



# Competition and Service (Utilities) Act 1992

## 1992 CHAPTER 43

### PART III

#### MISCELLANEOUS AND SUPPLEMENTAL

#### **48 Compliance orders against public gas suppliers**

- (1) Section 28 of the 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;”.

#### **49 Telecommunications: powers to make regulations**

The following section shall be inserted in the Telecommunications Act 1984, after section 46—

#### *“Regulations*

#### **46A Powers to make regulations**

- (1) Any power under this Part of this Act to make regulations shall be exercisable by statutory instrument.

- (2) Any statutory instrument containing regulations made by the Secretary of State under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any such regulations may—
- (a) provide for the determination of questions of fact or of law which may arise in giving effect to the regulations;
  - (b) make provision 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) make provision as to the mode of proof of any matter;
  - (d) make provision as to parties and their representation;
  - (e) provide for the right to appear before and be heard by the Secretary of State, the Director and other authorities;
  - (f) make provision as to awarding costs or expenses of proceedings for the determination of such questions, including the amount of the costs or expenses and the enforcement of the awards;
  - (g) provide for anything falling to be determined under the regulations to be determined by such persons, in accordance with such procedure and by reference to such matters and to the opinion of such persons, as may be prescribed by the regulations;
  - (h) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
  - (i) make such supplemental, consequential and transitional provision as the Secretary of State or, as the case may be, the Director considers appropriate.
- (4) Any such regulations which prescribe a period within which things are to be done may provide for extending the period so prescribed.”

## **50 Protection of interests of customers of water and sewerage undertakers**

In section 2 of the Water Industry Act 1991 (general duties with respect to water industry), in subsection (3), the following paragraph shall be inserted after paragraph (b)—

- “(bb) to ensure that the interests of every such person are also protected as respects any activities of that company which are not attributable to the exercise of functions of a relevant undertaker, or as respects any activities of any person appearing to the Secretary of State or (as the case may be) the Director to be connected with that company, and in particular by ensuring—
- (i) that transactions are carried out at arm’s length; and
  - (ii) that that company, in relation to the exercise of its functions as a relevant undertaker, maintains and presents accounts in a suitable form and manner;”.

## **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.”

## **52 Water supply and sewerage services: powers to make regulations**

In section 213 of the 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

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*Status: This is the original version (as it was originally enacted).*

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(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.”

### **53 Meters for disabled persons**

(1) In Schedule 5 to the Gas Act 1986 (the public gas supply code), the following subparagraph shall be added at the end of paragraph 3—

“(4) A public gas supplier who, for the purpose of meeting the needs of a disabled person—

(a) alters the position of any gas meter which has been provided by that supplier, or

(b) replaces such a meter with one which has been specially adapted, shall not make any charge for the alteration or replacement.”

(2) The following subsection shall be inserted in section 148 of the 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;”.

### **54 Corresponding provision for Northern Ireland**

(1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the 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 Electricity Act 1989.

## **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.

## **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.
- (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.