
STATUTORY INSTRUMENTS

2013 No. 1582

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

Work done by the incumbent undertaker in relation to a specified infrastructure project

5.—(1) Subject to paragraph (3), the incumbent undertaker must not undertake a specified infrastructure project.

(2) Section 102 of the Act^{M1} (adoption of sewers and disposal works) does not apply to any sewer owned by a licensed infrastructure provider.

(3) Subject to paragraphs (4) and (5), the Secretary of State or the Authority may by notice permit or require the incumbent undertaker to undertake such preparatory work of such kind and for such purpose in relation to a specified infrastructure project as they may set out in the notice.

(4) The Secretary of State must—

(a) subject to paragraph (6), before exercising the power under paragraph (3), prepare draft reasons for exercising the power and consult—

(i) the incumbent undertaker;

(ii) the Authority;

(iii) where any part of the infrastructure in question is or is to be in Wales, the Welsh Ministers; and

(iv) any other person the Secretary of State thinks appropriate; and

(b) serve on the persons mentioned in sub-paragraph (a) any notice issued by the Secretary of State under paragraph (3).

(5) The Authority must—

(a) subject to paragraph (6), before exercising the power under paragraph (3), prepare draft reasons for exercising the power and consult—

(i) the incumbent undertaker;

(ii) the Secretary of State;

(iii) where any part of the infrastructure in question is or is to be in Wales, the Welsh Ministers; and

(iv) any other person the Authority thinks appropriate; and

(b) serve on the persons mentioned in sub-paragraph (a) any notice issued by it under paragraph (3).

(6) Paragraphs (4)(a) and (5)(a) do not apply to the extent that the Secretary of State or the Authority (as the case may be) has prepared draft reasons and consulted the persons specified in those paragraphs before these Regulations come into force.

(7) The Secretary of State or Authority may, having regard to any costs already incurred in pursuance of the notice, by notice vary or revoke the notice issued by the Secretary of State or the Authority (as the case may be) under paragraph (3).

Changes to legislation: *There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Section 5. (See end of Document for details)*

(8) Paragraphs (4) and (5) apply to a notice issued under paragraph (7) as they apply to a notice issued under paragraph (3).

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Marginal Citations

M1 [Section 102](#) was amended by section 96(1) of the Water Act 2003.

Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Section 5.