



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER II

PROTECTION OF UNDERTAKERS' WORKS, APPARATUS ETC.

Protection of apparatus in general

174 Offences of interference with works etc.

Subject to subsection (2) below, if any person without the consent of the water undertaker—

- (1) (a) intentionally or recklessly interferes with any resource main, water main or other pipe vested in any water undertaker or with any structure, installation or apparatus belonging to any water undertaker; or
- (b) by any act or omission negligently interferes with any such main or other pipe or with any such structure, installation or apparatus so as to damage it or so as to have an effect on its use or operation,

that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

[^{F1}(1A) Subject to subsection (2) below, if any person without the consent of [^{F2}the water supply licensee]—

- (a) intentionally or recklessly interferes with any pipe or any structure, installation or apparatus which—
 - (i) is vested in [^{F3}any water supply licensee] (in the case of a pipe) or belongs to [^{F4}any such licensee] (in any other case); and

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(ii) is used in connection with the carrying on by [^{F5}the licensee] of the activities authorised by [^{F6}the licensee's licence]; or

(b) by any act or omission negligently interferes with any such pipe or with any such structure, installation or apparatus so as to damage it or so as to have an effect on its use or operation,

that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.]

(2) A person shall not be guilty of an offence under subsection (1) [^{F7}or (1A)] above—

(a) by reason of anything done in an emergency to prevent loss or damage to persons or property; or

(b) by reason of his opening or closing the stopcock fitted to a service pipe by means of which water is supplied to any premises by a water undertaker [^{F8}or [^{F9}water supply licensee]] if—

(i) he has obtained the consent of every consumer whose supply is affected by the opening or closing of that stopcock or, as the case may be, of every other consumer whose supply is so affected; and

(ii) in the case of opening a stopcock, [^{F10}subsection (2A) below applies].

[^{F11}(2A) This subsection applies—

(a) in the case of a stopcock belonging to a water undertaker, if the stopcock was closed otherwise than by the undertaker;

(b) in the case of a stopcock belonging to [^{F12}a water supply licensee]—

(i) if the stopcock was closed otherwise than by [^{F13}the licensee]; or

(ii) if the stopcock was closed by [^{F14}the licensee] and the person in question for the purposes of subsection (2) above is the water undertaker whose supply system is used for the purpose of the supply made by [^{F14}the licensee],

and in this subsection the reference to the supply system of a water undertaker shall be construed in accordance with [^{F15}section 17B] above.]

(3) Any person who, without the consent of the water undertaker—

(a) attaches any pipe or apparatus—

(i) to any resource main, water main or other pipe vested in a water undertaker; or

(ii) to any service pipe which does not belong to such an undertaker but which is a pipe by means of which water is supplied by such an undertaker to any premises;

(b) makes any alteration in a service pipe by means of which water is so supplied, or in any apparatus attached to any such pipe; or

(c) subject to subsection (4) below, uses any pipe or apparatus which has been attached or altered in contravention of this [^{F16}subsection],

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

[^{F17}(3A) Any person who, without the consent of [^{F18}the water supply licensee]—

(a) attaches any pipe or apparatus to any pipe which is—

(i) vested in [^{F19}a water supply licensee]; and

(ii) used in connection with the carrying on by [^{F20}the licensee] of the activities authorised by [^{F21}the licensee's licence];

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- (b) attaches any pipe or apparatus to any service pipe which does not belong to such [F22a licensee] or a water undertaker but which is a pipe by means of which water is supplied by such [F22a licensee] to any premises;
- (c) makes any alteration in a service pipe by means of which water is so supplied, or in any apparatus attached to any such pipe; or
- (d) subject to subsection (4) below, uses any pipe or apparatus which has been attached or altered in contravention of this subsection,

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.]

- (4) In proceedings against any person for an offence by virtue of paragraph (c) of subsection (3) above [F23or paragraph (d) of subsection (3A) above] it shall be a defence for that person to show that he did not know, and had no grounds for suspecting, that the pipe or apparatus in question had been attached or altered as mentioned in [F24subsection (3) or (3A) above (as the case may require)].

- (5) If any person wilfully or negligently injures or suffers to be injured any water fitting belonging to a water undertaker, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.

[F25(5A) If any person wilfully or negligently injures or suffers to be injured any water fitting which—

- (a) belongs to [F26a water supply licensee]; and
- (b) is used in connection with the carrying on by [F27the licensee] of the activities authorised by [F28the licensee's licence],

he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 1 on the standard scale.]

- (6) An offence under subsection (1) or (3) above shall constitute a breach of a duty owed to the water undertaker in question; and any such breach of duty which causes the undertaker to sustain loss or damage shall be actionable at the suit of the undertaker.

- (7) The amount recoverable by virtue of subsection (6) above from a person who has committed an offence under subsection (3) above shall include such amount as may be reasonable in respect of any water wasted, misused or improperly consumed in consequence of the commission of the offence.

(8) A water undertaker may—

- (a) do all such work as is necessary for repairing any injury done in contravention of subsection (5) above; and
- (b) recover the expenses reasonably incurred by the undertaker in doing so from the offender summarily as a civil debt.

[F29(8A) In this section “consumer”—

- (a) in relation to a supply of water provided by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall;
- (b) in relation to a supply of water provided by [F30a water supply licensee] to any premises, means a person who is for the time being the person on whom liability to pay charges to [F31the licensee] in respect of that supply of water would fall.]

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- (9) In this section [F32^{cc}“water fitting” has the same meaning] as in Part III of this Act; and in subsection (1) above the references to apparatus belonging to a water undertaker do not include references to any meter which belongs to such an undertaker and is used by it for the purpose of determining the amount of any charges which have been fixed by the undertaker by reference to volume.

Textual Amendments

- F1** S. 174(1A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(2\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F2** Words in s. 174(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(2\)\(a\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F3** Words in s. 174(1A)(a)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(2\)\(b\)\(i\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F4** Words in s. 174(1A)(a)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(2\)\(b\)\(ii\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F5** Words in s. 174(1A)(a)(ii) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(2\)\(c\)\(i\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F6** Words in s. 174(1A)(a)(ii) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(2\)\(c\)\(ii\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F7** Words in s. 174(2) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(3\)\(a\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F8** Words in s. 174(2)(b) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(3\)\(b\)\(i\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F9** Words in s. 174(2)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(3\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F10** Words in s. 174(2)(b)(ii) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(3\)\(b\)\(ii\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F11** S. 174(2A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(4\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F12** Words in s. 174(2A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(4\)\(a\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F13** Words in s. 174(2A)(b)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(4\)\(b\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F14** Words in s. 174(2A)(b)(ii) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(4\)\(c\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F15** Words in s. 174(2A) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(4\)\(d\)](#); S.I. 2017/462, [art. 3\(k\)\(xvii\)](#)
- F16** Words in s. 174(3)(c) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(5\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F17** S. 174(3A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(6\)](#); S.I. 2005/2714, [art. 3\(b\)](#) (with [Sch. para. 8](#))

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- F18** Words in s. 174(3A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(5\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F19** Words in s. 174(3A)(a)(i) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(5\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F20** Words in s. 174(3A)(a)(ii) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(5\)\(c\)\(i\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F21** Words in s. 174(3A)(a)(ii) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(5\)\(c\)\(ii\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F22** Words in s. 174(3A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(5\)\(d\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F23** Words in s. 174(4) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(7\)\(a\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F24** Words in s. 174(4) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(7\)\(b\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F25** S. 174(5A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(8\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F26** Words in s. 174(5A)(a) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(6\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F27** Words in s. 174(5A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(6\)\(b\)\(i\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F28** Words in s. 174(5A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(6\)\(b\)\(ii\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F29** S. 174(8A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(9\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))
- F30** Words in s. 174(8A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(7\)\(a\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F31** Words in s. 174(8A)(b) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 108\(7\)\(b\)](#); [S.I. 2016/465](#), art. 2(m), [Sch. 1 para. 1\(u\)\(i\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), art. 16)
- F32** Words in s. 174(9) substituted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 39\(10\)](#); [S.I. 2005/2714](#), [art. 3\(b\)](#) (with [Sch. para. 8](#))

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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):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by S.I. [2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)
- s. 117S(7)-(9) inserted by [2014 c. 21 Sch. 5 para. 49](#)
- s. 119(2)(ab) inserted by [2003 c. 37 s. 89\(1\)\(a\)](#)
- s. 119(3) inserted by [2003 c. 37 s. 89\(1\)\(b\)](#)
- s. 121(1)(ba) inserted by [2003 c. 37 s. 89\(2\)\(a\)](#)
- s. 141DA inserted by [2021 c. 30 s. 81](#)
- s. 141DC inserted by [2021 c. 30 s. 83](#)
- s. 177K(7)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(4\)](#)
- s. 207D and cross-heading inserted by [2014 c. 21 s. 39](#)
- s. 207D(5) word repealed by [2014 c. 21 Sch. 5 para. 52\(a\)](#)

- s. 207D(5) words inserted by [2014 c. 21 Sch. 5 para. 52\(b\)](#)
- s. 213(1ZA) inserted by [2014 c. 21 Sch. 7 para. 119\(3\)](#)
- s. 213(1ZA) repealed by [2014 c. 21 Sch. 5 para. 53](#)