



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER I

APPOINTMENTS

[^{F1}Modification of appointment conditions: Wales]

14 Modification references to [^{F1}CMA].

- (1) The Director may make to the [^{F2}CMA] a reference which is so framed as to require [^{F3}the CMA] to investigate and report on the questions—
 - (a) whether any matters which—
 - (i) relate to the carrying out of any function which is a function of any company by virtue of an appointment of that company under this Chapter; and
 - (ii) are specified in the reference, operate, or may be expected to operate, against the public interest; and
 - (b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by modifications of the conditions of the company's appointment.
- (2) The Director may, at any time, by notice given to the [^{F4}CMA] vary a reference under this section by—
 - (a) adding to the matters specified in the reference; or
 - (b) excluding from the reference some or all of the matters so specified;and on receipt of any such notice [^{F5}the CMA] shall give effect to the variation.

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- (3) The Director may specify in a reference under this section, or a variation of such a reference, for the purpose of assisting the [F6CMA] in carrying out the investigation on the reference—
 - (a) any effects adverse to the public interest which, in his opinion, the matters specified in the reference or variation have or may be expected to have; and
 - (b) any modifications of the conditions of any appointment mentioned in the reference or variation by which, in his opinion, those effects could be remedied or prevented.

- (4) As soon as practicable after making a reference under this section or a variation of such a reference, the Director shall—
 - (a) serve a copy of the reference or variation on the company whose appointment is mentioned in the reference or variation; and
 - (b) publish particulars of the reference or variation in such manner as he considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it.

- (5) It shall be the duty of the Director, for the purpose of assisting the [F7CMA] in carrying out an investigation on a reference under this section [F8or in carrying out functions under section 16A below], to give to [F9the CMA] —
 - (a) any information in his possession which relates to matters falling within the scope of the investigation [F10or the carrying out of those functions], and which is either—
 - (i) requested by [F9the CMA] for that purpose; or
 - (ii) information which, in his opinion, it would be appropriate for that purpose to give to [F9the CMA] without any such request;
 and
 - (b) any other assistance which [F9the CMA] may require, and which it is within his power to give, in relation to any such matters;
 and [F9the CMA], for the purpose of carrying out any such investigation [F11or such functions], shall take account of any information given to them for that purpose under this subsection.

- (6) In determining for the purposes of this section whether any particular matter operates, or may be expected to operate, against the public interest, the [F12CMA] shall have regard to the matters as respects which duties are imposed on the Secretary of State and the Director by Part I of this Act.

- [F13(6A) The functions of the CMA with respect to a reference under this section are to be carried out on behalf of the CMA by a group constituted for the purpose by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013 (including functions relating to the making of modifications following a report on a reference, and functions under sections 109 to 115 of the Enterprise Act 2002, as applied by sections 14B and 16B).]

- (7) [F14]
- (7A) [F14]
- (8) [F15]
- (8A) [F15]

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Textual Amendments

- F1** Word in s. 14 heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(8)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Word in s. 14(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(2)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Words in s. 14(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(2)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in s. 14(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(3)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in s. 14(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(3)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Word in s. 14(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(4)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in s. 14(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(5)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Words in s. 14(5) inserted (1.10.2004) by Water Act 2003 (c. 37), **ss. 55(2)(a)**, 105(3); S.I. 2004/2528, **art. 2(h)** (with savings in art. 4, Sch.)
- F9** Words in s. 14(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(5)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Words in s. 14(5) inserted (1.10.2004) by Water Act 2003 (c. 37), **ss. 55(2)(b)**, 105(3); S.I. 2004/2528, **art. 2(h)** (with savings in art. 4, Sch.)
- F11** Words in s. 14(5) inserted (1.10.2004) by Water Act 2003 (c. 37), **ss. 55(2)(c)**, 105(3); S.I. 2004/2528, **art. 2(h)** (with savings in art. 4, Sch.)
- F12** Word in s. 14(6) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(6)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F13** S. 14(6A) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 54(7)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F14** S. 14(7)(7A) repealed (20.6.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 25(4), **Sch. 26**; S.I. 2003/1397, **art. 2(1)**, Sch. (with savings in art. 8)
- F15** S. 14(8)(8A) repealed (1.4.2004) by Water Act 2003 (c. 37), ss. 53(3)(4), 101(2), 105(3), **Sch. 9 Pt. 2**; S.I. 2004/641, **art. 3(k)(z)(i)** (with art. 6, Sch. 3)

Changes to legislation:

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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](#)