



Water Act 2014

2014 CHAPTER 21

PART 1

WATER INDUSTRY

CHAPTER 4

RETAIL EXIT: NON-HOUSEHOLD PREMISES

44 Eligible licensees

- (1) Exit regulations may—
 - (a) make provision for a relevant undertaker to specify in its exit application the eligible licensee or licensees to which it proposes to transfer a part of its undertaking;
 - (b) make provision for the WSRA to direct one or more eligible licensees to accept the transfer of a part of the relevant undertaker's undertaking.
- (2) In this Chapter an "eligible licensee" is a company—
 - (a) that has a water supply licence with a retail authorisation or a sewerage licence with a retail authorisation, or both, and
 - (b) that has elected to be an eligible licensee for the purposes of this Chapter.
- (3) Exit regulations may—
 - (a) provide for an eligible licensee to be specified in an exit application only if the licensee agrees to be so specified;
 - (b) provide for the WSRA to give notice before giving a direction under subsection (1)(b);
 - (c) provide for an eligible licensee to temporarily suspend an election under subsection (2)(b) so that it may not be given a direction under subsection (1)(b).

Status: This is the original version (as it was originally enacted).

- (4) Exit regulations may make provision about electing to be an eligible licensee, and may in particular—
- (a) provide for a company to satisfy such criteria as are set out in a code published by the WSRA before the company may elect to be an eligible licensee;
 - (b) provide for the WSRA to assess whether a company satisfies those criteria;
 - (c) provide for the WSRA to publish a code setting out—
 - (i) the criteria mentioned in paragraph (a), and
 - (ii) how it conducts such assessments;
 - (d) provide for the WSRA to comply with the code in making such assessments.
- (5) Exit regulations may—
- (a) allow an eligible licensee, to which a transfer of a part of a relevant undertaker's undertaking is proposed to be made, to be a company associated with the undertaker,
 - (b) require the eligible licensee to which such a transfer is made to be such a company, or
 - (c) prohibit such a transfer being made to such a company.
- (6) For the purposes of this section, a relevant undertaker is associated with an eligible licensee if one of them is a subsidiary of the other or both are subsidiaries of the same body corporate.