

**2005 No. 268**

**WATER INDUSTRY, ENGLAND & WALES**

**The Water and Sewerage Undertakers (Inset Appointments)  
Regulations 2005**

<i>Made</i> - - - -	<i>9th February 2005</i>
<i>Laid before Parliament</i>	<i>10th February 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Secretary of State, in exercise of the powers conferred on her by sections 7(6) and 158(10) of the Water Industry Act 1991(a), having consulted the Director General of Water Services, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Water and Sewerage Undertakers (Inset Appointments) Regulations 2005 and shall come into force on 1st April 2005.

**Amendment of the Water Industry Act 1991**

2.—(1) The Water Industry Act 1991(b) is amended as follows.

(2) In section 7(5)(a)(ii) (continuity of appointments, replacement appointments etc.), “50 megalitres” is substituted for “100 megalitres”.

(3) In section 158(9)(b) (powers to lay pipes in streets), “50 megalitres” is substituted for “100 megalitres”.

9th February 2005

*Elliot Morley*  
Minister of State,  
Department for Environment, Food and Rural Affairs

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(a) 1991 c. 56; sections 7(6) and 158(10) were inserted by section 40(2) and (6) of the Competition and Service Utilities Act 1992 (c. 43). The functions of the Secretary of State under section 7(6) and 158(10) are, so far as exercisable in relation to a water or sewerage undertaker whose area is wholly or mainly in Wales, transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1991 (S.I. 1999/672); see the entry in Schedule 1 for the Water Industry Act 1991 as substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) and amended by article 4 of and Schedule 2 to the National Assembly for Wales (Transfer of Functions) Order 2004 (S.I. 2004/3044). This entry was also amended by section 100(2) of the Water Act 2003 (c.37) but not so as to affect sections 7(6) or 158(10).

(b) Sections 7(5) and 158(9) were amended by regulation 2 of the Water and Sewerage Undertakers (Inset Appointments) Regulations 2000 (S.I. 2000/1842).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 7(4)(bb) of the Water Industry Act 1991 permits the appointment of a company seeking to replace the existing water or sewerage undertaker for particular premises where the conditions prescribed in section 7(5) of the Act are satisfied. Section 7(5)(a) prescribes two threshold conditions relating to the quantity of water supplied or likely to be supplied to the premises in any twelve month period. One threshold applies if the area of the relevant undertaker is wholly or mainly in Wales and another in all other cases. For all those other cases these Regulations amend section 7(5)(a)(ii) of the Act by lowering the threshold from 100 megalitres to 50 megalitres.

As a consequence of the amendment to section 7(5)(a) of the Act, these Regulations also amend section 158(9)(b), which relates to powers to lay pipes in streets.

No regulatory impact assessment has been prepared in respect of these Regulations. A regulatory impact assessment in respect of the Water Act 2003 was prepared and placed in the library of each House of Parliament during the passage of the Water Bill. This included an assessment of the lowering of the threshold to 50 megalitres. Copies can be obtained from Water Supply and Regulation Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE or from the Department's website at [www.defra.gov.uk/environment/water/legislation](http://www.defra.gov.uk/environment/water/legislation).

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