



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

PART II

COMPETITION

Water supply and sewerage services

45 New connections with public sewers.

The following section shall be inserted in the ^{M1}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—

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 45. (See end of Document for details)

- (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.
- (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

II 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

M1 1991 c. 56.

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