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STATUTORY INSTRUMENTS

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**2000 No. 1842**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Water and Sewerage Undertakers  
(Inset Appointments) Regulations 2000**

<i>Made</i>	- - - -	<i>11th July 2000</i>
<i>Laid before Parliament</i>		<i>20th July 2000</i>
<i>Coming into force</i>	- -	<i>17th August 2000</i>

The Secretary of State, in exercise of the powers conferred on him by sections 7(6) and 158(10) of the Water Industry Act 1991(1), 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 2000 and shall come into force on 17th August 2000.

**Amendment of the Water Industry Act 1991**

2.—(1) The Water Industry Act 1991(2) shall be amended as follows.

(2) In section 7(5) (continuity of appointments, replacement appointments etc.) the following shall be substituted for paragraph (a)—

“(a) the premises are, or are likely to be, supplied with not less than the following quantity of water in any period of twelve months:

- (i) if the area of the relevant undertaker concerned is wholly or mainly in Wales, 250 megalitres;
- (ii) in all other cases, 100 megalitres; and”.

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(1) 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).

(2) As inserted by section 40(2) of the Competition and Service (Utilities) Act 1992, section 7(5)(a) provides for a threshold of 250 megalitres of water in relation to both England and Wales. The functions of the Secretary of State under section 7(6) 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 the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the Water Industry Act 1991 (substituted by paragraph (e) of Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253) (W.5).

(3) In section 158 (powers to lay pipes in streets), the following shall be substituted for subsection (9)—

“(9) Where the company which has replaced the relevant undertaker has done so as water undertaker, in the application of this section and section 159 below in relation to that company any pipe supplying, or intended to supply, any of the premises referred to in subsection (8)(c) above with a supply of water which exceeds, or is likely to exceed, in any period of twelve months—

- (a) if the area of the relevant undertaker concerned is wholly or mainly in Wales, 250 megalitres;
- (b) in all other cases, 100 megalitres,

shall, for the purposes of subsection (7) above, be deemed to be a water main.”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Michael Meacher*  
Minister of State,  
Department of the Environment, Transport and  
the Regions

11th July 2000

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## 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 (the relevant undertaker) for particular premises where the two conditions prescribed in section 7(5) of the Act are satisfied. Section 7(5)(a) prescribes a threshold condition relating to the quantity of water supplied or likely to be supplied to the premises in any twelve month period.

These Regulations amend section 7(5)(a) of the Act by substituting a new paragraph (a) which leaves the threshold condition unchanged for a relevant undertaker whose area is wholly or mainly in Wales but amends it in all other cases by reducing it from 250 megalitres to 100 megalitres.

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