



Water Industry Act 1991

1991 CHAPTER 56

PART II

APPOINTMENT AND REGULATION OF UNDERTAKERS

[^{F1}CHAPTER 1A

[^{F1}WATER SUPPLY LICENCES AND SEWERAGE LICENCES]

Granting of licences

[^{F1}17D The threshold requirement

- (1) This section applies for the purpose of construing the reference to the threshold requirement in [^{F2}paragraph 7(b) of Schedule 2A] in relation to the supply of water to any premises [^{F3}in accordance with a restricted retail authorisation].
- (2) The requirement is that, at the time when the [^{F4}water supply licensee] first enters into an undertaking with a customer to give the supply, the total quantity of water estimated to be supplied to the premises annually pursuant to the undertaking [^{F5}is not less than—
 - (a) 5 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in England, and
 - (b) 50 megalitres, in the case of premises supplied with water using the supply system of a water undertaker whose area is wholly or mainly in Wales].
- (3) Any estimate of the quantity of water to be supplied to any premises for the purposes of subsection (2) above shall be made in accordance with guidance issued [^{F6}from time to time] by the Authority with the approval of [^{F7}the Welsh Ministers].
- (4) Any guidance issued under subsection (3) above may, in particular—
 - (a) specify—
 - (i) the factors to be, and not to be, taken into account;
 - (ii) the assumptions to be made; and

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- (iii) the method of calculation to be employed,
 in making estimates; and
- (b) make provision as to the commencement of the annual periods by reference to which estimates are to be made.
- ^{F8}(5)
- ^{F9}(6)
- (7) [^{F10}The Welsh Ministers] may make provision by regulations as to the circumstances in which a [^{F11}water supply licensee] is not, for the purposes of subsection (2) above, to be treated as entering into an undertaking with a new customer to give a supply of water to any premises ^{F12}....
- (8) [^{F13}The Welsh Ministers] may by regulations amend subsection (2) above by substituting, for the quantity of water for the time being specified there, a different quantity of water ^{F14}....
- (9) Regulations under subsection (8) above—
- (a) shall include provision for the amendment made by the regulations not to apply in relation to any undertaking entered into before the date on which the regulations come into force; and
- (b) may include provision for that amendment not to apply in relation to any undertaking which is proposed, but not entered into, before that date.
- (10) A statutory instrument containing regulations under subsection (8) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, [^{F15}the Assembly].
- (11) Before making regulations under subsection (8) above, [^{F16}the Welsh Ministers] shall consult—
- (a) the Authority; and
- (b) such other persons (if any) as [^{F17}the Welsh Ministers think] it appropriate to consult.
- ^{F18}(12)
- ^{F19}(13)]

Textual Amendments

- F1** Pt. 2 Ch. 1A inserted (1.4.2004 for specified provisions and purposes and 1.8.2005 for further specified provisions and purposes and 1.10.2005 for further specified provisions and 1.12.2005 otherwise) by [Water Act 2003 \(c. 37\)](#), ss. 56, 105(3), **Sch. 4 para. 2**; S.I. 2004/641, **art. 3(l)**, Sch. 1 (with **art. 6**, Sch. 3); S.I. 2005/968, **art. 3(b)** (with savings in **art. 4**, Sch. 1, 2); S.I. 2005/2714, **arts. 2(h), 3(a)** (with Sch. para. 5)
- F2** Words in s. 17D(1) substituted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(2)(a)**; S.I. 2015/1938, **art. 3(f)(ii)** (with **art. 4**)
- F3** Words in s. 17D(1) inserted (1.1.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(2)(b)**; S.I. 2015/1938, **art. 3(f)(ii)** (with **art. 4**)
- F4** Words in s. 17D(2) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), **Sch. 7 para. 12(3)**; S.I. 2016/465, **art. 2(m)**, **Sch. 1 para. 1(g)** (with **Sch. 2**) (as amended (22.3.2017) by S.I. 2017/462, **art. 16**)
- F5** Words in s. 17D(2) substituted (15.12.2011) by [The Water Supply \(Amendment to the Threshold Requirement\) Regulations 2011 \(S.I. 2011/3014\)](#), regs. 1(1), **2** (with **reg. 1(2)**)

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- F6** Words in s. 17D(3) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(4\)\(a\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F7** Words in s. 17D(3) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(4\)\(b\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F8** S. 17D(5) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(5\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F9** S. 17D(6) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(6\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F10** Words in s. 17D(7) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(7\)\(a\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F11** Words in s. 17D(7) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(7\)\(b\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F12** Words in s. 17D(7) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(7\)\(c\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F13** Words in s. 17D(8) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(8\)\(a\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F14** Words in s. 17D(8) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(8\)\(b\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F15** Words in s. 17D(10) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(9\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F16** Words in s. 17D(11) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(10\)\(a\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F17** Words in s. 17D(11) substituted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(10\)\(b\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F18** S. 17D(12) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(11\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)
- F19** S. 17D(13) repealed (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 12\(11\)](#); S.I. 2017/462, art. 3(k)(iv) (with art. 11)

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Changes and effects yet to be applied to :

- s. 17D repealed by [2014 c. 21 Sch. 5 para. 10](#)

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