



Water Act 2003

2003 CHAPTER 37

PART 3

MISCELLANEOUS

Water mains, etc

91 Water main requisitions: calculation of payments

- (1) In section 43 of the WIA (calculation of “relevant deficit” for the purposes of section 42)—
- (a) in paragraph (b) of subsection (4), after “providing” there is inserted “ or procuring the provision of ”,
 - (b) for subsection (5) there is substituted—
 - “(5) In subsection (4) above the reference to an earlier main, in relation to the new main, is a reference to any water main which—
 - (a) has been provided in pursuance of a water main requisition;
or
 - (b) has been vested (by virtue of a declaration made under this Chapter) in the water undertaker,
in the period of twelve years immediately before the provision of the new main.”,
 - (c) in subsection (8), in paragraph (b), for “that has already been provided” there is substituted “ in respect of which the conditions referred to in section 42(1) above have already been satisfied. ”
- (2) After section 43 of the WIA there is inserted—

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“43A Calculation of “discounted aggregate deficit” for the purposes of section 42

- (1) For the purposes of section 42 above the discounted aggregate deficit on a water main is the amount equal to the sum of the estimated relevant deficits for each of the twelve years following the provision of the main, in each case discounted in accordance with subsection (6) below.
- (2) The estimated relevant deficit for any year is the amount (if any) by which the estimated revenue in respect of the water main for that year would be exceeded by the annual borrowing costs of a loan of the amount required for the provision of that main.
- (3) Subsections (2) to (6), (8) and (9) of section 43 above (which relate to the annual borrowing costs of a loan of the amount required for the provision of a water main) shall apply for the purposes of this section as they apply for the purposes of that.
- (4) Any reference in this section to the estimated revenue in respect of a water main for any year—
 - (a) in relation to premises expected to be connected with the main and supplied with water by a water undertaker, is a reference to so much of the aggregate of any charges expected to be payable to the undertaker for the provision of services in the course of that year as would represent charges—
 - (i) imposed by the undertaker in relation to those premises, and
 - (ii) reasonably attributable to the provision of a supply of water (whether or not for domestic purposes) to those premises by means of that main; and
 - (b) in relation to premises expected to be connected with the main and supplied with water by a licensed water supplier, is a reference to so much of the aggregate of any charges expected to be made during the course of that year as would be—
 - (i) payable by the supplier to the undertaker in respect of the duty under section 66A(2)(b), 66B(3)(b) or 66C(2)(b)(ii) below; and
 - (ii) reasonably attributable to the use of that main for the purpose of the supplier’s supplying water to those premises.
- (5) For the purpose of calculating estimated revenue under subsection (4) above, a thing is expected to be the case if, at the time the calculation is made, it is reasonably likely to occur.
- (6) The estimated relevant deficit for a year mentioned in subsection (1) above shall be discounted in order to determine its net present value by applying such factor, and in accordance with such other provision, as may be determined by the Authority.
- (7) A determination made by the Authority for the purposes of subsection (6) above—
 - (a) may be made in relation to the provision of a particular water main or in relation to the provision of water mains generally; and

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- (b) may be revoked at any time except in relation to a water main in respect of which the conditions referred to in section 42(1) above have already been satisfied.”
- (3) Section 44 of the WIA (determination of completion date and route for requisitioned main) is amended as follows—
- (a) in subsection (1), for paragraph (b) there is substituted—
- “(b) the water undertaker has not, before the end of that period, so laid the water main to be provided as to enable (as the case may be)—
- (i) service pipes to premises in that locality; or
- (ii) a water main which is the subject of an agreement under section 51A below (“the self-laid main”),
- to connect with the main at the place or places determined under subsection (3) below.”
- (b) in paragraph (b) of subsection (2), for “an arbitrator” there is substituted “ the Authority ”,
- (c) in paragraph (b) of subsection (3)—
- (i) for “an arbitrator” there is substituted “ the Authority ”,
- (ii) after “in question” there is inserted “ , or (as the case may be) the self-laid main, ”,
- (d) for subsection (4) there is substituted—
- “(4) A reference for the purposes of subsection (2) or (3) above may be made to the Authority for determination under section 30A above by either party to the dispute.”
- (e) in subsection (5)—
- (i) the words “for any locality” are omitted,
- (ii) for paragraph (b) there is substituted—
- “(b) the day on which the place or places where (as the case may be)—
- (i) service pipes to premises in the locality in question; or
- (ii) the self-laid main,
- will connect with the main are determined under subsection (3) above.”
- (4) The amendments made by subsections (1) to (3) of this section do not apply in respect of water main requisitions (as defined in section 43(9) of the WIA) for which notice has been served under section 41(1) of that Act before commencement of the subsection in question.

Commencement Information

II S. 91 in force at 28.5.2004 by S.I. 2004/641, art. 4(a) (with Sch. 3 para. 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 52(9) inserted by [2014 c. 21 Sch. 7 para. 133\(3\)](#)