



# Water Act 2014

## 2014 CHAPTER 21

### PART 1

#### WATER INDUSTRY

### CHAPTER 3

#### REGULATION OF THE WATER INDUSTRY

*Regulation of relevant undertakers, water supply licensees and sewerage licensees*

#### **36 Obtaining information for enforcement purposes**

(1) Section 203 of the Water Industry Act 1991 (power to acquire information for enforcement purposes) is amended as follows.

(2) For subsection (1) there is substituted—

“(1) The Minister or the Authority may serve a notice under subsection (2) in respect of—

- (a) a company that holds an appointment as a relevant undertaker, if of the opinion that Condition 1 is satisfied, or
- (b) a person who holds a licence under Chapter 1A of Part 2, if of the opinion that Condition 2 is satisfied.

(1A) Condition 1 is that the company—

- (a) may be contravening, or may have contravened, a condition of the appointment or a statutory or other requirement enforceable under section 18,
- (b) may be causing or contributing to, or may have caused or contributed to, a contravention by another company holding an appointment as a relevant undertaker of a condition of the appointment or a statutory or other requirement enforceable under section 18,

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**Changes to legislation:** *Water Act 2014, Section 36 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) may be causing or contributing to, or may have caused or contributed to, a contravention by a person holding a licence under Chapter 1A of Part 2 of a condition of the licence or a statutory or other requirement enforceable under section 18,
  - (d) has not met the standards prescribed under section 38(2) in connection with the provision of supplies of water, or
  - (e) has not met the standards prescribed under section 95(2) in connection with the provision of sewerage services.
- (1B) Condition 2 is that the person—
- (a) may be contravening, or may have contravened, a condition of the licence or a statutory or other requirement enforceable under section 18,
  - (b) may be causing or contributing to, or may have caused or contributed to, a contravention by a company holding an appointment as a relevant undertaker of a condition of the appointment or a statutory or other requirement enforceable under section 18,
  - (c) may be causing or contributing to, or may have caused or contributed to, a contravention by another person holding a licence under Chapter 1A of Part 2 of a condition of the licence or a statutory or other requirement enforceable under section 18,
  - (d) has not met the standards prescribed under section 38ZA(2) in connection with the provision of water supplies, or
  - (e) has not met the standards prescribed under section 95ZA(2) in connection with the provision of sewerage services.
- (1C) The notice may be served—
- (a) on any person;
  - (b) for any purpose connected with powers under Chapter 2 of Part 2.”
- (3) In subsections (2) and (6), for “Secretary of State”, in each place where those words occur, there is substituted “Minister”.
- (4) In subsection (7), for “or licence” there is substituted “or a person holding such a licence”.
- (5) After subsection (7) there is inserted—
- “(8) The Minister” means—
- (a) the Secretary of State, in respect of—
    - (i) any relevant undertaker whose area is wholly or mainly in England;
    - (ii) any water supply licensee or sewerage licensee carrying out licensed activities using the supply system or sewerage system of any such undertaker;
  - (b) the Welsh Ministers, in respect of—
    - (i) any relevant undertaker whose area is wholly or mainly in Wales;
    - (ii) any water supply licensee or sewerage licensee carrying out licensed activities using the supply system or sewerage system of any such undertaker.

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(9) In this section—

- (a) references to the supply system of a water undertaker are to be construed in accordance with section 17B;
- (b) references to the sewerage system of a sewerage undertaker are to be construed in accordance with section 17BA(7).”

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by [S.I. 2019/706 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by [S.I. 2017/926 art. 2](#)