
Changes to legislation: Water Act 2014, Paragraph 1 is up to date with all changes known to be in force on or before 12 April 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

SCHEDULES

SCHEDULE 2

WATER UNDERTAKERS' DUTIES AS REGARDS WATER SUPPLY LICENSEES

- 1 For sections 66A to 66C of the Water Industry Act 1991, and the Chapter heading and italic heading preceding section 66A, there is substituted—

“Supply duties etc: water supply licensees

Duties of undertakers to supply water supply licensees etc

66A Use of water undertaker's supply system

- (1) This section applies where a water supply licensee with a retail authorisation (“L”) requests a water undertaker to permit the use of the undertaker's supply system for the purpose of supplying water to premises that—
 - (a) L is to supply in accordance with L's retail authorisation, and
 - (b) are in the area of the undertaker.
- (2) This section also applies where a water supply licensee with a restricted retail authorisation (“R”) requests a water undertaker to permit the use of the undertaker's supply system for the purpose of supplying water to premises that—
 - (a) R is to supply in accordance with R's restricted retail authorisation, and
 - (b) are in the area of the undertaker.
- (3) Where this section applies, the undertaker must in accordance with a section 66D agreement take such steps—
 - (a) for the purpose of connecting the premises in question with the undertaker's supply system, or
 - (b) in respect of that system,as may be provided for in that agreement in order to enable the requested use of the undertaker's supply system.
- (4) A water undertaker is not required by this section to permit the use of its supply system, or to take any steps to enable its use, if the first or second ground applies.
- (5) The first ground is that—
 - (a) in the case of a request under subsection (1), the water supply licensee has not secured by means of—
 - (i) a request under section 66AA(1) made by the licensee,
 - (ii) a request under section 66B(1) or 66C(1), (2) or (3) made by the licensee or another water supply licensee, or

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- (iii) a combination of such requests,
 - a supply of water, or the introduction of a supply of water, in connection with which the premises in question are to be supplied;
 - (b) in the case of a request under subsection (2), the water supply licensee has not secured by means of—
 - (i) a request under section 66AA(2), 66B(2) or (3) or 66C(4), or
 - (ii) a combination of such requests,
 - a supply of water, or the introduction of a supply of water, in connection with which the premises in question are to be supplied.
- (6) The second ground is that there is, in relation to the water fittings used or to be used in connection with—
 - (a) the supply of water to the premises in question, or
 - (b) the use of water in those premises,
 a contravention of such of the requirements of regulations under section 74 as are prescribed for the purposes of this subsection.
- (7) Where—
 - (a) a request has been made by a water supply licensee for the purposes of subsection (1) or (2), and
 - (b) the steps which the undertaker is required to take by virtue of that request include steps for the purpose of obtaining any necessary authority for, or agreement to, any exercise by it of any of its powers or the carrying out by it of any works,
 the failure of the undertaker to acquire the necessary authority or agreement does not affect the liability of the licensee to reimburse the undertaker in respect of some or all of the expenses incurred by it in taking those steps, if the section 66D agreement provides for such liability as regards those steps.
- (8) For the purposes of this section and sections 66AA to 66C—
 - (a) premises which are outside a water undertaker's area are to be treated as being within that area if they are supplied with water using the undertaker's supply system, and
 - (b) any pipes of the water undertaker which are used for the purpose of supplying premises as mentioned in paragraph (a) are to be treated as being part of the undertaker's supply system (if they would not otherwise be part of it).
- (9) In this section and sections 66AA to 66C—
 - (a) “prescribed” means, in relation to a water undertaker whose area is wholly or mainly in Wales, prescribed by regulations made by the Welsh Ministers by statutory instrument, which is subject to annulment in pursuance of a resolution of the Assembly;
 - (b) a reference to the supply system of a water undertaker is to be construed in accordance with section 17B;
 - (c) references to a retail authorisation or a restricted retail authorisation are to be construed in accordance with Schedule 2A.

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66AA Water supply from water undertaker

- (1) This section applies where a water supply licensee with a retail authorisation (“L”) requests a water undertaker to provide L with a supply of water for the purpose of supplying water to premises that—
 - (a) L is to supply in accordance with L's retail authorisation, and
 - (b) are in the area of the undertaker.
- (2) This section also applies where a water supply licensee with a restricted retail authorisation (“R”) requests a water undertaker to provide R with a supply of water for the purpose of supplying water to premises that—
 - (a) R is to supply in accordance with R's restricted retail authorisation, and
 - (b) are in the area of the undertaker.
- (3) Where this section applies, the undertaker must in accordance with a section 66D agreement—
 - (a) take such steps in respect of the undertaker's supply system as may be provided for in that agreement in order to enable the use of the undertaker's supply system for the purpose in subsection (1) or, as the case may be, subsection (2), and
 - (b) having taken such steps, provide the requested supply of water.
- (4) A water undertaker is not required by this section to provide a supply of water if both of the first and second grounds apply.
- (5) The first ground is that—
 - (a) the premises to be supplied by L or, as the case may be, R do not consist in the whole or any part of a building, or
 - (b) the supply to be made by L or, as the case may be, R to those premises is for purposes other than domestic purposes.
- (6) The second ground is that provision of a supply of water by the water undertaker would—
 - (a) require the undertaker, in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works, or
 - (b) otherwise put at risk its ability to meet any of the existing or probable future obligations mentioned in paragraph (a).
- (7) Where—
 - (a) a request has been made by a water supply licensee for the purposes of subsection (1) or (2), and
 - (b) the steps which the undertaker is required to take by virtue of that request include steps for the purpose of obtaining any necessary authority for, or agreement to, any exercise by it of any of its powers or the carrying out by it of any works,the failure of the undertaker to acquire the necessary authority or agreement does not affect the liability of the licensee to reimburse the undertaker in

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respect of some or all of the expenses incurred by it in taking those steps, if the section 66D agreement provides for such liability as regards those steps.

66B Introduction of water into water undertaker's supply system

- (1) This section applies where—
- (a) a water supply licensee with a wholesale authorisation (“L”) requests a water undertaker to permit L to introduce water into the undertaker's supply system, with a view to the use of that system, in connection with that introduction of water, to supply water to particular premises in accordance with a retail authorisation (whether L's or another's), and
 - (b) the premises in issue are in the area of the undertaker.
- (2) This section also applies where—
- (a) a water supply licensee with a supplementary authorisation (“R1”) requests a water undertaker to permit R1 to introduce water into the undertaker's supply system, with a view to the use of that system, in connection with that introduction of water, to supply water to particular premises in accordance with R1's restricted retail authorisation, and
 - (b) the premises in issue are in the area of the undertaker.
- (3) This section also applies where—
- (a) a water undertaker agrees to permit a water supply licensee with a supplementary authorisation (“R2”) to introduce water into the undertaker's treatment works,
 - (b) in connection with that introduction, R2 requests the undertaker to permit R2 to introduce water into the undertaker's supply system, with a view to the use of that system to supply water to particular premises in accordance with R2's restricted retail authorisation, and
 - (c) the premises in issue are in the area of the undertaker.
- (4) Where this section applies, the undertaker must in accordance with a section 66D agreement—
- (a) in a case falling within subsection (1), take such steps—
 - (i) for the purpose of connecting L's source of water with the undertaker's supply system, or
 - (ii) in respect of the undertaker's supply system,
 as may be provided for in that agreement in order to enable L to make the requested introduction of water into the supply system;
 - (b) in a case falling within subsection (2), take such steps—
 - (i) for the purpose of connecting R1's treatment works with the undertaker's supply system,
 - (ii) for the purpose of connecting with the undertaker's supply system any source used by R1 for the purpose of supplying water other than for domestic or food purposes, or
 - (iii) in respect of the undertaker's supply system,
 as may be provided for in that agreement in order to enable R1 to make the requested introduction of water into the supply system;

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- (c) in a case falling within subsection (3), take such steps in respect of the undertaker's supply system as may be provided for in that agreement in order to enable R2 to make the requested introduction of water into the supply system;
 - (d) having taken steps under paragraph (a), (b) or (c) (as the case may be), permit the requested introduction of water into that supply system.
- (5) A water undertaker is not required by this section to permit the introduction of water into its supply system, or to take any steps to enable such an introduction of water, if permitting the introduction of water into the undertaker's supply system would—
 - (a) require the undertaker, in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works, or
 - (b) otherwise put at risk its ability to meet any of the existing or probable future obligations mentioned in paragraph (a).
- (6) Where—
 - (a) a request has been made by a water supply licensee for the purposes of subsection (1), (2) or (3), and
 - (b) the steps which the undertaker is required to take by virtue of that request include steps for the purpose of obtaining any necessary authority for, or agreement to, any exercise by it of any of its powers or the carrying out by it of any works,

the failure of the undertaker to acquire the necessary authority or agreement does not affect the liability of the licensee to reimburse the undertaker in respect of some or all of the expenses incurred by it in taking those steps, if the section 66D agreement provides for such liability as regards those steps.
- (7) In this section “treatment works” means—
 - (a) in relation to a water undertaker whose area is wholly or mainly in Wales, the works designated as treatment works by the Secretary of State for the purposes of section 17B(6);
 - (b) in relation to a water supply licensee, the works designated from time to time by the Welsh Ministers as treatment works for the purposes of this paragraph.
- (8) A list of any works designated for the purposes of subsection (7)(b) must be published from time to time by the Welsh Ministers in such manner as the Welsh Ministers consider appropriate for the purpose of bringing the designations to the attention of persons likely to be affected by them.
- (9) A pipe laid because of subsection (4)(a)(i) or (b)(i) or (ii) is to be regarded as a water main for the purposes of this Act, subject to any provision to the contrary.
- (10) In this section and section 66C—
 - (a) a reference to a wholesale authorisation is to be construed in accordance with Schedule 2A;

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- (b) a reference to a supplementary authorisation is to be construed in accordance with Schedule 2A.

66C Introduction of water provided by secondary water undertaker

- (1) This section applies where a water supply licensee with a wholesale authorisation (“L1”)—

- (a) requests a water undertaker other than L1's primary water undertaker (the “secondary water undertaker”) to provide a supply of water so that water may be supplied to particular premises, using the primary water undertaker's supply system and in accordance with a retail authorisation (whether L1's or another's), and
 - (b) requests L1's primary water undertaker to permit L1 to introduce that water into the primary water undertaker's supply system,
- and the premises in issue are in the area of the primary water undertaker.

A request under paragraph (a) may only be made to a water undertaker whose area is wholly or mainly in England.

- (2) This section also applies where a water supply licensee with a wholesale authorisation (“L2”)—

- (a) requests a water undertaker whose area is wholly or mainly in Wales and which is not L2's primary water undertaker (the “secondary water undertaker”) to provide a supply of water so that L2 may supply water to particular premises, using the primary water undertaker's supply system and in accordance with L2's retail authorisation so far as that authorisation relates to L2's customers, and
 - (b) requests L2's primary water undertaker to permit L2 to introduce that water into the primary water undertaker's supply system,
- and the premises in issue are in the area of the primary water undertaker.

- (3) This section also applies where a water supply licensee with a wholesale authorisation (“L3”)—

- (a) agrees with a water undertaker whose area is wholly or mainly in Wales and which is not L3's primary undertaker (the “secondary water undertaker”) for the secondary water undertaker to provide a supply of water so that water may be supplied to particular premises, using the primary water undertaker's supply system and in accordance with—

- (i) L3's retail authorisation except so far as that authorisation relates to L3's customers, or
- (ii) a retail authorisation other than L3's, and

- (b) requests L3's primary water undertaker to permit L3 to introduce that water into the primary water undertaker's supply system,
- and the premises in issue are in the area of the primary water undertaker.

- (4) This section also applies where a water supply licensee with a supplementary authorisation (“R”)—

- (a) requests a water undertaker other than R's primary water undertaker (the “secondary water undertaker”) to provide a supply of water so that R may supply water to particular premises, using the

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primary water undertaker's supply system and in accordance with R's restricted retail authorisation, and

- (b) requests R's primary water undertaker to permit R to introduce that water into the primary water undertaker's supply system,

and the premises in issue are in the area of the primary water undertaker.

A request under paragraph (a) may be made to a water undertaker whose area is wholly or mainly in England or Wales.

- (5) Where this section applies by virtue of subsection (1), (2) or (4), the secondary water undertaker must in accordance with a section 66D agreement—

- (a) take such steps in respect of its supply system as may be provided for in that agreement in order to enable it to provide the requested supply, and

- (b) having taken such steps, provide that supply.

- (6) Where this section applies, the primary water undertaker must in accordance with a section 66D agreement—

- (a) take such steps—

- (i) for the purpose of connecting the secondary water undertaker's supply system with the primary water undertaker's supply system, or

- (ii) in respect of its supply system,

as may be provided for in that agreement in order to enable L1, L2, L3 or R to make the requested introduction of water into the primary undertaker's supply system, and

- (b) having taken such steps, permit the requested introduction.

- (7) A secondary water undertaker is not required by this section to provide a supply of water to L1, L2 or R if providing the supply of water would—

- (a) require the secondary undertaker, in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works, or

- (b) otherwise put at risk its ability to meet any of the existing or probable future obligations mentioned in paragraph (a).

- (8) A primary water undertaker is not required by this section to permit the introduction of water into its supply system, or to take any steps to enable such an introduction of water, if permitting the introduction of a supply of water would—

- (a) require the primary undertaker, in order to meet all its existing obligations to supply water for domestic or other purposes, together with its probable future obligations to supply buildings and parts of buildings with water for domestic purposes, to incur unreasonable expenditure in carrying out works, or

- (b) otherwise put at risk its ability to meet any of the existing or probable future obligations mentioned in paragraph (a).

- (9) Where—

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- (a) a request has been made by a water supply licensee to a water undertaker for the purposes of subsection (1), (2), (3) or (4), and
- (b) the steps which the undertaker is required to take by virtue of that request include steps for the purpose of obtaining any necessary authority for, or agreement to, any exercise by it of any of its powers or the carrying out by it of any works,

the failure of the undertaker to acquire the necessary authority or agreement does not affect the liability of the licensee to reimburse the undertaker in respect of some or all of the expenses incurred by it in taking those steps, if the section 66D agreement provides for such liability as regards those steps.

- (10) A pipe laid because of subsection (6)(a)(i) is to be regarded as a water main for the purposes of this Act, subject to any provision to the contrary.
- (11) For the purposes of this section, a water undertaker is the primary water undertaker of a water supply licensee if the undertaker's supply system is to be used for the purpose of making the supply to the premises mentioned in subsection (1), (2), (3) or (4)."

Commencement Information

II Sch. 2 para. 1 in force at 1.4.2017 for specified purposes by S.I. 2017/462, art. 3(i)(i) (with arts. 6-9, 12)

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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](#)