

(4) Subsection (1ZA) was inserted by Schedule 2 to [S.I. 2016/744](#).

“(ca) the premises are in a retail exit area and the pipe by means of which the premises are connected to the water main in question was first connected with that main in pursuance of section 66A(3);”.

(5) In section 66A (use by water supply licensee of undertaker’s supply system etc) after subsection (3) insert—

“(3A) A water undertaker is not required by this section to take any steps to enable the use of its supply system at a time when it is required to take those steps by virtue of a notice under section 41 or a connection notice.”.

(6) In section 98 (duty to comply with sewer requisition) omit subsection (2B)(5).

(7) In section 117A (use by sewerage licensee of undertaker’s system etc), after subsection (2) insert—

“(2A) A sewerage undertaker is not required by this section to take any steps to enable the use of its sewerage system at a time when it is required to take those steps by virtue of a notice under section 98(1) or (1A) or a request under section 101B(1).”.

(8) In section 158 (powers to lay pipes in streets), in subsection (7)(b)(ii), after “101B” insert “or any lateral drain which the undertaker is required to lay by virtue of section 117A(2) for the purpose of enabling the use of its sewerage system to provide sewerage services to premises in a retail exit area”.

(9) In section 159 (power to lay pipes in other land), in subsection (2)—

- (a) at the end of paragraph (a) omit “or”;
- (b) at the end of paragraph (b) insert “or”;
- (c) after paragraph (b) insert—

“(c) the undertaker is required to lay the pipe in, on or over that land by virtue of section 66A(3) for the purpose of enabling the use of its supply system to supply premises in a retail exit area.”.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations re-apply provisions of the Water Industry Act 1991 (c. 56) to water and sewerage undertakers operating in retail exit areas. This is to address unintended consequences on water and sewerage companies of the disapplication of those provisions by the Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016 (S.I. 2016/744).

Regulation 2 reinstates duties on undertakers to provide connection services on request in retail exit areas. The connection services are the provision of water mains (section 41), connection to water mains (section 45) and the provision of public sewers or lateral drains (section 98).

It also makes consequential changes to sections 52 (domestic supply duty), 66A (use by water supply licensee of water undertaker's supply system), 117A (use by sewerage licensee of undertaker's system), 158 (powers to lay pipes in streets) and 159 (powers to lay pipes in other land) to ensure that there are no overlapping duties on retailers or undertakers.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.