



Water Act 2014

2014 CHAPTER 21

PART 1

WATER INDUSTRY

CHAPTER 3

REGULATION OF THE WATER INDUSTRY

Regulation of relevant undertakers, water supply licensees and sewerage licensees

32 Interim duty: sewerage services

After section 110J of the Water Industry Act 1991 (as inserted by section 9) there is inserted—

“Provision of sewerage services by sewerage licensees etc

110K Provision by sewerage licensee

- (1) The owner or occupier of any premises may serve a notice on a sewerage undertaker—
 - (a) informing the undertaker that sewerage services to the premises are to be provided by a sewerage licensee, and
 - (b) specifying the time after which the undertaker will no longer be required to provide sewerage services to the premises.
- (2) Where the charges for the sewerage services provided by the undertaker are, under Chapter 1 of Part 5 of this Act, fixed in relation to the premises by reference to volume, the time specified in the notice is to fall at least two working days after the notice is served.

Status: Point in time view as at 06/03/2017. This version of this provision has been superseded.

Changes to legislation: Water Act 2014, Section 32 is up to date with all changes known to be in force on or before 03 September 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)

- (3) In this section a reference to two working days is a reference to a period of 48 hours calculated after disregarding any time falling on—
- (a) a Saturday or Sunday, or
 - (b) Christmas Day, Good Friday or any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

110L Interim duty: sewerage undertakers and sewerage licensees

- (1) This section applies where—
- (a) a sewerage licensee (“the previous licensee”) ceases to provide sewerage services to any premises, and
 - (b) the owner or occupier of the premises has not notified the sewerage undertaker in whose area the premises are that—
 - (i) he has made arrangements for the continuation of the provision of sewerage services to the premises, or
 - (ii) he intends any provision of sewerage services to the premises to cease.
- (2) It is to be the duty of the sewerage undertaker to continue to provide the sewerage services to the premises which were provided by the previous licensee.
- (3) But the Authority may give a direction to an eligible sewerage licensee (an “interim licensee”) providing that it is to be the duty of that licensee to provide the sewerage services instead.
- (4) An “eligible sewerage licensee” is a sewerage licensee with a retail authorisation who has elected to be an eligible sewerage licensee for the purposes of this section in accordance with the code issued under section 110O.
- (5) If the Authority proposes to give a direction under subsection (3) to an eligible sewerage licensee—
- (a) the Authority must give notice of the proposed direction to the licensee, and
 - (b) the licensee may, in accordance with the code issued under section 110O, temporarily suspend the election made by the licensee as mentioned in subsection (4), so that the proposed direction cannot be given to the licensee.
- (6) Where sewerage services are provided by an undertaker under subsection (2)—
- (a) the charges payable in respect of the provision of the services are to be fixed from time to time by a charges scheme under section 143, and
 - (b) the services are to be provided until—
 - (i) services are provided by an interim licensee by virtue of a direction under subsection (3),
 - (ii) services are provided by a sewerage licensee following the service of a notice under section 110K, or
 - (iii) services are provided to the premises by another sewerage undertaker following the service of a notice by the owner or occupier of the premises on the undertaker providing services

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under subsection (2) specifying the time after which the undertaker will no longer be required to provide sewerage services to the premises (see section 110M(5)),

whichever is the earlier.

- (7) Where sewerage services are provided by an interim licensee by virtue of a direction given under subsection (3)—
- (a) the provision of services by the interim licensee is to be treated as having begun on the date on which the previous licensee ceased to provide services to the premises,
 - (b) the terms and conditions in accordance with which the services are to be provided are to be—
 - (i) those provided for by a scheme made under section 110N, or
 - (ii) such other terms and conditions as may be agreed between the interim licensee and the owner or occupier of the premises, and
 - (c) the services are to be provided until they are discontinued in accordance with the terms and conditions mentioned in paragraph (b).
- (8) Subsections (9) and (10) apply if, within a period of three months beginning with the date on which the previous licensee ceased to provide sewerage services to the premises, the owner or occupier of the premises serves notice—
- (a) under section 110K, on the sewerage undertaker continuing the provision of services under subsection (2), or
 - (b) in accordance with the terms and conditions mentioned in subsection (7)(b), on the interim licensee continuing the provision of services by virtue of a direction given under subsection (3),
- that instead another sewerage licensee (“the new licensee”) is to continue the provision of the services to the premises which were provided by the previous licensee.
- (9) The notice must—
- (a) specify the time from which the new licensee is to continue the provision of the services in question, and
 - (b) be served in accordance with the code issued under section 110O.
- (10) In the case of a notice served as mentioned in subsection (8)(a), the provision of services by the new licensee is to be treated as having begun on the date on which the previous licensee ceased to provide services to the premises.

110M Interim duty: supplementary

- (1) Where a duty is imposed by section 110L(2), or by virtue of a direction given under section 110L(3), in respect of any premises, any breach of the duty which causes the owner or occupier of the premises to sustain loss or damage is actionable at the suit of that owner or occupier.
- (2) But in any proceedings brought against a sewerage undertaker or sewerage licensee in pursuance of subsection (1), it is a defence for the undertaker or licensee to show that the undertaker or, as the case may be, the licensee took all reasonable steps and exercised all due diligence to avoid the breach.

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- (3) For the purposes of section 110L, premises which are outside a sewerage undertaker's area are to be treated as being within that area if they are provided with sewerage services using the undertaker's sewerage system.
- (4) In subsection (3), the reference to the undertaker's sewerage system is to be construed in accordance with section 17BA(7).
- (5) Section 110K(2) and (3) apply to a notice served under section 110L(6)(b)(iii) as they apply to a notice served under section 110K.

110N Interim licensees: schemes for terms and conditions

- (1) A person who is an eligible sewerage licensee for the purposes of section 110L must make, and from time to time revise, a scheme containing the terms and conditions which, in the absence of agreed terms and conditions, are to apply to the provision of sewerage services by the licensee by virtue of a direction given under section 110L(3).
- (2) A scheme under this section may make different provision for different purposes, or for different areas.
- (3) As soon as practicable after a sewerage licensee makes or revises a scheme under this section the licensee is to—
 - (a) publish the scheme, or revised scheme, on the licensee's website, and
 - (b) send a copy of the scheme, or revised scheme, to the Authority.
- (4) The Authority may give a direction that terms and conditions applying to the provision of sewerage services in accordance with a scheme under this section must be modified as specified in the direction.
- (5) A direction under subsection (4) may apply—
 - (a) generally to terms and conditions applying in accordance with a scheme under this section, or
 - (b) to terms and conditions so applying in any particular case.
- (6) It is the duty of a sewerage licensee to comply with a direction under subsection (4), and this duty is enforceable under section 18.

110O Interim duty: code

- (1) The Authority must issue a code in relation to—
 - (a) the provision of sewerage services under section 110L, and
 - (b) its power of direction under section 110L(3) (power to direct that eligible sewerage licensee provides interim sewerage services).
- (2) The code may, in particular, make provision about—
 - (a) the procedure for electing to be an eligible sewerage licensee for the purposes of section 110L;
 - (b) the procedure for temporarily suspending such an election under section 110L(5)(b);
 - (c) the circumstances in which the Authority's power of direction under section 110L(3) or 110N(4) may or may not be exercised;

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- (d) how the Authority will determine the date on which a sewerage licensee ceased to provide sewerage services to premises for the purposes of section 110L;
 - (e) terms and conditions contained in schemes made under section 110N;
 - (f) eligible sewerage licensees informing owners or occupiers of premises of their schemes for terms and conditions made under section 110N, before agreeing any terms and conditions as mentioned in section 110L(7)(b)(ii);
 - (g) the giving of notices as mentioned in section 110L(8) (that a new licensee is to continue the provision of the sewerage services provided by the previous licensee) including, in particular, provision about—
 - (i) the earliest time that a notice may specify as the time from which a new licensee is to continue the provision of the sewerage services provided by a previous licensee;
 - (ii) the procedure for serving a notice.
- (3) If the Authority considers that a sewerage licensee is not acting as required by provision contained in the code as mentioned in subsection (2)(e) or (f), the Authority may give the licensee a direction to do, or not to do, a particular thing specified in the direction.
- (4) It is the duty of a sewerage licensee to comply with a direction under subsection (3), and this duty is enforceable under section 18.
- (5) The Authority must from time to time review the code and, if appropriate, issue a revised code.
- (6) References in section 110L to the code issued under this section are to the code issued under this section that has effect at the time in question.”

Commencement Information

II S. 32 in force at 6.3.2017 for specified purposes by S.I. 2017/58, art. 2(a) (with art. 3(2))

Status:

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