



Water Industry Act 1991

1991 CHAPTER 56

PART VI

UNDERTAKERS' POWERS AND WORKS

CHAPTER I

UNDERTAKERS' POWERS

Pipe-laying

158 Powers to lay pipes in streets.

- (1) Subject to the following provisions of this section, to section 162(9) below and to the provisions of Chapter III of this Part, every relevant undertaker shall, for the purpose of carrying out its functions, have power—
- (a) to lay a relevant pipe in, under or over any street and to keep that pipe there;
 - (b) to inspect, maintain, adjust, repair or alter any relevant pipe which is in, under or over any street; and
 - (c) to carry out any works requisite for, or incidental to, the purposes of any works falling within paragraph (a) or (b) above, including for those purposes the following kinds of works, that is to say—
 - (i) breaking up or opening a street;
 - (ii) tunnelling or boring under a street;
 - (iii) breaking up or opening a sewer, drain or tunnel;
 - (iv) moving or removing earth and other materials.
- (2) Without prejudice to the generality of subsection (1)(c) above, every water undertaker shall have power to erect and keep in any street notices indicating the position of such underground accessories for its relevant pipes as may be used for controlling the flow of water in those pipes.

Changes to legislation: Water Industry Act 1991, Section 158 is up to date with all changes known to be in force on or before 18 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

- (3) The power conferred by subsection (2) above shall include power to attach any such notice as is mentioned in that subsection to any building, fence or other structure which is comprised in premises abutting on the street in question.
- (4) A stopcock fitted to any service pipe in a street shall be situated as near as reasonably practicable to the boundary of the street; and a water undertaker shall consult with the highway authority concerned before determining in accordance with this subsection where to fit a stopcock in a highway.
- (5) Where a water undertaker exercises its powers under this section for the purpose of carrying out works of maintenance, repair or renewal in relation to a service pipe belonging to a person other than the undertaker, the undertaker shall be entitled to recover from the occupier of the premises supplied by means of that pipe the expenses reasonably incurred by that undertaker in so exercising that power.
- (6) Until the coming into force of its repeal by the ^{M1}New Roads and Street Works Act 1991 section 20 of the ^{M2}Highways Act 1980 (works in special roads) shall have effect as if the reference in that section to a power under any enactment to lay down or erect apparatus included a reference to any power to lay any relevant pipe which is conferred by this section.
- (7) Subject to section 161(7) below, in this section references to a relevant pipe shall be construed—
- (a) in relation to a water undertaker, as references to a water main (including a trunk main [^{F1}but not including a pipe laid in pursuance of section 66B(3)(a)(ii) above which is used for the purpose of supplying water other than for domestic or food production purposes or laid in pursuance of section 66B(3)(a)(iii) above]), resource main, discharge pipe or service pipe; and
 - [^{F2}(b) in relation to a sewerage undertaker, as references to—
 - (i) any sewer or disposal main; ^{F3}...
 - (ii) in relation to the exercise of a power to lay a pipe under paragraph (a) of subsection (1) above or a power related to that power under paragraph (c) of that subsection, any lateral drain which the undertaker is to lay by virtue of section 98 or 101B [^{F4}or any lateral drain which the undertaker is required to lay by virtue of section 117A(2) for the purpose of enabling the use of its sewerage system to provide sewerage services to premises in a retail exit area] above; ^{F5}...
 - (iii) in relation to the exercise of any other power under subsection (1) above, any lateral drain which belongs to or is vested for the time being in the undertaker [^{F6}or
 - (iv) any pipe forming part of, or required in connection with, a drainage system constructed under section 114A.]]
- ^{F7}[^{F8}(8) Subsections (9) and (11) below apply where—
- (a) an appointment or variation has been made under section 7 above replacing a company as a relevant undertaker,
 - (b) the appointment or variation relates only to parts of the area to which the company's appointment as relevant undertaker related, and
 - (c) the conditions mentioned in subsection (5) of that section were required to be satisfied in relation to each of the premises in those parts served by that company.

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[Where the company which has replaced the relevant undertaker has done so as water ^{F8}(9) undertaker, in the application of this section and section 159 below in relation to that company any pipe supplying, or intended to supply, any of the premises referred to in subsection (8)(c) above with a supply of water which exceeds, or is likely to exceed, in any period of twelve months—

(a) if the area of the relevant undertaker concerned is wholly or mainly in Wales, 250 megalitres;

(b) in all other cases, [^{F9}50 megalitres] ,

shall, for the purposes of subsection (7) above, be deemed to be a water main.]]

(10) Where the Secretary of State makes regulations under section 7(6) above amending section 7(5)(a) above he shall by regulations make the corresponding amendment in subsection (9) above.

(11) Where the company which has replaced the relevant undertaker has done so as sewerage undertaker, in the application of this section and section 159 below in relation to that company any pipe draining, or intended to drain, any of those premises shall, for the purposes of subsection (7) above, be deemed to be a sewer.

Textual Amendments

- F1** Words in s. 158(7)(a) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 36](#); [S.I. 2005/2714](#), [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F2** S. 158(7)(b) substituted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), ss. [97\(4\)](#), 105(3); [S.I. 2004/641](#), [art. 4\(b\)](#) (with [Sch. 3 para. 7](#))
- F3** Word in s. 158(7)(b)(i) omitted (14.7.2014) by virtue of [Water Act 2014 \(c. 21\)](#), ss. [21\(2\)\(a\)](#), 94(2)(d)
- F4** Words in s. 158(7)(b)(ii) inserted (E.) (31.10.2021) by [The Water and Sewerage Undertakers \(Exit from Non-household Retail Market\) \(Consequential Provision\) Regulations 2021 \(S.I. 2021/1208\)](#), regs. 1(2), [2\(8\)](#)
- F5** Word in s. 158(7)(b)(ii) omitted (14.7.2014) by virtue of [Water Act 2014 \(c. 21\)](#), ss. [21\(2\)\(a\)](#), 94(2)(d)
- F6** S. 158(7)(b)(iv) and word inserted (14.7.2014) by [Water Act 2014 \(c. 21\)](#), ss. [21\(2\)\(b\)](#), 94(2)(d)
- F7** S. 158(8)-(11) added (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. [40\(6\)](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), art. 3, Sch. Pt. 1
- F8** S. 158(9) substituted (17.8.2000) by [S.I. 2000/1842](#), [reg. 2](#)
- F9** Words in s. 158(9)(b) substituted (1.4.2005) by [The Water and Sewerage Undertakers \(Inset Appointments\) Regulations 2005 \(S.I. 2005/268\)](#), [art. 2\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 158 applied (with modifications) (21.7.1994) by [1994 c. xi](#), s. [11\(2\)](#)
S. 158 restricted (1.4.1996) by [1980 c. 66](#), s. [100\(6B\)\(b\)](#) (as inserted (1.4.1996) by [1994 c. 19](#), s. [22\(1\)](#), [Sch. 7 Pt. 1 para. 9](#) (with ss. [54\(5\)\(7\)](#), [55\(5\)](#)); [S.I. 1996/396](#), art. 3, [Sch. 1](#))
- C2** S. 158 applied (with modifications) (28.6.2013) by [The Water Industry \(Specified Infrastructure Projects\) \(English Undertakers\) Regulations 2013 \(S.I. 2013/1582\)](#), reg. 1(1)(b), [Sch. 1 para. 12\(1\)](#) (with reg. 1(1)(c))

Marginal Citations

- M1** [1991 c. 22](#).
M2 [1980 c. 66](#).

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 158(7)(a) words repealed by [2014 c. 21 Sch. 5 para. 50\(a\)](#)
- s. 158(7)(a) words repealed by [2014 c. 21 Sch. 5 para. 50\(b\)](#)
- s. 158(7)(a) words substituted by [2014 c. 21 Sch. 7 para. 104](#)

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