

SCHEDULES

SCHEDULE 8

MINOR AND CONSEQUENTIAL AMENDMENTS: LICENSING OF WATER SUPPLIERS ETC

Water Industry Act 1991 (c. 56)

- 4 (1) Section 18 (orders for securing compliance) is amended as follows.
- (2) In subsection (1)—
- (a) after “this Part” there is inserted “or a licence under Chapter 1A of this Part”;
 - and
 - (b) in paragraph (a), after “appointment” there is inserted “or licence”.
- (3) After that subsection there is inserted—
- “(1A) Subject to subsection (2) and sections 19 and 20 below, where—
- (a) in the case of any company holding an appointment under Chapter 1 of this Part, the Secretary of State or the Authority is satisfied that the company—
 - (i) is causing or contributing to a contravention of a condition or requirement such as is referred to in paragraph (a)(i) or (ii) of subsection (1) above by a company holding a licence under Chapter 1A of this Part; or
 - (ii) is likely to cause or contribute to any such contravention; or
 - (b) in the case of any company holding a licence under Chapter 1A of this Part, the Secretary of State or the Authority is satisfied that the company—
 - (i) is causing or contributing to a contravention of a condition or requirement such as is referred to in paragraph (a)(i) or (ii) of subsection (1) above by a company holding an appointment under Chapter 1 of this Part; or
 - (ii) is likely to cause or contribute to any such contravention,he or it shall by a final enforcement order make such provision as is requisite for the purpose of securing compliance with that condition or requirement.”
- (4) In subsection (2)—
- (a) after “this Part” there is inserted “or a licence under Chapter 1A of this Part”;
 - and
 - (b) in paragraph (a), after “subsection (1)” there is inserted “or (1A)”.
- (5) In subsection (4), after paragraph (a)(ii) there is inserted “or
- (iii) is causing or contributing to a contravention of any such condition or requirement; or
 - (iv) is likely to cause or contribute to any such contravention;”.
- (6) In subsection (6)—

Status: This is the original version (as it was originally enacted).

- (a) in paragraph (a)—
 - (i) after “this Part” there is inserted “or a licence under Chapter 1A of this Part”; and
 - (ii) in sub-paragraph (i), after “appointment” there is inserted “or licence”; and
- (b) in paragraph (b), after “this Part” there is inserted “or of a licence under Chapter 1A of this Part”.

(7) For subsection (8) there is substituted—

“(8) Where any act or omission—

- (a) constitutes a contravention of a condition of an appointment under Chapter 1 of this Part or of a condition of a licence under Chapter 1A of this Part or of a statutory or other requirement enforceable under this section; or
- (b) causes or contributes to a contravention of any such condition or requirement,

the only remedies for, or for causing or contributing to, that contravention (apart from those available by virtue of this section) shall be those for which express provision is made by or under any enactment and those that are available in respect of that act or omission otherwise than by virtue of its constituting, or causing or contributing to, such a contravention.”