



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

An Act to make provision with respect to standards of performance and service to customers in relation to the telecommunications, gas supply, electricity supply, water supply and sewerage service industries; to make provision with respect to complaints by, and disputes with, customers in those industries; to make provision with respect to the powers of the regulators of those industries and with respect to related matters; to make provision with respect to the payment of deposits by customers of certain telecommunications operators; to make further provision for facilitating effective competition in certain of those industries; to make provision with respect to mergers of water or sewerage undertakers; to make provision with respect to compliance orders against public gas suppliers; to make a minor correction in section 98 of the Water Industry Act 1991; and for connected purposes. [16th March 1992]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

E1 Act extends to England, Wales, Scotland and Northern Ireland as mentioned in s. 56(4)(5)

Commencement Information

I1 Act partly in force at Royal Assent see s. 56(2)(3)

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

PART I

STANDARDS OF PERFORMANCE AND SERVICE TO CUSTOMERS

Telecommunications

F11 Standards of performance.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F12 Information with respect to levels of performance.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F13 Information to be given to customers about overall performance.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F14 Procedures for dealing with complaints.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts.

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1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F15 Disputes about discrimination etc. in fixing charges.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F16 Billing disputes.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F17 Deposits.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F18 Disconnections.

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Textual Amendments

F1 Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

F19 Enforcement of standards of performance, etc.

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Textual Amendments

- F1** Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F110 Interpretation.

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Textual Amendments

- F1** Ss. 1-10 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 5 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

Gas supply

11 Standards of performance.

The following sections shall be inserted in the ^{M1}Gas Act 1986, after section 33—

“ Standards of performance

33A Standards of performance in individual cases.

- (1) The Director may make regulations prescribing such standards of performance in connection with the provision of gas supply services by public gas suppliers to tariff customers as, in his opinion, ought to be achieved in individual cases.
- (2) Regulations under subsection (1) above may only be made—
 - (a) with the consent of the Secretary of State;
 - (b) after consulting—
 - (i) the public gas suppliers; and
 - (ii) persons or bodies appearing to the Director to be representative of persons likely to be affected by the regulations; and
 - (c) after arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be so affected and considering the results.
- (3) Regulations under this section may—
 - (a) prescribe circumstances in which public gas suppliers are to inform tariff customers of their rights under this section;

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (b) prescribe such standards of performance in relation to any duty arising under paragraph (a) above as, in the Director’s opinion, ought to be achieved in all cases;
 - (c) prescribe circumstances in which public gas suppliers are to be exempted from any requirements of the regulations or this section; and
 - (d) make different provision with respect to different public gas suppliers.
- (4) If a public gas supplier fails to meet a prescribed standard, he shall make to any tariff customer who is affected by the failure such compensation as may be determined by or under the regulations.
- (5) The making of compensation under this section in respect of any failure to meet a prescribed standard shall not prejudice any other remedy which may be available in respect of the act or omission which constituted that failure.
- (6) Any dispute arising under this section or regulations made under this section—
 - (a) may be referred to the Director by either party or, with the agreement of either party, by the Council; and
 - (b) on such a reference, shall be determined by order made—
 - (i) by the Director; or
 - (ii) by such other person as may be prescribed.
- (7) Any person making an order under subsection (6) above shall include in the order his reasons for reaching his decision with respect to the dispute.
- (8) The practice and procedure to be followed in connection with any such determination shall be such as may be prescribed.
- (9) An order under subsection (6) above shall be final and shall be enforceable—
 - (a) in England and Wales, as if it were a judgment of a county court; and
 - (b) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (10) In this section “prescribed” means prescribed by regulations under this section.
- (11) The power of the Director under this section to make regulations shall be exercisable by statutory instrument.

33B Overall standards of performance.

- (1) The Director may from time to time—
 - (a) determine such standards of overall performance in connection with the provision of gas supply services by public gas suppliers as, in his opinion, ought to be achieved by them; and
 - (b) arrange for the publication, in such form and in such manner as he considers appropriate, of the standards so determined.
- (2) The Director may only make a determination under subsection (1)(a) above after—
 - (a) consulting the public gas suppliers and persons or bodies appearing to the Director to be representative of persons likely to be affected; and

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- (b) arranging for such research as the Director considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and considering the results.
- (3) Different standards may be determined for different public gas suppliers.
- (4) It shall be the duty of every public gas supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

I2 S. 11 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No.1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M1 1986 c. 44.

12 Information with respect to levels of performance.

The following section shall be inserted in the ^{M2}Gas Act 1986, after section 33B—

“33C Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation made by public gas suppliers under section 33A above;
 - (b) the levels of overall performance achieved by public gas suppliers in connection with the provision of gas supply services; and
 - (c) the levels of performance achieved by public gas suppliers in connection with the promotion of the efficient use of gas by consumers.
- (2) At such times as the Director may direct, each public gas supplier shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 33A above, the number of cases in which compensation was made and the aggregate amount or value of that compensation; and
 - (b) as respects each standard determined under section 15B or 33B above, such information with respect to the level of performance achieved by the supplier as may be so specified.
- (3) A public gas supplier who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as appears to him expedient to give to customers, or potential customers, of public gas suppliers.
- (5) In arranging for the publication of any such information, the Director shall have regard to the need for excluding, so far as practicable—

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- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I3 S. 12 wholly in force at 1.7.1992 see s. 56(2) and Competition and Services (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M2 1986 c. 44.

13 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M3}Gas Act 1986, after section 33C—

“33D Information to be given to customers about overall performance.

- (1) Each public gas supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards of overall performance determined under section 33B above which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

Commencement Information

I4 S. 13 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M3 1986 c. 44.

^{F2}**14**

Textual Amendments

F2 S. 14 repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

^{F3}**15**

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

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Textual Amendments

F3 S. 15 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

F4¹⁶

Textual Amendments

F4 S. 16 repealed (1.3.1996) by 1995 c. 45, s. 17(5), **Sch. 6**; S.I. 1996/218, **art. 2**

PROSPECTIVE

17 Billing disputes.

The following section shall be inserted in the ^{M4}Gas Act 1986, after section 15—

“15A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a public gas supplier and a tariff customer of his concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of gas supply services.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.

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- (7) Except in such circumstances (if any) as may be prescribed—
- (a) the Director or an arbitrator (or in Scotland an arbiter) appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public gas supplier may commence proceedings before any court in respect of any charge in connection with the provision by him of gas supply services unless, not less than 28 days before doing so, the tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
- (a) his intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under section 38 below shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Marginal Citations

M4 1986 c. 44.

18 Preliminary investigation of disputes by Gas Consumers’ Council

The following section shall be inserted in the ^{M5}Gas Act 1986, after section 32—

“32A Preliminary investigation by Council of certain disputes.

- (1) This section applies where—
- (a) representations are made to the Council by or on behalf of a person who appears to the Council to have an interest in the matter to which the representations relate; and
 - (b) that matter appears to the Council to constitute a dispute of a kind which may be referred to the Director under section 14A above or 33A below, or under regulations made under section 15A above.
- (2) It shall be the duty of the Council—
- (a) to inform the person by or on whose behalf the representations are made that he may have the right to refer his dispute to the Director; and
 - (b) to make such investigations with respect to the matter to which the representations relate as may be specified in a direction given by the Director.

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- (3) Any such direction may be given so as to apply generally or to a specified class of matter or particular matter and may, in particular, specify in relation to any investigation which the Council is required to make under this section—
 - (a) the practice and procedure which it is to follow in conducting its investigation; and
 - (b) the information which it is to give to the Director with respect to the matter investigated.”

Commencement Information

I5 S. 18 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M5 1986 c.44.

^{F5}**19**

Textual Amendments

F5 S. 19 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Electricity supply

^{F6}**20**

Textual Amendments

F6 S. 20 repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

21 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M6}Electricity Act 1989, after section 42—

“42A Information to be given to customers about overall performance.

- (1) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
 - (a) the standards of overall performance determined under section 40 above which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.”

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Commencement Information

I6 S. 21 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M6 1989 c. 29.

F7 22

Textual Amendments

F7 S. 22 repealed (1.10.2001) by 2000 c. 27, s. 108, Sch. 8; S.I. 2001/3266, art. 2, Sch. (subject to transitional provisions in arts. 3-20)

PROSPECTIVE

23 Billing disputes.

The following section shall be inserted in the ^{M7}Electricity Act 1989, after section 44—

“44A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a public electricity supplier and a tariff customer concerning the amount of the charge which the supplier is entitled to recover from the customer in connection with the provision of electricity supply services.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator (or in Scotland an arbiter) to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—

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- (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable—
 - (i) in England and Wales, as if it were a judgment of a county court; and
 - (ii) in Scotland, as if it were an extract registered decree arbitral bearing a warrant for execution issued by the sheriff.
- (7) Except in such circumstances (if any) as may be prescribed—
- (a) the Director or an arbitrator (or in Scotland an arbiter) appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No public electricity supplier may commence proceedings before any court in respect of any charge in connection with the provision by him of electricity supply services unless, not less than 28 days before doing so, the tariff customer concerned was informed by him, in such form and manner as may be prescribed, of—
- (a) his intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) The powers of the Director under section 28 above shall also be exercisable for any purpose connected with the determination of any dispute referred to him in accordance with regulations made under this section.”

Marginal Citations

M7 1989 c. 29.

24 Compliance with standards of overall performance.

In section 40 of the ^{M8}Electricity Act 1989 (electricity supply: overall performance), the following subsection shall be added at the end—

“(3) It shall be the duty of every public electricity supplier to conduct his business in such a way as can reasonably be expected to lead to his achieving the standards set under this section.”

Commencement Information

I7 S. 24 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Marginal Citations

M8 1989 c. 29.

25 Determination of disputes by Director: interim directions.

- (1) The power of the Director General of Electricity Supply, under section 23(2) of the ^{M9}Electricity Act 1989, to require a public electricity supplier to continue a supply of electricity pending the Director’s determination of a dispute shall be extended to enable the Director to require the giving of a supply of electricity pending such a determination.
- (2) Accordingly, in section 23(2) of that Act, the words “to continue” shall be omitted, in both places where they occur.

Commencement Information

I8 S. 25 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M9 1989 c. 29.

Water supply

26 Research concerning views of customers.

- (1) Section 39 of the ^{M10}Water Industry Act 1991 (procedure for making regulations under section 38 relating to standards of performance in the supply of water) shall be amended as follows.
- (2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.
- (3) The following subsection shall be inserted after subsection (1)—

“(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a view to discovering the views of a representative sample of persons likely to be affected and consider the results.”
- (4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—

“(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above; ”.

Commencement Information

I9 S. 26 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Marginal Citations

M10 1991 c. 56.

^{F8}27 Information with respect to levels of performance.

The following section shall be inserted in the Water Industry Act 1991, after section 38—

“38A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by water undertakers under regulations under section 38(2) above; and
 - (b) the levels of overall performance achieved by water undertakers in connection with the provision of water supplies.
- (2) At such times as the Director may direct, each water undertaker shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 38(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 38(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A water undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of water undertakers.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—
 - (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
 - (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Textual Amendments

F8 S. 27 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

28 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M11}Water Industry Act 1991, after section 39—

“39A Information to be given to customers about overall performance.

- (1) Each water undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 38(1)(b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a water undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Commencement Information

I10 S. 28 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M11 1991 c. 56.

29 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 86—

“ Complaints

86A Procedure for dealing with complaints.

- (1) Each water undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the supply of water.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the water undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The water undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a water undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the water undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,
 as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.
- (8) The duty of a water undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a water undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Commencement Information

- III** S. 29 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Sewerage services

30 Research concerning views of customers.

- (1) Section 96 of the ^{M12}Water Industry Act 1991 (procedure for regulations under section 95 relating to standards of performance in the provision of sewerage services) shall be amended as follows.
- (2) In subsection (1)(d), for “both” there shall be substituted “ the summary mentioned in subsection (2)(bb) below, ”.
- (3) The following subsection shall be inserted after subsection (1)—
 - “(1A) Before making an application to the Secretary of State under this section the Director shall arrange for such research as he considers appropriate with a

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view to discovering the views of a representative sample of persons likely to be affected and consider the results.”

- (4) In subsection (2), the following paragraph shall be inserted after “apply” in paragraph (b)—
- “(bb) is accompanied by a written summary of the results of the research carried out in accordance with subsection (1A) above;”.

Commencement Information

I12 S. 30 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M12 1991 c. 56.

31 Information with respect to levels of performance.

The following section shall be inserted in the Water Industry Act 1991, after section 95—

“95A Information with respect to levels of performance.

- (1) The Director shall from time to time collect information with respect to—
 - (a) the compensation paid by sewerage undertakers under regulations under section 95(2) above; and
 - (b) the levels of overall performance achieved by sewerage undertakers in connection with the provision of sewerage services.
- (2) At such times as the Director may direct, each sewerage undertaker shall give the following information to the Director—
 - (a) as respects each standard prescribed by regulations under section 95(2) above, the number of cases in which compensation was paid and the aggregate amount or value of that compensation; and
 - (b) as respects each standard established by regulations under section 95(1) (b) above, such information with respect to the level of performance achieved by the undertaker as may be so specified.
- (3) A sewerage undertaker who without reasonable excuse fails to do anything required of him by subsection (2) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) The Director shall, at least once in every year, arrange for the publication, in such form and in such manner as he considers appropriate, of such of the information collected by or given to him under this section as it may appear to him expedient to give to customers or potential customers of sewerage undertakers.
- (5) In arranging for the publication of any such information the Director shall have regard to the need for excluding, so far as practicable—

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- (a) any matter which relates to the affairs of an individual, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that individual; and
- (b) any matter which relates specifically to the affairs of a particular body of persons, whether corporate or unincorporate, where publication of that matter would or might, in the opinion of the Director, seriously and prejudicially affect the interests of that body.”

Commencement Information

I13 S. 31 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

32 Information to be given to customers about overall performance.

The following section shall be inserted in the ^{M13}Water Industry Act 1991, after section 96—

“96A Information to be given to customers about overall performance.

- (1) Each sewerage undertaker shall, in such form and manner and with such frequency as the Director may direct, take steps to inform its customers of—
 - (a) the standards of overall performance established under section 95(1) (b) above which are applicable to that undertaker; and
 - (b) that undertaker’s level of performance as respects each of those standards.
- (2) In giving any such direction, the Director shall not specify a frequency of less than once in every period of twelve months.
- (3) The duty of a sewerage undertaker to comply with this section shall be enforceable by the Director under section 18 above.”

Commencement Information

I14 S. 32 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M13 1991 c. 56.

33 Procedures for dealing with complaints.

The following section shall be inserted in the Water Industry Act 1991, after section 116—

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“ Complaints

116A Procedures for dealing with complaints.

- (1) Each sewerage undertaker shall establish a procedure for dealing with complaints made by its customers or potential customers in connection with the provision of sewerage services.
- (2) No such procedure shall be established, and no modification of such a procedure shall be made, unless—
 - (a) the sewerage undertaker has consulted the customer service committee to which it has been allocated; and
 - (b) the proposed procedure or modification has been approved by the Director.
- (3) The sewerage undertaker shall—
 - (a) publicise the procedure in such manner as may be approved by the Director; and
 - (b) send a description of the procedure, free of charge, to any person who asks for one.
- (4) The Director may give a direction to a sewerage undertaker requiring the undertaker to review its procedure or the manner in which the procedure operates.
- (5) A direction under subsection (4) above—
 - (a) may specify the manner in which the review is to be conducted; and
 - (b) shall require a written report of the review to be made to the Director.
- (6) Where the Director receives a report under subsection (5)(b) above, he may, after consulting the sewerage undertaker, direct the undertaker to make such modifications of—
 - (a) the procedure; or
 - (b) the manner in which the procedure operates,as may be specified in the direction.
- (7) Subsection (2) above does not apply to any modification made in compliance with a direction under subsection (6) above.
- (8) The duty of a sewerage undertaker to comply with subsection (1) above and with any direction given to it under subsection (4) or (6) above shall be enforceable by the Director under section 18 above.
- (9) Where the Director is considering whether to exercise his powers under subsection (4) or (6) above in relation to a sewerage undertaker, it shall be the duty of that undertaker to give him such information as he may reasonably require for the purpose of assisting him in coming to a decision.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.”

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Commencement Information

I15 S. 33 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Water supply and sewerage services

34 Determination of disputes by the Director.

The following section shall be inserted after section 30 of the ^{M14}Water Industry Act 1991—

“30A Determination of disputes by the Director.

- (1) In this section “relevant dispute” means a dispute which, by virtue of any provision of this Act, may be referred to the Director for determination under this section.
- (2) The practice and procedure to be followed in connection with the reference to the Director of any relevant dispute shall be such as he considers appropriate.
- (3) Where the Director determines any dispute under this section he shall give his reasons for reaching his decision with respect to the dispute.
- (4) On making a determination under this section the Director may include such incidental, supplemental and consequential provision (including provision requiring either party to pay a sum in respect of the costs or expenses incurred by the Director) as he considers appropriate.
- (5) A determination under this section—
 - (a) shall be final; and
 - (b) shall be enforceable as if it were a judgment of a county court, in so far as it includes such provision as to costs or expenses as is mentioned in subsection (4) above.
- (6) The Director shall not determine any relevant dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court.
- (7) In including in any determination under this section any provision as to costs or expenses, the Director shall have regard to the conduct and means of the parties and any other relevant circumstances.”

Commencement Information

I16 S. 34 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M14 1991 c. 56.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

35 Reference of certain disputes to the Director.

- (1) The ^{M15}Water Industry Act 1991 shall be amended as follows.
- (2) In section 45 (duty to make connections with mains), the following subsection shall be inserted after subsection (6)—
 - “(6A) Any dispute between a water undertaker and any other person as to whether the expenses were incurred reasonably may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (3) In section 46 (duty to carry out ancillary works for the purpose of making domestic connection), in subsection (7), for “(6)” there shall be substituted “ (6A) ”.
- (4) In section 49 (supplemental provisions with respect to metering conditions), the following shall be substituted for subsection (3)—
 - “(3) Any dispute between a water undertaker and any other person as to the terms of any condition imposed under section 47 above for the purposes of metering shall be referred—
 - (a) to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person; or
 - (b) if no agreement is reached, for determination by the Director under section 30A above.”
- (5) In section 53 (conditions of compliance with domestic supply duty), the following subsection shall be inserted after subsection (2)—
 - “(2A) Any dispute between a water undertaker and any other person as to whether any requirement of a kind mentioned in subsection (2)(a) or (b) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (6) In section 64 (supply by means of separate service pipes), the following subsection shall be inserted after subsection (2)—
 - “(2A) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in subsection (2) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (7) In section 105 (appeals with respect to adoption of sewers etc.), for “Secretary of State”, wherever it appears, there shall be substituted “ Director ”.
- (8) In section 106 (right to communicate with public sewers)—
 - (a) in subsection (6), for “a magistrates’ court” there shall be substituted “ the Director under section 30A above ”;
 - (b) subsection (7) shall cease to have effect; and
 - (c) in subsection (8)(b), for “a magistrates’ court” there shall be substituted “ the Director ”.
- (9) In section 107 (right of sewerage undertaker to undertake the making of communications with public sewers), in subsection (1)(b), for “a magistrates’ court” there shall be substituted “ the Director ” and after subsection (4) there shall be inserted the following subsection—
 - “(4A) Any dispute between a sewerage undertaker and any other person as to—

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- (a) whether the undertaker’s estimate of the cost of works given under subsection (3)(b)(i) above is reasonable,
 - (b) whether any requirement of security for the payment of the cost of works was reasonably made by the undertaker, or
 - (c) whether any excess is repayable, or any expenses are recoverable, by the undertaker under subsection (4) above, or the amount of any such excess or expenses,
- may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (10) In section 112 (requirement that proposed drain or sewer be constructed so as to form part of general system), in subsections (2) and (3), for “Secretary of State” there shall be substituted “ Director ”.
- (11) In section 113 (power to alter drainage system of premises)—
- (a) in subsection (4), for “appeal to a magistrates’ court” there shall be substituted “ refer the matter to the Director for determination under section 30A above ”; and
 - (b) subsection (5) shall cease to have effect.
- (12) In section 116 (power to close or restrict use of public sewer), the following subsection shall be inserted after subsection (3)—
- “(4) Any dispute arising under subsection (3)(a) above between a sewerage undertaker and any other person as to the effectiveness of any sewer provided by the undertaker for that person’s use may be referred to the Director for determination under section 30A above by either party to the dispute.”

Commencement Information

I17 S. 35 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

Marginal Citations

M15 1991 c. 56.

PROSPECTIVE

36 Billing disputes.

The following section shall be inserted in the ^{M16}Water Industry Act 1991, after section 150—

“150A Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (2) In this section “billing dispute” means a dispute between a relevant undertaker and a customer concerning the amount of the charge which the undertaker is entitled to recover from the customer in connection with—
 - (a) the supply of water for domestic purposes, in the case of a water undertaker; and
 - (b) the provision of sewerage services other than by the carrying out of trade effluent functions, in the case of a sewerage undertaker.
- (3) Regulations under this section may only be made after consulting—
 - (a) the Director; and
 - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
 - (a) determine the dispute, or
 - (b) appoint an arbitrator to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable as if it were a judgment of a county court.
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No relevant undertaker may commence proceedings before any court in respect of any charge in connection with the supply of water for domestic purposes or (as the case may be) the provision of sewerage services other than by the carrying out of trade effluent functions unless, not less than 28 days before doing so, the customer concerned was informed by it, in such form and manner as may be prescribed, of—
 - (a) its intention to commence proceedings;
 - (b) the customer’s rights by virtue of this section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Director in accordance with regulations made under this section, it shall be the duty of the undertaker concerned to give him such information as he may reasonably require for the purpose of assisting him in determining the dispute.

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(10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.

(11) For the purposes of this section—

“charge” means any charge fixed by a scheme made under section 143 above;

“customer” means any person to whom the relevant undertaker provides services;

and references to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.”

Marginal Citations

M16 1991 c. 56.

PART II

COMPETITION

Gas supply

37 The 25,000 therm limits.

The following section shall be inserted in the ^{M17}Gas Act 1986 after section 8—

“8A Modification or removal of the 25,000 therm limits.

- (1) The Secretary of State may by order amend section 4(2)(d) or 8(5)(b) above or section 10(5) or 14(3) or (4)(b) below by substituting—
 - (a) where the limit is for the time being expressed by reference to a number of therms—
 - (i) such lower number of therms as he considers appropriate; or
 - (ii) such lower limit, expressed by reference to a number of kilowatt hours, as he considers appropriate; or
 - (b) where the limit is for the time being expressed by reference to a number of kilowatt hours, such lower number of kilowatt hours as he considers appropriate.
- (2) An order under subsection (1) above may be made so as to provide for the number specified in one provision to differ from that for the time being specified in any of the other provisions.
- (3) If the Secretary of State considers that it is appropriate to remove the limit for the time being specified in sections 4(2)(d) and 8(5)(b) above and section 14(3) and (4)(b) below he may make an order repealing—
 - (a) in section 4(2)(d) above, the words from “at rates” to the end;

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- (b) section 8(5) above;
 - (c) in section 14(3) below, the words from “but this subsection” to the end;
and
 - (d) in section 14(4) below, the words from “if either” to the end.
- (4) Before making any order under this section, the Secretary of State shall consult the Director.”

Commencement Information

I18 S. 37 wholly in force at 30.5.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 2.

Marginal Citations

M17 1986 c. 44.

F9 38

Textual Amendments

F9 S. 38 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Water supply and sewerage services

39 Mergers of water undertakers.

- (1) In section 34(3) of the ^{M18}Water Industry Act 1991 (matters to which the Monopolies Commission is to have regard on a reference under section 32 of that Act with respect to a water enterprise) the following shall be substituted for paragraph (a)—
“ (a) shall have regard to the desirability of giving effect to the principle that the Director’s ability, in carrying out his functions by virtue of this Act, to make comparisons between different water enterprises should not be prejudiced; and ”.
- (2) Section 35(3) of the Act of 1991 (meaning of reference to the number of water enterprises under independent control) shall cease to have effect.
- (3) This section applies only to references under section 32 of the Act of 1991 made after the commencement of this section.

Commencement Information

I19 S. 39 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

Marginal Citations

M18 1991 c. 56.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

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40 Inset appointments.

- (1) In section 7 of the Water Industry Act 1991 (continuity of appointments, replacement appointments etc.), in subsection (4), for “company; or”, at the end of paragraph (b) there shall be substituted—

“company;

- (bb) the appointment or variation relates only to parts of that area and the conditions mentioned in subsection (5) below are satisfied in relation to each of the premises in those parts which are served by that company; or”.

- (2) In section 7 of the Act of 1991 the following subsections shall be added at the end—

“(5) The conditions are that—

- (a) the premises are, or are likely to be, supplied with not less than 250 megalitres of water in any period of twelve months; and
(b) the person who is the customer in relation to the premises consents in writing to the appointment or variation.

- (6) The Secretary of State may, after consulting the Director, make regulations amending subsection (5)(a) above by substituting, for the quantity of water for the time being specified there, such smaller quantity as he considers appropriate.”

- (3) In section 8 of the Act of 1991 (procedure with respect to appointments and variations) the following subsection shall be added at the end—

“(7) The Secretary of State may by regulations impose such additional procedural requirements as he considers appropriate for any case where the conditions mentioned in section 7(5) above are required to be satisfied in relation to an application for an appointment or variation replacing a company as a relevant undertaker.”

- (4) In section 9 of the Act of 1991 (duties affecting making of appointments and variations), in subsection (3), after “(4)(b)” insert “ or (bb) ”.

- (5) In section 36(3) of the Act of 1991, the following paragraphs are hereby repealed—

- (a) paragraph (a)(ii) (premises to be treated as being served by a water undertaker holding an appointment under Chapter I of Part I of that Act if they consist in a building or part of a building which is situated within thirty metres of a distribution main of that company); and
(b) paragraph (b)(ii) (premises to be treated as being served by a sewerage undertaker holding an appointment under Chapter I of Part I of that Act if they consist in a building or part of a building which is situated within thirty metres of a relevant sewer which is not a storm-water overflow sewer).

- (6) In section 158 of the Act of 1991 (powers to lay pipes), the following subsections shall be added at the end—

“(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

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(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.

(9) Where the company which has replaced the relevant undertaker has done so as water 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, 250 megalitres of water in any period of twelve months 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.”

Commencement Information

I20 S. 40 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

41 The domestic supply duty

In section 52 of the ^{M19}Water Industry Act 1991 (the domestic supply duty), in subsection (2), the words “and which are situated in the area of the undertaker” shall cease to have effect.

Commencement Information

I21 S. 41 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M19 1991 c.56.

42 Transitional provision with respect to replacement appointments.

The provisions of section 10 of the Water Industry Act 1991 (transitional provision with respect to replacement appointments) shall become subsection (1) of that section and the following subsections shall be added at the end—

“(2) Subsections (3) and (4) below apply where, by such an appointment or variation, one company (“the new undertaker”) is to replace another company as a relevant undertaker, but the appointment or variation has not come into force.

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (3) The following provisions of this Act shall (except where they are inapplicable to the kind of undertaker in question) apply in relation to the new undertaker as if the appointment or variation had come into force—
- (a) sections 18 to 24 and Schedule 3;
 - (b) sections 32 to 35;
 - (c) section 155 and Schedule 9;
 - (d) sections 156, 158 to 161 and 163 to 167 and Schedule 11;
 - (e) sections 168 to 171, 173, 174, 178 to 180 and Schedule 12;
 - (f) sections 181 to 183 and Schedule 13;
 - (g) sections 184 to 188 and Schedule 14;
 - (h) sections 189 to 192, 197 to 200, 202, 203, 206, 208, 209, 211, 212 and 217.
- (4) Such of the conditions imposed on the new undertaker under section 11 below as the Director may specify in a written notice given by him to the undertaker shall have effect, in relation to the operation of any provision mentioned in subsection (3) above before the appointment or variation comes into force, as if the appointment or variation had come into force.
- (5) The Secretary of State may by regulations amend subsection (3) above by adding to, removing or modifying references to provisions of this Act.”

Commencement Information

I22 S. 42 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

43 Connections with water mains and communications with sewers.

- (1) In section 45 of the ^{M20}Water Industry Act 1991 (which imposes on a water undertaker a duty to make a connection with one of its water mains where the premises for which a supply of water is required are in the undertaker’s area), the words “in the undertaker’s area” shall cease to have effect.
- (2) In section 106 of the Act of 1991 (which gives the owner or occupier of any premises in the area of a sewerage undertaker a right to have his drains or sewer communicate with the public sewers of that undertaker), the following subsection shall be substituted for subsection (1)—
- “(1) Subject to the provisions of this section—
- (a) the owner or occupier of any premises, or
 - (b) the owner of any private sewer which drains premises,
- shall be entitled to have his drains or sewer communicate with the public sewer of any sewerage undertaker and thereby to discharge foul water and surface water from those premises or that private sewer.”

Commencement Information

I23 S. 43 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Marginal Citations

M20 1991 c. 56.

44 Bulk supplies of water.

The following sections shall be substituted for section 40 of the Water Industry Act 1991 (bulk supplies of water)—

“40 Bulk supplies.

- (1) Where, on the application of any qualifying person—
 - (a) it appears to the Director that it is necessary or expedient for the purposes of securing the efficient use of water resources, or the efficient supply of water, that the water undertaker specified in the application (“the supplier”) should give a supply of water in bulk to the applicant, and
 - (b) the Director is satisfied that the giving and taking of such a supply cannot be secured by agreement,the Director may by order require the supplier to give and the applicant to take such a supply for such period and on such terms and conditions as may be provided in the order.
- (2) In this section “qualifying person” means—
 - (a) a water undertaker; or
 - (b) a person who has made an application for an appointment or variation under section 8 above which has not been determined.
- (3) Where the application is made by a person who is a qualifying person by virtue of subsection (2)(b) above, an order made under this section in response to that application shall be expressed not to come into force until the applicant becomes a water undertaker for the area specified in the order, or for an area which includes that area.
- (4) Subject to subsection (3) above, an order under this section shall have effect as an agreement between the supplier and the applicant.
- (5) The Director shall not make an order under this section unless he has first consulted the NRA.
- (6) In exercising his functions under this section, the Director shall have regard to the desirability of—
 - (a) facilitating effective competition within the water supply industry;
 - (b) the supplier’s recovering the expenses of complying with its obligations by virtue of this section and securing a reasonable return on its capital;
 - (c) the supplier’s being able to meet its existing obligations, and likely future obligations, to supply water without having to incur unreasonable expenditure in carrying out works;
 - (d) not putting at risk the ability of the supplier to meet its existing obligations, or likely future obligations, to supply water.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

40A Variation and termination of bulk supply agreements.

- (1) This section applies where, on the application of any party to a bulk supply agreement—
 - (a) it appears to the Director that it is necessary or expedient for the purpose of securing the efficient use of water resources, or the efficient supply of water, to vary the agreement or to terminate it, and
 - (b) the Director is satisfied that that cannot be achieved by agreement between the parties to the agreement.
- (2) The Director may by order—
 - (a) vary the agreement by—
 - (i) varying the period for which the supply of water is to be given; or
 - (ii) varying any of the terms or conditions on which that supply is to be given; or
 - (b) terminate the agreement.
- (3) Before making any order under this section the Director shall consult the NRA.
- (4) Where an order is made under this section the agreement concerned shall have effect subject to the provision made by the order or (as the case may be) shall cease to have effect.
- (5) An order under this section may require the payment of compensation by any party to the agreement to any other party.
- (6) The obligations of a water undertaker under subsection (5) above shall be enforceable under section 18 above by the Director.
- (7) In exercising his functions under this section, the Director shall have regard to the expenses incurred by the supplier in complying with its obligations under the bulk supply agreement and to the desirability of—
 - (a) facilitating effective competition within the water supply industry;
 - (b) the supplier's recovering the expenses of complying with its obligations by virtue of this section and securing a reasonable return on its capital;
 - (c) the supplier's being able to meet its existing obligations, and likely future obligations, to supply water without having to incur unreasonable expenditure in carrying out works;
 - (d) not putting at risk the ability of the supplier to meet its existing obligations, or likely future obligations, to supply water.
- (8) In this section—

“bulk supply agreement” means an agreement between one or more water undertakers for the supply of water in bulk and includes—

 - (a) an order under section 40 above which is deemed to be an agreement by virtue of subsection (4) of that section; and
 - (b) any agreement which has been varied by order under this section; and

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

“supplier”, in relation to a bulk supply agreement, means any water undertaker which is required by the agreement to provide a bulk supply of water.”

Commencement Information

I24 S. 44 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

45 New connections with public sewers.

The following section shall be inserted in the ^{M21}Water Industry Act 1991 after section 110—

“110A New connections with public sewers.

- (1) Where, on the application of any qualifying person—
 - (a) it appears to the Director that it is necessary or expedient for the purposes of this Part that the sewerage undertaker specified in the application (“the established undertaker”) should permit a main connection into his sewerage system, and
 - (b) the Director is satisfied that the making of such a connection cannot be secured by agreement,the Director may by order require the established undertaker to allow the connection for such period and on such terms and conditions as may be provided in the order.
- (2) In this section “qualifying person” means—
 - (a) a sewerage undertaker; or
 - (b) a person who has made an application for an appointment or variation under section 8 above which has not been determined.
- (3) In subsection (1) above a “main connection” means a connection—
 - (a) between a sewer or disposal main and a sewer or disposal main; or
 - (b) a connection which allows a sewer or disposal main to discharge directly into a sewage disposal works.
- (4) Where the application is made by a person who is not a sewerage undertaker at the time when the application is made, an order made under this section in response to that application shall be expressed not to come into force until the applicant becomes a sewerage undertaker for the area specified in the order, or for an area which includes that area.
- (5) Subject to subsection (4) above, an order under this section shall have effect as an agreement between the established undertaker and the applicant but may be varied or revoked by a subsequent order made by the Director on the application of either party to the agreement, as well as by agreement between the parties.
- (6) The Director shall not make an order under this section unless he has first consulted the NRA.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (7) In exercising his functions under this section, the Director shall have regard to the desirability of—
- (a) facilitating effective competition within the sewerage services industry;
 - (b) the existing undertaker’s recovering the expenses of complying with its obligations by virtue of this section and securing a reasonable return on its capital;
 - (c) the existing undertaker’s being able to meet its existing obligations, and likely future obligations, to provide sewerage services without having to incur unreasonable expenditure in carrying out works;
 - (d) not putting at risk the ability of the existing undertaker to meet its existing obligations, or likely future obligations, to provide such services.”

Commencement Information

I25 S. 45 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M21 1991 c. 56.

46 Discharges into and from public sewers.

- (1) In section 87 of the ^{M22}Water Resources Act 1991 (discharges into and from public sewers), the following subsections shall be substituted for subsection (1)—

“(1) This section applies for the purpose of determining liability where sewage effluent is discharged as mentioned in subsection (3) or (4) of section 85 above from any sewer or works (“the discharging sewer”) vested in a sewerage undertaker (“the discharging undertaker”).

- (1A) If the discharging undertaker did not cause, or knowingly permit, the discharge it shall nevertheless be deemed to have caused the discharge if—

- (a) matter included in the discharge was received by it into the discharging sewer or any other sewer or works vested in it;
- (b) it was bound (either unconditionally or subject to conditions which were observed) to receive that matter into that sewer or works; and
- (c) subsection (1B) below does not apply.

- (1B) This subsection applies where the sewage effluent was, before being discharged from the discharging sewer, discharged through a main connection into that sewer or into any other sewer or works vested in the discharging undertaker by another sewerage undertaker (“the sending undertaker”) under an agreement having effect between the discharging undertaker and the sending undertaker under section 110A of the Water Industry Act 1991.

- (1C) Where subsection (1B) above applies, the sending undertaker shall be deemed to have caused the discharge if, although it did not cause, or knowingly permit, the sewage effluent to be discharged into the discharging sewer, or into any other sewer or works of the discharging undertaker—

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (a) matter included in the discharge was received by it into a sewer or works vested in it; and
 - (b) it was bound (either unconditionally or subject to conditions which were observed) to receive that matter into that sewer or works.”
- (2) The following subsection shall be inserted at the end of section 87 of the Act of 1991—
- “(4) In this section “main connection” has the same meaning as in section 110A of the Water Industry Act 1991.”
- (3) This section applies only in relation to discharges occurring after it comes into force.

Commencement Information

I26 S. 46 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M22 1991 c. 57.

47 Pipe-laying by water or sewerage undertaker in area of another such undertaker.

In section 192 of the ^{M23}Water Industry Act 1991 (interpretation of Part VI of that Act), the following subsections shall be inserted after subsection (3)—

- “(3A) A relevant undertaker proposing to exercise any of its powers under section 158 or 159 above outside its own area shall, if subsection (3B) below applies, give notice of its proposal to the water undertaker or (as the case may be) sewerage undertaker for the area in question and, if that subsection applies, shall not carry out its proposal—
- (a) without the consent of that other undertaker; or
 - (b) where that other undertaker refuses to give its consent, or fails to give its consent before the end of the period of 28 days beginning with the day on which it is notified of the proposal, without the consent of the Director.
- (3B) This subsection applies where the proposal is to lay—
- (a) a water main which is not intended to be—
 - (i) a trunk main; or
 - (ii) a water main used solely for the purpose of supplying water otherwise than for domestic purposes; or
 - (b) a sewer which is intended to be a public sewer but not a storm-water overflow sewer.”

Commencement Information

I27 S. 47 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Marginal Citations

M23 1991 c. 56.

PART III

MISCELLANEOUS AND SUPPLEMENTAL

48 Compliance orders against public gas suppliers.

- (1) Section 28 of the ^{M24}Gas Act 1986 (orders for securing compliance with certain provisions) shall be amended as follows.
- (2) For the words “has contravened and is likely again”, in each place where they occur in subsections (1), (2) and (4), there shall be substituted “ is likely ”.
- (3) In subsection (5), after “confirmation of the order” there shall be inserted—
 “ (aa) that the public gas supplier has agreed to take and is taking all such steps as it appears to the Director for the time being to be appropriate for the supplier to take for the purpose of securing or facilitating compliance with the condition or requirement in question; ”.

Commencement Information

I28 S. 48 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M24 1986 c. 44.

^{F10}49 Telecommunications: powers to make regulations.

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Textual Amendments

F10 S. 49 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

^{F11}50 Protection of interests of customers of water and sewerage undertakers.

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Textual Amendments

F11 S. 50 repealed (1.4.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 30, **Sch. 9 Pt. 3**; S.I. 2005/968, art. 2(m)(i)(n)

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

51 Conditions for connections with water mains and for supplies of water.

(1) Section 47 of the Water Industry Act 1991 (conditions of connection with water main) shall be amended as set out in subsections (2) to (4).

(2) In subsection (2)(b)(ii), after “expenses” there shall be inserted “ reasonably ”.

(3) After subsection (2) there shall be inserted the following subsection—

“(2A) No condition shall be imposed by a water undertaker under subsection (2)(e) above unless it is reasonable to do so in order to ensure that the undertaker will be able to perform its functions, in relation to the supply of water to the relevant premises or any part of those premises, efficiently.”

(4) After subsection (3) there shall be inserted the following subsections—

“(3A) Any dispute as to whether any requirement of a kind mentioned in subsection (2)(a), (b), (e) or (f) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.

(3B) Any dispute between a water undertaker and any other person as to whether—

- (a) any security required by a condition imposed under subsection (2)(a) above was reasonably required,
 - (b) the expenses referred to in subsection (2)(b)(ii) above were incurred reasonably, or
 - (c) in a particular case, subsection (2A) above prevents a water undertaker from imposing a condition under subsection (2)(e) above,
- may be referred to the Director for determination under section 30A above by either party to the dispute.”

(5) In section 53 of the Act of 1991 (conditions of compliance with domestic supply duty), in subsection (2)(a)(ii), after “expenses” there shall be inserted “ reasonably ” and after subsection (2) there shall be inserted the following subsection—

“(2A) Any dispute between a water undertaker and any other person as to whether the expenses referred to in subsection (2)(a)(ii) above were incurred reasonably may be referred to the Director for determination under section 30A above by either party to the dispute.”

Commencement Information

I29 S. 51 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

52 Water supply and sewerage services: powers to make regulations.

In section 213 of the ^{M25}Water Industry Act 1991 (powers to make regulations), the following subsections shall be inserted after subsection (2)—

“(2A) Such regulations may include provision—

- (a) for the determination of questions of fact or of law which may arise in giving effect to the regulations;

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (b) for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions;
- (c) as to the mode of proof of any matter;
- (d) as to parties and their representation; and
- (e) for the right to appear before and be heard by the Secretary of State, the Director and other authorities.

(2B) Any such regulations which prescribe a period within which things are to be done may provide for extending the period so prescribed.”

Commencement Information

I30 S. 52 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Marginal Citations

M25 1991 c. 56.

53 Meters for disabled persons.

^{F12}(1)

(2) The following subsection shall be inserted in section 148 of the ^{M26}Water Industry Act 1991 (restriction on charging for metering works), after subsection (1)—

“(1A) References in subsection (1) above to expenses include references to expenses incurred in meeting the needs of a disabled person.”

(3) The following subsection shall be inserted in section 148 of the Act of 1991, after subsection (4)—

“(4A) Subsection (4) above is subject to any regulations made by virtue of section 149(2)(aa) below.”

(4) In section 149(2) of the Act of 1991 (regulations about metering etc.), the following paragraph shall be inserted after paragraph (a)—

“(aa) require a relevant undertaker who, for the purpose of meeting the needs of a disabled person—

- (i) alters the position of any meter;
- (ii) installs an additional meter; or
- (iii) does any other work in connection with any meter,

to bear any expenses incurred by the undertaker in doing so; ”.

Textual Amendments

F12 S. 53(1) repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Marginal Citations

M26 1991 c. 56.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

54 Corresponding provision for Northern Ireland.

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M27}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to purposes of any of the provisions mentioned in subsection (2)—
 - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) The provisions are—
 - (a) sections 20 to 25;
 - (b) paragraphs 11 to 16 of Schedule 1; and
 - (c) the entries in Schedule 2 relating to the ^{M28}Electricity Act 1989.

Marginal Citations

- M27** 1974 c. 28.
M28 1989 c. 29.

55 Expenses.

There shall be paid out of money provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of money so provided under any other Act.

Commencement Information

- I31** [S. 55](#) wholly in force at 30.5.1992 see [s. 56\(2\)](#) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 2.

56 Short title, commencement and extent, etc.

- (1) This Act may be cited as the Competition and Service (Utilities) Act 1992.
- (2) Section 54 and subsections (1) to (5) of this section shall come into force on the passing of this Act but otherwise this Act shall come into force on such date as may be appointed by order made by the Secretary of State.
- (3) Different dates may be appointed for different provisions of this Act and for different purposes.
- (4) The following provisions of this Act do not extend to Scotland—
 - (a) sections 26 to 36;
 - (b) sections 39 to 47;
 - (c) sections 50 to 52;
 - (d) section 53(2) to (4); and
 - (e) Schedules 1 and 2, so far as they affect any enactment which does not extend to Scotland.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- (5) The following provisions of this Act extend to Northern Ireland—
- (a) sections 1 to 10, 49 and 54;
 - (b) subsections (1) to (4), this subsection and, so far as is necessary to give effect to paragraph (c), subsection (6); and
 - (c) Schedule 1, so far as it amends any enactment which extends to Northern Ireland.
- (6) The minor and consequential amendments set out in Schedule 1 shall have effect.
- (7) The repeals set out in Schedule 2 shall have effect.

Extent Information

E2 S. 56 extends to England and Wales, Scotland and Northern Ireland as mentioned in s. 56(4)(5)

Subordinate Legislation Made

P1 S. 56(2) power partly exercised (29.5.1992): different dates appointed for specified provisions by Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, arts. 2, 3, 4.

Commencement Information

I32 S. 56 wholly in force; S. 56(1)-(5) in force at Royal Assent see s. 56(2)(3); s. 56(6) in force for certain purposes and s. 56(7) wholly in force at 1.7.1992 by Competition and Services (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I; s. 56(6) wholly in force at 1.9.1992 by art. 4, Sch. Pt. II of that Order.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 56(6).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Telecommunications Act 1984 (c.12)

F13¹

Textual Amendments

F13 Sch. 1 para. 1 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F14²

Textual Amendments

F14 Sch. 1 para. 2 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts. 1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

3 In section 101 of the Act of 1984 (general restrictions on disclosure of information)

—

(a) the following paragraph shall be inserted in subsection (2), after paragraph (b)—

“ (bb) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment; ” and

F15(b)

Textual Amendments

F15 Sch. 1 para. 3(b) repealed (29.12.2003) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

F16⁴

Textual Amendments

F16 Sch. 1 para. 4 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), Sch. 19(1) Note 1 (with Sch. 18); S.I. 2003/1900, arts.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

1(2), 2(1), Schs. 1 (with art. 3) (as amended by S.I. 2003/3142, art. 1(3)); S.I. 2003/3142, art. 3(1), Sch. 1 (with art. 11)

The Gas Act 1986 (c.44)

F17₅

Textual Amendments

F17 Sch. 1 para. 5 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

F18₆

Textual Amendments

F18 Sch. 1 para. 6 repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

7 In section 38(1) of the Act of 1986 (power to require information etc.), for “or 31” there shall be substituted “ 31 or 33E ”.

Commencement Information

I33 Sch. 1 para. 7 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

8 In section 42 of the Act of 1986 (general restrictions on disclosure of information)—
(a) the following paragraph shall be inserted in subsection (2), after paragraph (c)—
“ (cc) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment; ” and
(b) in subsection (4)(a), after “section”, in the first place where it occurs, there shall be inserted “ 33C or ”.

Commencement Information

I34 Sch. 1 para. 8 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

9 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 47 of the Act of 1986 (general provisions as to regulations under Part I).
(2) In subsection (1)—
(a) in paragraph (c), for “and be heard of” there shall be substituted “ before and be heard by ”; and
(b) in paragraph (d), after “costs” there shall be inserted “ or expenses ”.

F19(3)

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Textual Amendments

F19 Sch. 1 para. 9(3) repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Commencement Information

I35 Sch. 1 para. 9 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 10 In section 48(1) of the Act of 1986 (interpretation of Part I and savings), in the definition of “prescribed”, after “regulations”, there shall be inserted “ (except in section 33A above) ”.

Commencement Information

I36 Sch. 1 para. 10 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

The Electricity Act 1989 (c.29)

- 11 In section 23 of the Electricity Act 1989 (determination of disputes), the following subsection shall be inserted after subsection (1)—

“(1A) Any person making an order under subsection (1) above shall include in the order his reasons for reaching his decision with respect to the dispute.”

Commencement Information

I37 Sch. 1 para. 11 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 12 In section 25 of the Act of 1989 (orders for securing compliance), in the definition of “relevant requirement” in subsection (8), after “above” there shall be inserted “ or section 40(3), 41(3), 42A or 42B below ”.

Commencement Information

I38 Sch. 1 para. 12 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 13 In section 28(1) of the Act of 1989 (power to require information) after “above”, insert “ or 42B below ”.

Commencement Information

I39 Sch. 1 para. 13 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 14 In section 39 of the Act of 1989 (electricity supply: performance in individual cases), the following subsection shall be inserted after subsection (5)—

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

“(5A) Any person making an order under subsection (5) above shall include in the order his reasons for reaching his decision with respect to the dispute.”

Commencement Information

I40 Sch. 1 para. 14 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

15 In section 41 of the Act of 1989 (promotion of efficient use of electricity), the following subsections shall be added at the end—

- “(3) Each public electricity supplier shall, in such form and manner and with such frequency as the Director may direct, take steps to inform his customers of—
- (a) the standards determined under this section which are applicable to that supplier; and
 - (b) that supplier’s level of performance as respects those standards.”

Commencement Information

I41 Sch. 1 para. 15 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

16 In Schedule 7 to the Act of 1989 (use of electricity meters), the following shall be substituted for paragraph 1(2)—

- “(2) If the electricity supplier agrees, the meter may be provided by the customer; but otherwise it shall be provided by the electricity supplier (whether by way of sale, hire or loan).
- (2A) A public electricity supplier may refuse to allow one of his customers to provide a meter only if there are reasonable grounds for his refusal.”

Commencement Information

I42 Sch. 1 para. 16 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

The Water Industry Act 1991 (c.56)

17 In section 8 of the Water Industry Act 1991 (procedure with respect to appointments and variations)—

- (a) in subsections (2)(a) and (4)(b) “ the NRA ” shall be inserted after “appointee”; and
- (b) in subsection (5)(b) “ the NRA and on ” shall be inserted after “on”.

Commencement Information

I43 Sch. 1 para. 17 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- 18 In section 38 of the Act of 1991 (standards of performance in connection with water supply) the following subsection shall be added at the end—

“(5) Where the Director determines any dispute in accordance with regulations under this section he shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.”

Commencement Information

I44 Sch. 1 para. 18 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 19 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 39(1) of the Act of 1991 (procedure for regulations about standards of performance in connection with water supply).

- (2) For paragraph (b) there shall be substituted—

“(b) the Secretary of State is satisfied that a copy of the application has been served by the Director—

- (i) on every water undertaker specified in the application; and
- (ii) on persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations;”.

- (3) In paragraph (c)(ii), after “undertaker” there shall be inserted “ or person or body on whom a copy of the application has been served under paragraph (b)(ii) above ”.

Commencement Information

I45 Sch. 1 para. 19 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 20 In section 52 of the Act of 1991 (the domestic supply duty), in subsection (3)(a) for “a water main” there shall be substituted “ one of the water undertaker’s water mains ”.

Commencement Information

I46 Sch. 1 para. 20 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 21 In section 64 of the Act of 1991 (supply of water by means of separate service pipes)—

- (a) the words “within its area” shall be omitted from subsection (1); and
- (b) in subsection (2), for the words “was provided to those houses before 15th April 1981 wholly or partly by the same service pipe and continues to be so provided” there shall be substituted “ is provided wholly or partly by the same service pipe ”.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Commencement Information

I47 Sch. 1 para. 21 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 22 In section 65(9) of the Act of 1991 (duties of undertakers as respects constancy and pressure), for “Secretary of State” there shall be substituted “ Director ”.

Commencement Information

I48 Sch. 1 para. 22 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 23 In section 79(6) of the Act of 1991 (local authority functions where piped supplies are insufficient or unwholesome), for “Secretary of State” there shall be substituted “ Director ”.

Commencement Information

I49 Sch. 1 para. 23 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 24 In section 95 of the Act of 1991 (standards of performance in connection with provision of sewerage services) the following subsection shall be added at the end—
- “(5) Where the Director determines any dispute in accordance with regulations under this section he shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.”

Commencement Information

I50 Sch. 1 para. 24 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

- 25 (1) The amendments set out in sub-paragraphs (2) and (3) shall be made in section 96(1) of the Act of 1991 (procedure for regulations about standards of performance in connection with provision of sewerage services).
- (2) For paragraph (b) there shall be substituted—
- “(b) the Secretary of State is satisfied that a copy of the application has been served by the Director—
- (i) on every sewerage undertaker specified in the application; and
- (ii) on persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations;”.
- (3) In paragraph (c)(ii), after “undertaker” there shall be inserted “ or person or body on whom a copy of the application has been served under paragraph (b)(ii) above ”.

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

Commencement Information

I51 Sch. 1 para. 25 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

26 In section 98(4) of the Act of 1991 (breach of duty of sewerage undertaker to provide public sewer) for “water” there shall be substituted “sewerage”.

Commencement Information

I52 Sch. 1 para. 26 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

27 In section 206(4)(a) of the Act of 1991 (restriction on disclosure of information), after “section” there shall be inserted “ 38A, 95A or ”.

Commencement Information

I53 Sch. 1 para. 27 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

28 In section 213(2) of the Act of 1991 (powers to make regulations), the following paragraph shall be inserted after paragraph (d)—
“ (dd) as to awarding costs or expenses of proceedings in any determination under the regulations, including the amount of the costs or expenses and the enforcement of the awards; ”.

Commencement Information

I54 Sch. 1 para. 28 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

29 In paragraph 1(3) of Schedule 12 to the Act of 1991 (disputes about compensation for street works etc. to go to arbitration) for “Secretary of State” there shall be substituted “ Director ”.

Commencement Information

I55 Sch. 1 para. 29 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

30 In paragraph 4(2) of that Schedule (disputes about compensation for sewerage works etc. to go to arbitration) for “Secretary of State” there shall be substituted “ Director ”.

Commencement Information

I56 Sch. 1 para. 30 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

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Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

- 31 In paragraph 4(3) of that Schedule (compensation claims)—
- (a) for “£50” there shall be substituted “ £5,000 ”; and
 - (b) for the words from “on the application of” to the end there shall be substituted “ be referred to the Director for determination under section 30A of this Act by either party. ”

Commencement Information

I57 Sch. 1 para. 31 wholly in force at 1.9.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

SCHEDULE 2

Section 56(7).

REPEALS

Extent Information

E3 Sch. 2 extends to England, Wales and Scotland as mentioned in s. 56(4)(5)

Commencement Information

I58 Sch. 2 wholly in force at 1.7.1992 see s. 56(2) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

| Chapter | Short title | Extent of repeal |
|------------|------------------------------|---|
| 1986 c.44. | The Gas Act 1986. | In section 7(7)(a), the words “relating to the supply of gas, or requiring information to be furnished to the Director or published”. Section 19(8). |
| 1989 c.29. | The Electricity Act 1989. | In section 23(2), the words “to continue”, in both places. In section 39(1), the word “and” immediately before paragraph (b). In section 40(1), the words from “after” to “affected”. |
| 1991 c.56. | The Water Industry Act 1991. | Section 35(3). In section 36(3), paragraphs (a)(ii) and (b)(ii). In section 45(1), the words “in the undertaker’s area”. |

Status: Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992. (See end of Document for details)

In section 52(2), the words
“and which are situated in the
area of the undertaker”.

In section 64(1), the words
“within its area”.

Section 106(7).

Section 113(5).

In Schedule 12, paragraph
4(4).

Status:

Point in time view as at 01/04/2005. This version of this Act contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992.