
STATUTORY INSTRUMENTS

2013 No. 1582

The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013

Application of the Act

3.—(1) Schedule 1 (application of the Act and related provisions) has effect.

(2) Paragraphs (3) and (4) have effect for imposing duties on the Secretary of State and on the Authority as to when and how they should exercise and perform the powers and duties conferred or imposed on them by virtue of these Regulations.

(3) Section 2 of the Act^{M1} (general duties with respect to the water industry) applies as if—

[^{F1}(a) in subsection (1) (when the general duties of the Secretary of State and the Authority apply), after “by virtue of”, there were inserted “the Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 or”;

(b) in subsection (2A) (primary duties)—

(i) the “and” following paragraph (d) were repealed;

(ii) for paragraph (e), there were substituted—

“(e) to further the resilience objective;

(f) to secure that the functions of a licensed infrastructure provider are properly carried out; and

(g) to secure that relevant licensed infrastructure providers are able (in particular, by securing reasonable returns on their capital) to finance the proper carrying out of those function”];

(c) in subsection (3) (secondary duties)—

(i) in paragraph (a) (promoting of economy and efficiency), after “relevant undertaker”, there were inserted “ and companies that are licensed infrastructure providers in the carrying out of their functions ”; and

(ii) in paragraph (d) (protecting consumers from non statutory activities)—

(aa) in the words preceding sub-paragraph (i), after “relevant undertaker”, there were inserted “ or of a licensed infrastructure provider (as the case may be) ”; and

(bb) in sub-paragraph (ii), after “relevant undertaker”, there were inserted “ or as a licensed infrastructure provider (as the case may be) ”;

(d) in subsection (5) (meaning of water and drainage charges)—

(i) in paragraph (a), after “relevant undertaker”, there were inserted “ or a licensed infrastructure provider ”; and

(ii) in paragraph (b), after “such an undertaker” there were inserted “ or infrastructure provider ”; and

(e) in subsection (5A) (meaning of “consumers” and “interests of consumers”)—

- (i) in the definition of “consumers”, after “future consumers”, there were inserted “ and excludes relevant undertakers, so far as regards services provided by the licensed infrastructure provider for an infrastructure project to a relevant undertaker who is the incumbent undertaker in relation to the infrastructure project ”;
- (ii) the “and” following the definition of “consumers” were repealed; and
- (iii) after the definition of “the interests of consumers” there were inserted—
 “; and
 “relevant licensed infrastructure provider” means a licensed infrastructure provider whose charges fixed under section 142 below are limited by or under a condition of its project licence.”

^{F2}(f)

(4) Section 219 of the Act ^{M2} (general interpretation) applies with the modifications made by paragraph 16(2) of Schedule 1.

(5) Paragraphs (3)(b) to (e) and (4) have effect for imposing duties on the Secretary of State and on the Authority as to when and how they should exercise and perform the powers and duties mentioned in [^{F3}section 2(1)] of the Act (powers and duties conferred or imposed on them by virtue of the provisions of the Act relating to the regulation of relevant undertakers and of [^{F4}water supply licensees and sewerage licensees]) in cases where the exercise or performance of the power or duty in question is capable of affecting a licensed infrastructure provider.

F1	Reg. 3(3)(a)(b) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506) , arts. 1(1), 30(2)(a)
F2	Reg. 3(3)(f) omitted (31.3.2017) by virtue of The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506) , arts. 1(1), 30(2)(b)
F3	Words in reg. 3(5) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506) , arts. 1(1), 30(2)(c)(i)
F4	Words in reg. 3(5) substituted (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506) , arts. 1(1), 30(2)(c)(ii)
Marginal Citations	
M1	Section 2 was amended by section 54 of, and Schedule 10 to, the Competition Act 1998 (c. 41) , section 39 of the Water Act 2003 and by section 278 of, and Schedule 25 to, the Enterprise Act 2002 (c. 40) .
M2	Section 219(1) was amended by section 101(1) of, and Schedules 7 and 8 to, the Water Act 2003 , and by S.I. 2009/1947 . There are other amendments, but none is relevant.

Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Section 3.