



Competition and Service (Utilities) Act 1992

1992 CHAPTER 43

PART II

COMPETITION

Water supply and sewerage services

40 Inset appointments.

- (1) In section 7 of the Water Industry Act 1991 (continuity of appointments, replacement appointments etc.), in subsection (4), for “company; or”, at the end of paragraph (b) there shall be substituted—

“company;

- (bb) the appointment or variation relates only to parts of that area and the conditions mentioned in subsection (5) below are satisfied in relation to each of the premises in those parts which are served by that company; or”.

- (2) In section 7 of the Act of 1991 the following subsections shall be added at the end—

“(5) The conditions are that—

- (a) the premises are, or are likely to be, supplied with not less than 250 megalitres of water in any period of twelve months; and
(b) the person who is the customer in relation to the premises consents in writing to the appointment or variation.

- (6) The Secretary of State may, after consulting the Director, make regulations amending subsection (5)(a) above by substituting, for the quantity of water for the time being specified there, such smaller quantity as he considers appropriate.”

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 40. (See end of Document for details)

(3) In section 8 of the Act of 1991 (procedure with respect to appointments and variations) the following subsection shall be added at the end—

“(7) The Secretary of State may by regulations impose such additional procedural requirements as he considers appropriate for any case where the conditions mentioned in section 7(5) above are required to be satisfied in relation to an application for an appointment or variation replacing a company as a relevant undertaker.”

(4) In section 9 of the Act of 1991 (duties affecting making of appointments and variations), in subsection (3), after “(4)(b)” insert “ or (bb) ”.

(5) In section 36(3) of the Act of 1991, the following paragraphs are hereby repealed—

- (a) paragraph (a)(ii) (premises to be treated as being served by a water undertaker holding an appointment under Chapter I of Part I of that Act if they consist in a building or part of a building which is situated within thirty metres of a distribution main of that company); and
- (b) paragraph (b)(ii) (premises to be treated as being served by a sewerage undertaker holding an appointment under Chapter I of Part I of that Act if they consist in a building or part of a building which is situated within thirty metres of a relevant sewer which is not a storm-water overflow sewer).

(6) In section 158 of the Act of 1991 (powers to lay pipes), the following subsections shall be added at the end—

“(8) Subsections (9) and (11) below apply where—

- (a) an appointment or variation has been made under section 7 above replacing a company as a relevant undertaker,
- (b) the appointment or variation relates only to parts of the area to which the company’s appointment as relevant undertaker related, and
- (c) the conditions mentioned in subsection (5) of that section were required to be satisfied in relation to each of the premises in those parts served by that company.

(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, 250 megalitres of water in any period of twelve months shall, for the purposes of subsection (7) above, be deemed to be a water main.

(10) Where the Secretary of State makes regulations under section 7(6) above amending section 7(5)(a) above he shall by regulations make the corresponding amendment in subsection (9) above.

(11) Where the company which has replaced the relevant undertaker has done so as sewerage undertaker, in the application of this section and section 159 below in relation to that company any pipe draining, or intended to drain, any of those premises shall, for the purposes of subsection (7) above, be deemed to be a sewer.”

Changes to legislation: There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 40. (See end of Document for details)

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Commencement Information

- II** [S. 40](#) wholly in force at 1.7.1992 see [s. 56\(2\)](#) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I.

Changes to legislation:

There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 40.