



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART IV

#### SEWERAGE SERVICES

#### CHAPTER I

##### GENERAL FUNCTIONS OF SEWERAGE UNDERTAKERS

*Performance of sewerage undertaker's functions by local authorities etc.*

#### **97 Performance of sewerage undertaker's functions by local authorities etc**

- (1) A relevant authority may, in accordance with any arrangements which it has entered into for the purpose with any sewerage undertaker, carry out sewerage functions on that undertaker's behalf in relation to such area comprising the whole or any part of that authority's relevant area, together (where that authority are a local authority or an urban development corporation and the arrangements so provide) with parts of any adjacent relevant areas of other relevant authorities, as may be specified in the arrangements.
- (2) Arrangements entered into for the purposes of this section may contain any such provision as may be agreed between the relevant authority and the sewerage undertaker but shall not affect the availability to any person, other than the relevant authority, of any remedy against the undertaker in respect of the carrying out of the undertaker's sewerage functions or of any failure to carry them out.
- (3) It is hereby declared that, if arrangements entered into for the purposes of this section so provide, a relevant authority shall be entitled to exercise on behalf of a sewerage undertaker any power which by or under any enactment is exercisable by the undertaker for the purposes of, or in connection with, the carrying out of the undertaker's sewerage functions.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Where arrangements entered into for the purposes of this section provide for a local authority to carry out the sewerage functions of a sewerage undertaker on the undertaker's behalf, section 101 of the Local Government Act 1972 (delegation of functions), so far as it relates to the carrying out of functions by a committee, sub-committee or officer of a local authority, shall have effect in relation to those sewerage functions only in so far as the arrangements do not otherwise provide.
- (5) In this section—
- “new town” has the same meaning as in the New Towns Act 1981;
  - “relevant area”—
    - (a) in relation to a local authority, means the area of the authority and the whole of any new town or urban development area any part of which is situated within the area of the authority;
    - (b) in relation to the Commission for the New Towns, means any new town;
    - (c) in relation to the development corporation for any new town, means that new town;
    - (d) in relation to the Development Board for Rural Wales, means any new town situated within the area for which the Board is for the time being responsible; and
    - (e) in relation to any urban development corporation for any urban development area, means that area;
  - “relevant authority” means any of the following, that is to say—
    - (a) a local authority;
    - (b) the Commission for the New Towns, a development corporation for a new town or the Development Board for Rural Wales;
    - (c) the urban development corporation for any urban development area;
  - “sewerage functions”, in relation to a sewerage undertaker, means any of the functions of the undertaker by virtue of its appointment under Chapter I of Part II of this Act as a sewerage undertaker, other than its functions relating to sewage disposal and its functions by virtue of Chapter III of this Part;
  - “urban development area” means any area so designated under Part XVI of the Local Government, Planning and Land Act 1980.
- (6) Nothing in the Public Health Act 1875 (Support of Sewers) Amendment Act 1883 shall apply in relation to any sanitary work by virtue of this section; and in this section “sanitary work” has the same meaning as in that Act of 1883.