



Water Industry Act 1991

1991 CHAPTER 56

PART IV

SEWERAGE SERVICES

CHAPTER I

GENERAL FUNCTIONS OF SEWERAGE UNDERTAKERS [F¹ETC]

Performance of sewerage undertaker's functions by local authorities etc.

97 Performance of sewerage undertaker's functions by local authorities etc.

- (1) A relevant authority may, in accordance with any arrangements which it has entered into for the purpose with any sewerage undertaker, carry out sewerage functions on that undertaker's behalf in relation to such area comprising the whole or any part of that authority's relevant area, together (where that authority are a local authority or an urban development corporation and the arrangements so provide) with parts of any adjacent relevant areas of other relevant authorities, as may be specified in the arrangements.
- (2) Arrangements entered into for the purposes of this section may contain any such provision as may be agreed between the relevant authority and the sewerage undertaker but shall not affect the availability to any person, other than the relevant authority, of any remedy against the undertaker in respect of the carrying out of the undertaker's sewerage functions or of any failure to carry them out.
- (3) It is hereby declared that, if arrangements entered into for the purposes of this section so provide, a relevant authority shall be entitled to exercise on behalf of a sewerage undertaker any power which by or under any enactment is exercisable by the undertaker for the purposes of, or in connection with, the carrying out of the undertaker's sewerage functions.

Changes to legislation: Water Industry Act 1991, Section 97 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

(4) Where arrangements entered into for the purposes of this section provide for a local authority to carry out the sewerage functions of a sewerage undertaker on the undertaker’s behalf, section 101 of the ^{M1}Local Government Act 1972 (delegation of functions), so far as it relates to the carrying out of functions by a committee, sub-committee or officer of a local authority, shall have effect in relation to those sewerage functions only in so far as the arrangements do not otherwise provide.

[^{F1}(4A) Where arrangements entered into for the purposes of this section provide for a local authority which are operating executive arrangements to carry out the sewerage functions of a sewerage undertaker on that undertaker’s behalf—

- (a) those sewerage functions shall be treated as functions of the authority for the purposes of section 13 of the Local Government Act 2000; and
- (b) if or to the extent that those sewerage functions are the responsibility of the executive of that authority—
 - (i) subsection (4) above shall not apply; and
 - (ii) sections 14 to 16 of the Local Government Act 2000 and any regulations made under sections 17 to 20 of that Act shall apply in relation to those sewerage functions only in so far as the arrangements do not provide otherwise.]

(5) In this section—

[^{F2}“executive” and “executive arrangements” have the same meaning as in Part II of the Local Government Act 2000;]

“new town” has the same meaning as in the ^{M2}New Towns Act 1981;
 “relevant area”—

- (a) in relation to a local authority, means the area of the authority and the whole of any new town or urban development area any part of which is situated within the area of the authority;
 - (aa) [^{F3}in relation to the Mayoral development corporation for any Mayoral development area, means that area;]
 - (b) [^{F4}in relation to the English new towns residuary body, means any new town in England;
 - (ba) in relation to the Welsh new towns residuary body, means any new town in Wales;]
 - (c) in relation to the development corporation for any new town, means that new town; [^{F5}and]
 - (d) ^{F6}.....
 - (e) in relation to any urban development corporation for any urban development area, means that area;
- “relevant authority” means any of the following, that is to say—
- (a) a local authority;
 - (aa) [^{F7}the Mayoral development corporation for any Mayoral development area;]
 - (b) the [^{F8}new towns residuary body], [^{F9}or a development corporation for a new town];
 - (c) the urban development corporation for any urban development area;
- “sewerage functions”, in relation to a sewerage undertaker, means any of the functions of the undertaker by virtue of its appointment under Chapter I of Part II of this Act as a sewerage undertaker, other than its functions relating to sewage disposal and its functions by virtue of Chapter III of this Part;

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“urban development area” means any area so designated under Part XVI of the ^{M3}Local Government, Planning and Land Act 1980.

^{F10}(6)

Textual Amendments

- F1** S. 97(4A) inserted (11.7.2001 for E. and 1.4.2002 for W.) by [S.I. 2001/2237](#), [arts. 2, 27](#); [S.I. 2002/808](#), {art. 26(a)}
- F2** S. 97(5): definitions of "executive and executive arrangements" inserted (11.7.2001 for E. and 1.4.2002 for W.) by [S.I. 2001/2237](#), [arts. 2, 27](#); [S.I. 2002/808](#), [art. 26\(b\)](#)
- F3** Words in s. 97(5) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 41\(a\)](#)
- F4** S. 97(5): paras. (b)(ba) in definition of "relevant area" substituted (1.12.2008) for para. (b) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, [Sch. 8 para. 57\(a\)](#); [S.I. 2008/3068](#), [art. 2\(1\)\(w\)](#) (with savings and transitional provisions in arts. 6-13)
- F5** S. 97(5): word in para. (c) in definition of “relevant area” inserted (1.10.1998) by [1998 c. 38](#), s. 129(2), [Sch. 15 para. 17\(a\)](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F6** S. 97(5): para. (d) in definition of “relevant area” repealed (1.10.1998) by [1998 c. 38](#), s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F7** Words in s. 97(5) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 41\(b\)](#)
- F8** S. 97(5): words in definition of "relevant authority" substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), ss. 56, 325, [Sch. 8 para. 57\(2\)](#); [S.I. 2008/3068](#), [art. 2\(1\)\(w\)](#) (with savings and transitional provisions in arts. 6-13)
- F9** S. 97(5): words in para. (b) in definition of “relevant authority” substituted (1.10.1998) by [1998 c. 38](#), s. 129(2), [Sch. 15 para. 17\(b\)](#) (with ss. 137(1), 139(2), 143(2)); [S.I. 1998/2244](#), [art. 4](#)
- F10** S. 97(6) repealed (19.11.1998) by [1998 c. 43](#), s. 1(1), [Sch. 1 Pt. X](#), Group 3

Marginal Citations

- M1** [1972 c. 70](#).
- M2** [1981 c. 64](#).
- M3** [1980 c. 65](#).

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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](#)