection (7) there is inserted—  
“(8) The reference in subsection (1) to the supply system of a water undertaker is to be construed in accordance with section 17B.”

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- 74 (1) Section 78 (local authority functions in relation to undertakers' supplies) is amended as follows.
- (2) In subsection (1)(a), for “licensed water supplier” there is substituted “ water supply licensee ”.
- (3) In subsection (3), for “section 17B(5)” there is substituted “ section 17B ”.

**Commencement Information**

- I88** Sch. 7 para. 74(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(n) (with Sch. 2)
- I89** Sch. 7 para. 74(2) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(n) (with Sch. 2)

- 75 (1) Section 86 (assessors for the enforcement of water quality) is amended as follows.
- (2) In subsections (2)(a)(i), (3), (4)(c)(i) and (6), for “licensed water supplier”, in each place, there is substituted “ water supply licensee ”.
- (3) In subsection (4)(c)(i), for “or supplier” there is substituted “ or licensee ”.
- (4) In subsection (6), for “it” there is substituted “ that person ”.

**Commencement Information**

- I90** Sch. 7 para. 75 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 76 In section 87 (fluoridation of water supplies at request of relevant authorities), in subsections (2)(b) and (3)(b), for “licensed water supplier” there is substituted “ water supply licensee ”.

**Commencement Information**

- I91** Sch. 7 para. 76 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 77 In section 87C (fluoridation arrangements: compliance), in subsection (4)(b), for “licensed water supplier” there is substituted “ water supply licensee ”.

**Commencement Information**

- I92** Sch. 7 para. 77 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 78 In section 90 (indemnities in respect of fluoridation), in subsection (2)—
- (a) for “licensed water supplier” there is substituted “ water supply licensee ”;
- (b) for “it”, in both places, there is substituted “ the licensee ”.

**Commencement Information**

- I93** Sch. 7 para. 78 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 79 In section 93 (interpretation of Part 3), in subsection (1), in the definition of “private supply”, for “licensed water supplier” there is substituted “ water supply licensee ”.

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#### Commencement Information

**I94** Sch. 7 para. 79 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 80 (1) In section 93A (duty to promote the efficient use of water)—
- (a) in subsections (1), (2) and (3), for “licensed water supplier”, in each place, there is substituted “water supply licensee”;
  - (b) in subsections (1) and (3), for “its customers” there is substituted “that person's customers”.

#### Commencement Information

**I95** Sch. 7 para. 80 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 81 (1) Section 93B (power of Authority to impose requirements on water undertakers) is amended as follows.
- (2) In subsections (1), (2), (3), (4), (5) and (6), for “licensed water supplier”, in each place, there is substituted “water supply licensee”.
  - (3) In subsection (1), for “its performance of its duty” there is substituted “the performance of that undertaker's or licensee's duty”.
  - (4) In subsections (2), (4), (5) and (6), for “or supplier”, in each place, there is substituted “or licensee”.
  - (5) In subsection (2), for “its duty” there is substituted “the undertaker's or licensee's duty”.
  - (6) In subsections (3) and (6), for “its customers”, in each place, there is substituted “that person's customers”.

#### Commencement Information

**I96** Sch. 7 para. 81 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 82 (1) Section 93C (publicity of requirements imposed under section 93B) is amended as follows.
- (2) In subsection (1)—
    - (a) for “licensed water supplier” there is substituted “water supply licensee”;
    - (b) for “or supplier's” there is substituted “or licensee's”.
  - (3) In subsection (2)(b), for “or supplier” there is substituted “or licensee”.

#### Commencement Information

**I97** Sch. 7 para. 82 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(o) (with Sch. 2)

- 83 (1) Section 93D (information as to compliance with requirements under section 93B) is amended as follows.

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- (2) In subsections (1), (3) and (4), for “licensed water supplier”, in each place, there is substituted “ water supply licensee ”.
- (3) In subsections (1), (2)(b) and (3), for “or supplier”, in each place, there is substituted “ or licensee ”.
- (4) In subsection (3), for “or supplier's” there is substituted “or licensee's”.

#### Commencement Information

**I98** Sch. 7 para. 83 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(o)** (with Sch. 2)

- 84 In the heading to Chapter 1 of Part 4 (general functions of sewerage undertakers), at the end there is inserted “etc”.

#### Commencement Information

**I99** Sch. 7 para. 84 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(o)** (with Sch. 2)

VALID FROM 01/04/2017

- 85 In section 95B (publication of statistical information about complaints)—
- (a) in subsection (1), after “undertakers” there is inserted “ or sewerage licensees ”;
  - (b) in subsection (2), after “undertakers” there is inserted “ or sewerage licensees ”.

- 86 (1) Section 96A (information to be given to customers about overall performance) is amended as follows.
- (2) In subsection (1), after “customers” there is inserted “ , and, if the direction so specifies, sewerage licensees using the undertaker's sewerage system for the purpose of providing sewerage services to the premises of customers, ”.
- (3) After subsection (1) there is inserted—
- “(1A) Each sewerage licensee must, in such form and manner and with such frequency as the Authority may direct, take steps to inform the licensee's customers of—
- (a) the standards of overall performance established under section 95ZA(1) which are applicable to that licensee;
  - (b) that licensee's level of performance as regards those standards.
- (1B) The Authority may direct that the requirement in subsection (1A) is not to apply to such sewerage licensees as may be specified in the direction.”
- (4) In subsection (2), for “any such direction” there is substituted “ a direction under subsection (1) or (1A) ”.
- (5) After subsection (2) there is inserted—



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“(2A) The sewerage licensees referred to in subsection (1) shall, if the Authority so directs, pass on the information about the matters mentioned in that subsection to their customers.

(2B) In subsection (1), the reference to the sewerage undertaker's sewerage system is to be construed in accordance with section 17BA(7).”

(6) In subsection (3), after “undertaker” there is inserted “ or sewerage licensee ”.

#### Commencement Information

**I100** Sch. 7 para. 86 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(p)** (with Sch. 2)

VALID FROM 01/04/2018

87 In section 99 (financial conditions for compliance with the duty in section 98), subsection (7) (terms defined in sections 100 and 100A) is repealed.

VALID FROM 01/04/2018

88 Sections 100 and 100A (calculations for the purposes of section 99) are repealed.

VALID FROM 01/04/2018

89 In section 101B (power to provide lateral drain following provision of public sewer) (as amended by section 19)—  
(a) in subsection (3), for “water” there is substituted “ sewerage ”;  
(b) in subsection (4), the “or” following paragraph (a) is repealed.

#### Commencement Information

**I101** Sch. 7 para. 89(a) in force at 1.4.2018 by S.I. 2017/462, art. 5(e)(iv)(aa) (with art. 14) (as amended by S.I. 2017/926, art. 2(3))

**I102** Sch. 7 para. 89(b) in force at 1.4.2018 for specified purposes by S.I. 2017/462, art. 5(e)(iv)(bb) (with art. 14) (as amended by S.I. 2017/926, art. 2(3))

VALID FROM 01/04/2017

90 In section 102 (adoption of sewers and disposal works), in subsection (4) (sewerage undertaker to give notice of proposal), after “under this section—” there is inserted—  
“(za) shall give notice of its proposal to any sewerage licensee which uses, or removes matter from, the undertaker's sewerage system in accordance with a retail, wholesale or disposal authorisation;”.

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## PROSPECTIVE

- 91 In section 104 (agreements to adopt sewers, etc), subsection (9) (inserted by section 42(3) of the Flood and Water Management Act 2010) is repealed.

## VALID FROM 01/10/2017

- 92 In section 105 (appeals with respect to adoption)—
- (a) subsection (2) is repealed;
  - (b) in subsection (4), paragraph (b) and the “or” preceding it are repealed;
  - (c) subsection (6) is repealed;
  - (d) in subsection (7), the words from “and for” to the end are repealed.

## VALID FROM 01/04/2017

- 93 In section 105C (adoption schemes: supplementary), in subsection (2), after paragraph (a) insert—
- “(aa) any sewerage licensee which uses, or removes matter from, the sewerage system of any such sewerage undertaker in accordance with a retail, wholesale or disposal authorisation;”.

## PROSPECTIVE

- 94 In section 106B (requirement to enter into agreement before connection charges etc), after subsection (3) (no charges for vesting declaration) there is inserted—
- “(3A) A reference in this section to an agreement entered into under section 104 includes a reference to—
- (a) an order under section 105ZA which is deemed to be an agreement by virtue of section 105ZA(5), and
  - (b) an agreement which has been varied by order under section 105ZB(1).”

## VALID FROM 01/10/2017

- 95 In section 107 (right of sewerage undertaker to undertake the making of communications with public sewers), after subsection (6) there is inserted—
- “(7) A reference in this section to an agreement under section 104 includes a reference to—
- (a) an order under section 105ZA which is deemed to be an agreement by virtue of section 105ZA(5), and
  - (b) an agreement which has been varied by order under section 105ZB(1).”

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VALID FROM 01/04/2017

96 In section 113 (power to alter drainage system of premises in an area), in subsection (3), for the words from “notice of its proposals to” to the end of the subsection there is substituted “notice of its proposals to—  
(a) the owner of the premises in question, and  
(b) any sewerage licensee providing sewerage services to those premises.”

97 In section 117 (interpretation of Chapter 2), in subsection (5)(a), after “the Water Resources Act 1991” there is inserted “ or the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) ”.

**Commencement Information**

**I103** Sch. 7 para. 97 in force at 1.1.2015 by S.I. 2014/3320, art. 2(2)(e)(ii)

VALID FROM 01/04/2017

98 (1) Section 146 (connection charges etc) is amended as follows.  
(2) After subsection (3) there is inserted—  
“(3A) The reference in subsection (3) to an agreement under section 104 includes a reference to—  
(a) an order under section 105ZA which is deemed to be an agreement by virtue of section 105ZA(5), and  
(b) an agreement which has been varied by order under section 105ZB(1).”  
(3) In subsection (4)—  
(a) after “sewerage undertaker” there is inserted “ or a sewerage licensee ”;  
(b) after “to the undertaker” there is inserted “ or the licensee (as the case may be) ”.  
(4) In subsection (5), after “certain charges” there is inserted “ by relevant undertakers ”.

99 In section 147 (charging for use of emergency water), in subsection (1), after “undertaker” there is inserted “ or water supply licensee ”.

**Commencement Information**

**I104** Sch. 7 para. 99 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(q) (with Sch. 2)

VALID FROM 01/04/2017

100 In section 148 (restriction on charging for metering works), in subsection (2) (cc), after “section 66D” there is inserted “ or 117E ”.

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101 In section 150 (fixing maximum charges for services provided with the help of undertakers' services), for subsection (1A) there is substituted—

“(1A) This section does not apply to—  
 (a) water supplies provided by a water supply licensee, or  
 (b) sewerage services provided by a sewerage licensee,  
 to premises of customers in accordance with Chapter 1A of Part 2.”

**Commencement Information**

**I105** Sch. 7 para. 101 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(r) (with Sch. 2)

102 In section 152 (grants for national security purposes), in subsection (1), for “and licensed water suppliers” there is substituted “, water supply licensees and sewerage licensees”.

**Commencement Information**

**I106** Sch. 7 para. 102 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(r) (with Sch. 2)

103 (1) Section 154A (financial assistance to reduce charges of relevant undertakers and water supply licensees) is amended as follows.

(2) In subsection (1)—

- (a) the “or” following paragraph (a) is repealed;
- (b) in paragraph (b), for “licensed water supplier” there is substituted “ water supply licensee ”;
- (c) in paragraph (b), for “its” there is substituted “the licensee's”;
- (d) at the end of paragraph (b) there is inserted “, or  
 (c) a sewerage licensee that serves premises in accordance with the licensee's retail authorisation using the sewerage system of an English undertaker.”

(3) In subsection (6)—

- (a) the “or” following paragraph (a) is repealed;
- (b) in paragraph (b), for “licensed water supplier” there is substituted “ water supply licensee ”;
- (c) at the end of paragraph (b) there is inserted “, or  
 (c) to a sewerage licensee by means of an arrangement made by the Secretary of State with an English undertaker that is a sewerage undertaker.”

(4) In subsection (7)—

- (a) in paragraph (a), for “a licensed water supplier” there is substituted “ a water supply licensee or a sewerage licensee ”;
- (b) the “or” following paragraph (a) is repealed;
- (c) in paragraph (b), for “licensed water supplier” there is substituted “ water supply licensee ”;
- (d) in paragraph (b), for “its” there is substituted “the licensee's”;
- (e) at the end of paragraph (b) there is inserted “, or

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- (c) a person whose premises are served by a sewerage licensee in accordance with the licensee's retail authorisation using the undertaker's sewerage system.”

(5) In subsection (8)—

- (a) for “of a licensed water supplier” there is substituted “ of a water supply licensee or of a sewerage licensee ”;
- (b) for “section 17A(2)” there is substituted “ Schedule 2A or Schedule 2B, as the case may be, ”.

#### Commencement Information

**I107** Sch. 7 para. 103 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(r) (with Sch. 2)

#### PROSPECTIVE

104 In section 158 (powers to lay pipes in streets), in subsection (7)(a), for the words from “section 66B(3)(a)(ii) above” to “section 66B(3)(a)(iii) above” there is substituted “ section 66B(4)(a)(i) or (b)(i) which is used for the purpose of supplying water other than for domestic or food production purposes or laid in pursuance of section 66B(4)(b)(ii) ”.

105 (1) Section 162 (works in connection with metering) is amended as follows.

(2) In subsection (1A)—

- (a) in paragraph (d), for “licensed water supplier” there is substituted “ water supply licensee ”;
- (b) after paragraph (d) there is inserted “, or
- (e) a sewerage licensee provides sewerage services in respect of those premises using the undertaker's sewerage system.”

(3) In subsection (1B), for “section 17B(5)” there is substituted “ section 17B ”.

(4) After subsection (1B) there is inserted—

“(1C) In subsection (1A)(e) above, the reference to the sewerage system of a sewerage undertaker shall be construed in accordance with section 17BA.”

#### Commencement Information

**I108** Sch. 7 para. 105(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(s) (with Sch. 2)

**I109** Sch. 7 para. 105(2)(a) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(s) (with Sch. 2)

#### PROSPECTIVE

106 In section 163 (power to fit stopcocks), in subsection (1), for “a licensed water supplier” there is substituted “ a water supply licensee ”.

107 In section 164 (agreements for works with respect to water sources), in subsection (2) (notice to be given before agreeing to works entailing a discharge

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into a watercourse), for the words from “the NRA” to “if the watercourse” there is substituted “—

- (a) the Environment Agency, if the proposed works will affect any watercourse in England,
- (b) the NRBW, if the proposed works will affect any watercourse in Wales, and
- (c) if the watercourse”.

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

(2) In subsection (1A)—

- (a) in the opening words, for “the licensed water supplier” there is substituted “the water supply licensee”;
- (b) in paragraph (a)(i)—
  - (i) for “any licensed water supplier” there is substituted “any water supply licensee”;
  - (ii) for “any such supplier” there is substituted “any such licensee”;
- (c) in paragraph (a)(ii)—
  - (i) for “the supplier” there is substituted “the licensee”;
  - (ii) for “its licence” there is substituted “the licensee’s licence”.

(3) In subsection (2)(b), for “licensed water supplier” there is substituted “water supply licensee”.

(4) In subsection (2A)—

- (a) in paragraph (b), in the opening words, for “a licensed water supplier” there is substituted “a water supply licensee”;
- (b) in paragraph (b)(i), for “the supplier” there is substituted “the licensee”;
- (c) in paragraph (b)(ii), for “the supplier”, in both places, there is substituted “the licensee”;
- (d) in the words following paragraph (b), for “section 17B(5)” there is substituted “section 17B”.

(5) In subsection (3A)—

- (a) in the opening words, for “the licensed water supplier” there is substituted “the water supply licensee”;
- (b) in paragraph (a)(i), for “a licensed water supplier” there is substituted “a water supply licensee”;
- (c) in paragraph (a)(ii)—
  - (i) for “the supplier” there is substituted “the licensee”;
  - (ii) for “its licence” there is substituted “the licensee’s licence”;
- (d) in paragraph (b), for “a supplier”, in both places, there is substituted “a licensee”.

(6) In subsection (5A)—

- (a) in paragraph (a), for “a licensed water supplier” there is substituted “a water supply licensee”;
- (b) in paragraph (b)—
  - (i) for “the supplier” there is substituted “the licensee”;
  - (ii) for “its licence” there is substituted “the licensee’s licence”.

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- (7) In subsection (8A)(b)—
- (a) for “a licensed water supplier” there is substituted “ a water supply licensee ”;
  - (b) for “the supplier” there is substituted “ the licensee ”.

**Commencement Information**

- I110** Sch. 7 para. 108(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(u)(ii) (with Sch. 2)
- I111** Sch. 7 para. 108(2)(3)(4)(a)-(c)(5)-(7) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(u)(i) (with Sch. 2)

- 109 (1) Section 175 (offence of tampering with meter) is amended as follows.
- (2) In subsection (1) (offence of tampering) for “or licensed water supplier” there is substituted “ , water supply licensee or sewerage licensee ”.
- (3) In subsection (3) (meaning of “appropriate consent”)—
- (a) for paragraph (b) there is substituted—
    - “(b) if the meter is used by one water supply licensee, the consent of that licensee;
    - (ba) if the meter is used by one sewerage licensee, the consent of that licensee;”;
  - (b) in paragraph (c), for sub-paragraph (ii) there is substituted—
    - “(ii) a water supply licensee;
    - (iii) a sewerage licensee.”.

**Commencement Information**

- I112** Sch. 7 para. 109 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(v) (with Sch. 2)

- 110 In section 179 (vesting of works in undertaker), in subsection (1A) (when persons may agree to vest pipes etc in a person other than the undertaker), the words from “but no agreement” to the end are repealed.

**Commencement Information**

- I113** Sch. 7 para. 110 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(v) (with Sch. 2)

VALID FROM 01/04/2017

- 111 (1) Section 195 (the Authority's register) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (bc), for “66D(1)” there is substituted “ 66CA(1) ”;
  - (b) in paragraph (g), for “or 66H above” there is substituted “ , 66H, 117N or 117O ”.
- (3) In subsection (3AA), for “licensed water supplier” there is substituted “ water supply licensee ”.

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(4) Subsection (3A) is repealed.

112 (1) Section 195A (reasons for decisions) is amended as follows.

(2) In subsection (1)(f), for “66D(1)” there is substituted “ 66CA(1) ”.

(3) In subsection (3), after “appointment or” there is inserted “ the person holding the ”.

#### Commencement Information

**I114** Sch. 7 para. 112(1) in force at 1.4.2016 for specified purposes by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(w) (with Sch. 2)

**I115** Sch. 7 para. 112(3) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(w) (with Sch. 2)

113 (1) Section 201 (publication of certain information and advice) is amended as follows.

(2) In subsection (1)(b), for “company” there is substituted “ person ”.

(3) In subsection (2), after “Part II of this Act or” there is inserted “ a person holding ”.

#### Commencement Information

**I116** Sch. 7 para. 113 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(x) (with Sch. 2)

114 (1) Section 202 (duties of undertakers to furnish the Secretary of State with information) is amended as follows.

(2) In subsection (1A), for “company”, in both places, there is substituted “ person ”.

(3) In subsection (3), for “company”, in each place, there is substituted “ person ”.

(4) In subsection (4)(c)—

(a) after “particular company” there is inserted “ or person ”;

(b) after “to companies” there is inserted “ or persons ”;

(c) for “description or” there is substituted “ description, ”;

(d) after “Part II of this Act or” there is inserted “ to all the persons holding ”.

(5) In subsection (5), for “or licensed water supplier” there is substituted “ , water supply licensee or sewerage licensee ”.

#### Commencement Information

**I117** Sch. 7 para. 114 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(x) (with Sch. 2)

115 In section 205 (exchange of metering information between undertakers), in subsection (4)—

(a) the “and” at the end of paragraph (a) is repealed;

(b) in paragraph (b), for “licensed water supplier” there is substituted “ water supply licensee ”;

(c) after paragraph (b) there is inserted—

“(c) any sewerage licensee.”



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#### Commencement Information

**I118** Sch. 7 para. 115(b) in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(y) (with Sch. 2)

- 116 (1) Section 206 (restriction on disclosure of information) is amended as follows.
- (2) In subsection (3)(b), for “a licensed water supplier of any of the duties imposed on it” there is substituted “ a water supply licensee or sewerage licensee of any of the duties imposed on the licensee ”.
- (3) In subsection (5)(a), for “a licensed water supplier of activities under its licence” there is substituted “ a water supply licensee or sewerage licensee of activities under the licence held by the licensee ”.

#### Commencement Information

**I119** Sch. 7 para. 116 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(z) (with Sch. 2)

- 117 (1) Section 208 (directions in the interests of national security) is amended as follows.
- (2) In subsection (1)—
- (a) for “or licensed water supplier” there is substituted “ , water supply licensee or sewerage licensee ”;
- (b) for “or supplier” there is substituted “ or licensee ”.
- (3) In subsection (2)—
- (a) for “or licensed water supplier” there is substituted “ , water supply licensee or sewerage licensee ”;
- (b) for “or supplier” there is substituted “ or licensee ”;
- (c) for “requiring it” there is substituted “ requiring that undertaker or licensee ”.
- (4) In subsection (3)—
- (a) for “or licensed water supplier”, in both places, there is substituted “ , water supply licensee or sewerage licensee ”;
- (b) for “on it” there is substituted “ on that undertaker or licensee ”;
- (c) for “to it” there is substituted “ to that undertaker or licensee ”.

#### Commencement Information

**I120** Sch. 7 para. 117 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), Sch. 1 para. 1(z) (with Sch. 2)

VALID FROM 01/04/2017

- 118 In section 211 (limitation on right to prosecute in respect of sewerage offences), in paragraph (b), after “undertaker;” there is inserted—
- “(ba) a sewerage licensee;”.

- 119 (1) Section 213 (powers to make regulations) is amended as follows.
- (2) In subsection (1)—

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- (a) the words “17D(8),” (inserted by section 35(2) of the Flood and Water Management Act 2010) are repealed;
  - (b) the words “or 17D(8)” (inserted by paragraph 49 of Schedule 8 to the Water Act 2003) are repealed (if they remain in force to any extent);
  - (c) before “or 105A” there is inserted “, 66M”.
- (3) After subsection (1) there is inserted—
- “(1ZA) The requirement in subsection (1) does not apply in the case of regulations made by the Welsh Ministers under section 17D(8).”
- (4) In subsection (2)(a), for “or sewerage undertaker or licensed water supplier” there is substituted “, sewerage undertaker, water supply licensee or sewerage licensee”.

#### Commencement Information

**1121** Sch. 7 para. 119(1) in force at 1.11.2016 for specified purposes by S.I. 2016/1007, art. 2(h)(iv)

**1122** Sch. 7 para. 119(4) in force at 1.11.2016 by S.I. 2016/1007, art. 2(h)(v)

120 (1) Section 219 (general interpretation) is amended as follows.

- (2) In subsection (1)—
- (a) in the definition of “customer or potential customer”, in paragraph (a), for “licensed water supplier” there is substituted “ water supply licensee or sewerage licensee ”;
  - (b) in the definition of “protected land”, in paragraph (b), for “section 218” there is substituted “ section 217 ”;
  - (c) in the definition of “sewerage services”, for “includes” there is substituted “—
    - (a) in the case of a sewerage undertaker, includes”;
  - (d) in that definition, after the paragraph (a) so formed there is inserted “or
    - (b) in the case of a sewerage licensee, means the services provided by that person in that person's capacity as a sewerage licensee;”;
  - (e) in the definition of “water main”—
    - (i) for “licensed water supplier” there is substituted “ water supply licensee ”;
    - (ii) for “or supplier” there is substituted “ or licensee ”;
  - (f) the following are inserted at the appropriate place—
    - ““charging rules” means rules issued under section 144ZA;”;
    - ““sewerage licensee” is to be construed in accordance with section 17BA(6);”;
    - ““water supply licensee” is to be construed in accordance with section 17A(7);”;
  - (g) the definition of “licensed water supplier” is repealed.
- (3) After subsection (10) there is inserted—
- “(11) Subsection (10) does not apply to references to the Chief Inspector of Drinking Water in sections 8, 17AA, 51CA, 51CB, 66DB, 66P and 86ZA.”

*Status: Point in time view as at 01/11/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Water Act 2014, Cross Heading: Water Industry Act 1991 (c. 56) is up to date with all changes known to be in force on or before 09 June 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)*

#### Commencement Information

- I123** Sch. 7 para. 120(1) in force at 1.1.2015 for specified purposes by [S.I. 2014/3320](#), [art. 2\(2\)\(e\)\(iii\)](#)
- I124** Sch. 7 para. 120(1) in force at 1.4.2016 for specified purposes by [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(aa\)](#) (with [Sch. 2](#))
- I125** Sch. 7 para. 120(1) in force at 1.11.2016 for specified purposes by [S.I. 2016/1007](#), [art. 2\(h\)\(vi\)](#)
- I126** Sch. 7 para. 120(2)(a) (c)-(g) in force at 1.4.2016 by [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(aa\)](#) (with [Sch. 2](#))
- I127** Sch. 7 para. 120(2)(b) in force at 1.1.2015 by [S.I. 2014/3320](#), [art. 2\(2\)\(e\)\(iv\)](#)
- I128** Sch. 7 para. 120(3) in force at 1.1.2015 for specified purposes by [S.I. 2014/3320](#), [art. 2\(2\)\(e\)\(v\)](#)
- I129** Sch. 7 para. 120(3) in force at 1.11.2016 for specified purposes by [S.I. 2016/1007](#), [art. 2\(h\)\(vii\)](#)

121 In Schedule 1A (the Water Services Regulation Authority), in paragraph 9(3), for paragraph (f) (and the “and” following it) there is substituted—

- “(f) water supply licensees;
- (fa) sewerage licensees; and”.

#### Commencement Information

- I130** [Sch. 7 para. 121](#) in force at 1.4.2016 by [S.I. 2016/465](#), [art. 2\(m\)](#), [Sch. 1 para. 1\(bb\)](#) (with [Sch. 2](#))

122 (1) Schedule 2 (transitional provision on termination of appointments) is amended as follows.

(2) In paragraph 1—

- (a) in sub-paragraph (3A)(a), for “a qualifying licensed water supplier” there is substituted “a qualifying water supply licensee or a qualifying sewerage licensee”;
- (b) in sub-paragraph (3A)(b), for “carry on activities” there is substituted “carry on—
  - (i) activities”;
- (c) in sub-paragraph (3A)(b), after the sub-paragraph (i) so formed there is inserted “; or
  - (ii) activities relating to the removal or removals of matter mentioned in section 23(9) of this Act which were carried on by the transferor until that date (as the case may be).”;
- (d) in sub-paragraph (4), in the definition of “other relevant companies”, for “to be holding” there is substituted “to be—
  - (a) holding”;
- (e) in sub-paragraph (4), in that definition, after the paragraph (a) so formed there is inserted “or
  - (b) holding appointments as sewerage undertakers for any area in which, or in part of which, the activities relating to the removal or removals of matter mentioned in section 23(9) of this Act will be carried on by the transferee (as the case may be).”.

(3) In paragraph 2(7A)(b), for “licensed water supplier” there is substituted “water supply licensee or sewerage licensee”.

*Status: Point in time view as at 01/11/2016. This version of this cross heading contains provisions that are not valid for this point in time.*

**Changes to legislation:** *Water Act 2014, Cross Heading: Water Industry Act 1991 (c. 56) is up to date with all changes known to be in force on or before 09 June 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)*

#### Commencement Information

**I131** Sch. 7 para. 122 in force at 1.4.2016 by S.I. 2016/465, art. 2(m), **Sch. 1 para. 1(bb)** (with Sch. 2)

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| 123 | <p>In Schedule 8 (pre-1989 Act transitional authority for trade effluent discharges etc), after paragraph 2(3) there is inserted—</p> <p style="padding-left: 2em;">“(3A) If a sewerage undertaker serves a notice under sub-paragraph (2) in relation to premises in respect of which a sewerage licensee provides sewerage services, the sewerage undertaker must send a copy of the notice to the sewerage licensee.”</p> |
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**Status:**

Point in time view as at 01/11/2016. This version of this cross heading contains provisions that are not valid for this point in time.

**Changes to legislation:**

Water Act 2014, Cross Heading: Water Industry Act 1991 (c. 56) is up to date with all changes known to be in force on or before 09 June 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.