



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

PART III **U.K.**

MISCELLANEOUS AND SUPPLEMENTAL

48 Compliance orders against public gas suppliers. **E+W+S**

- (1) Section 28 of the ^{M1}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

- II** [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

- M1** [1986 c. 44.](#)

^{F1}49 Telecommunications: powers to make regulations. **U.K.**

.....

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

Textual Amendments

- F1** S. 49 repealed (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by Communications Act 2003 (c. 21), s. 411(2), **Sch. 19(1)** Note 1 (with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)

F2 50 Protection of interests of customers of water and sewerage undertakers. **E+W**

.....

Textual Amendments

- F2** S. 50 repealed (1.4.2005) by Water Act 2003 (c. 37), s. 105(3), Sch. 7 para. 30, **Sch. 9 Pt. 3**; S.I. 2005/968, art. 2(m)(i)(n)

51 Conditions for connections with water mains and for supplies of water. **E+W**

- (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—

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

“(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

I2 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. E+W

In section 213 of the ^{M2}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;
 - (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

I3 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

M2 1991 c. 56.

53 Meters for disabled persons. E+W+S

^{F3}(1)

(2) The following subsection shall be inserted in section 148 of the ^{M3}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)—

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

“(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

F3 S. 53(1) repealed (1.3.1996) by 1995 c. 45, s. 17(5), Sch. 6; S.I. 1996/218, art. 2

Marginal Citations

M3 1991 c. 56.

54 Corresponding provision for Northern Ireland. **U.K.**

(1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M4}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 ^{M5}Electricity Act 1989.

Marginal Citations

M4 1974 c. 28.

M5 1989 c. 29.

55 Expenses. **E+W+S**

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.

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

Commencement Information

- I4** 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. **U.K.**

- (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.
- (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

- E1** 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

- I5** 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.

Changes to legislation:

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