

SCHEDULE 1

APPLICATION OF THE ACT AND RELATED PROVISIONS

Supplemental provisions with respect to licensed infrastructure providers' works powers

- 13.—(1) Section 179^{M1} (vesting of works in relevant undertakers) applies as if—
- (a) in the title, after “undertaker”, there were inserted “ or licensed infrastructure provider ”;
 - (b) after subsection (1), there were inserted—
 - “(1ZA) Every—
 - (a) sewer or disposal main which has been laid, in exercise of any power conferred by this Part or otherwise by a licensed infrastructure provider, and
 - (b) sewage disposal works constructed by a licensed infrastructure provider,shall vest in the licensed infrastructure provider.”; and
 - (c) in subsection (1A)—
 - (i) for “Subsection (1) above is” there were substituted, “Subsections (1) and (1ZA) above are”; and
 - (ii) after “relevant undertaker”,^{F1}... there were inserted “ or licensed infrastructure provider (as the case may be) ”.
- (2) Section 180 applies as if for “undertakers” there were substituted “ licensed infrastructure providers ”.
- (3) Schedule 12^{M2} (compensation for damage caused by works etc) applies as if—
- (a) for “relevant undertaker”, “undertaker” or “sewerage undertaker”, each time it occurs, there were substituted “licensed infrastructure provider”;
 - (b) in paragraph 1 (compensation in respect of street works powers), in sub-paragraph (1), for “, 161 and 162” there were substituted “ and 161 ”;
 - (c) in paragraph 2 (compensation in respect of pipe-laying works in private land) in sub-paragraph (6) for “, 161(2) and 163” there were substituted “ and 161(2) ”; and
 - (d) paragraphs 2(4) (powers to make regulations), 4(5) (no compensation payable where sewer etc declared vested in a sewerage undertaker), 5 (compensation in respect of metering works) and 6 (compensation in respect of discharges for works purposes) were repealed.
- (4) Section 181^{M3} (complaints with respect to the exercise of works powers on private land) applies as if—
- (a) for “relevant undertaker” or “undertaker”, each time it occurs, there were substituted “ licensed infrastructure provider ”; and
 - (b) subsection (8) (power to make regulations) were repealed.
- (5) Section 182 (code of practice with respect to work on private land) applies as if—
- (a) in subsection (1) (duty to submit a code for approval)—
 - (i) in the words before paragraph (a), after “relevant undertaker”, there were inserted “ and every licensed infrastructure provider ”; and
 - (ii) in paragraph (a), after “appointment”, there were inserted “ or its project licence ”;
 - (b) subsections (2) and (4) (power to make an order) were repealed;
 - (c) in subsection (3) (effect of a code), the words “as a relevant undertaker” were repealed; and

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- (d) in subsection (5) (enforcement), after “relevant undertaker”, there were inserted “ and a licensed infrastructure provider ”.
- (6) Section 183 applies as if, for “relevant undertakers” there were substituted “ licensed infrastructure providers ”.
- (7) Schedule 13 ^{M4} (protection for particular undertakings) applies as if—
- in paragraphs 1(1) (general provisions protecting undertakings), 2 (protection for statutory powers and jurisdiction) and 4 (protection for telecommunication systems), for “relevant undertaker” or “undertaker”, each time it occurs, there were substituted “ licensed infrastructure provider ”;
 - in paragraph 3 (special protection for certain undertakings in respect of street works), for sub-paragraph (5) (offence of contravening the requirements of sub-paragraph (1)), there were substituted—

“(5) The requirements of sub-paragraph (1) above apply as if they were a duty imposed on a licensed infrastructure provider and shall be enforceable under section 18 above by the Authority.”; and
 - Part 2 (further protective provisions in respect of sewerage powers) were repealed.
- (8) Section 186 (protective provisions in respect of flood defence works and watercourses etc) applies as if subsections (2) to (6), and (8) were repealed.
- (9) Section 187 (works in tidal lands etc) applies as if—
- in subsections (1) and (2), for “relevant undertaker”, in both places it occurs, there were substituted “ licensed infrastructure provider ”;
 - in subsection (2), for “that undertaker”, there were substituted “ that licensed infrastructure provider ”; and
 - in subsection (3), for the words after “any of”, there were substituted “ sections 158, 159 and 161 above. ”.
- (10) Section 190 (saving for planning controls) applies without modification.
- (11) Section 192 ^{M5} (interpretation of Part 6) applies as if—
- subsections (1) (meaning of water discharge pipe), (3), (3A) and (3B) (provisions for works outside a relevant undertaker's appointment area) were repealed; and
 - in subsection (4) (certain obligations to maintain etc a pipe) after “relevant undertaker” or “undertaker”, each time it occurs, there were inserted “or licensed infrastructure provider”.

Textual Amendments

- F1** Words in [Sch. 1 para. 13\(1\)\(c\)\(ii\)](#) omitted (31.3.2017) by virtue of [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(13)**

Marginal Citations

- M1** Section 179 was amended by sections 92, 97 and 101(1) of, and Schedule 8 to, the [Water Act 2003](#). Section 179 was also amended by sections 62, 86 and 146 of, and Schedules 13, 14 and 23 to, the [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), although the provisions are not yet in force.
- M2** Schedule 12 was amended by section 56 of the [Competition and Service \(Utilities\) Act 1992](#), section 97 of the [Water Act 2003](#) and [S.I. 2009/1307](#).
- M3** Section 181 was amended by section 101(1) of, and Schedule 7 to, the [Water Act 2003](#).
- M4** Schedule 13 was amended by section 67 of, and Schedule 9 to, the [Coal Industry Act 1994 \(c. 21\)](#); section 120 of, and Schedule 22 to, the [Environment Act 1995](#); section 37 of, and Schedule 5 to the [Transport Act 2000 \(c. 38\)](#); section 406 of, and Schedule 17 to, the [Communications Act 2003 \(c. 21\)](#);

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section 143 of, and Schedule 19 to, the [Energy Act 2004 \(c. 20\)](#); and by S.I. 2001/1149. The effect of certain provisions in Schedule 13 was modified by section 16 of, and Schedule 4 to, the [Gas Act 1986 \(c. 44\)](#) and section 76 of the [Utilities Act 2000 \(c. 27\)](#).

M5 Section 192 was amended by section 47 of the Competition and Service (Utilities) Act 1992.

Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Paragraph 13.