



Water Act 2014

2014 CHAPTER 21

PART 1 **E+W**

WATER INDUSTRY

CHAPTER 4 **E+W**

RETAIL EXIT: NON-HOUSEHOLD PREMISES

46 **Operation of retail market** **E+W**

- (1) Exit regulations about the operation of the water industry in relation to a retail exit area may include such provision as is described in the following subsections.
- (2) Exit regulations may make provision for and in connection with requiring a relevant undertaker to impose on an eligible licensee only such charges under a section 66D agreement or a section 117E agreement as would enable the licensee to fulfil its obligations under agreements (including deemed agreements) transferred to the licensee from the undertaker under the regulations.
- (3) Exit regulations may make provision for and in connection with requiring a water supply or sewerage licensee, where the licensee is providing services under the licensee's licence in relation to a retail exit area, to provide such services under that licence in relation to that area as the regulations may specify.
- (4) Exit regulations may make provision for and in connection with such arrangements between a water supply or sewerage licensee and a relevant undertaker as would enable the licensee to comply with requirements imposed on it under subsection (3).
- (5) Exit regulations may make provision as to the functions of a relevant undertaker in relation to a retail exit area and may, in particular, modify or disapply a duty imposed on a relevant undertaker by—
 - (a) section 63AC(2) (interim duty to supply water), or
 - (b) section 110L(2) (interim duty to provide sewerage services).

Changes to legislation: *Water Act 2014, Section 46 is up to date with all changes known to be in force on or before 13 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) View outstanding changes*

- (6) Exit regulations may provide for a water supply or sewerage licensee that—
- (a) is a company,
 - (b) is providing services under its licence in relation to a retail exit area, and
 - (c) satisfies such criteria as may be specified by the regulations (which may include criteria as to market share),
- to be subject to provision for special administration (see section 23 of, and Schedule 2 to, the Water Industry Act 1991) in such circumstances as the regulations may specify.
- (7) Exit regulations may include provision—
- (a) requiring relevant undertakers, water supply licensees and sewerage licensees to provide such information as the regulations may specify to customers;
 - (b) requiring relevant undertakers, water supply licensees and sewerage licensees to provide such information as the regulations may specify to the WSRA or the Secretary of State;
 - (c) requiring the WSRA to record such information as the regulations may specify in the register it maintains under section 195 of the Water Industry Act 1991.
- (8) Provision under subsection (7)(b) may in particular specify information about customers and the arrangements under which they receive services.

Commencement Information

II S. 46 in force at 6.4.2015 by [S.I. 2015/773](#), **art. 2(2)(b)(v)** (with art. 5)

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by [S.I. 2019/706 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by [S.I. 2017/926 art. 2](#)