
STATUTORY INSTRUMENTS

2016 No. 744

The Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016

PART 1

Citation, commencement and interpretation etc.

Citation and commencement

1.—(1) These Regulations may be cited as the Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016.

(2) These Regulations come into force on 3rd October 2016.

Interpretation

2.—(1) In these Regulations—

“the 1991 Act” means the Water Industry Act 1991(1);

“acquiring licensee” has the meaning given by regulation 6;

“eligible sewerage licensee”, except in regulation 11, means a sewerage licensee whose name appears in the relevant list of eligible sewerage licensees maintained under regulation 58;

“eligible water supply licensee”, except in regulation 11, means a water supply licensee whose name appears in the relevant list of eligible water supply licensees maintained under regulation 43;

“exit application” means an application under regulation 4;

“exit date” has the meaning given by regulation 8;

“local statutory provision” means—

- (a) a provision of a local Act (including an Act confirming a provisional order);
- (b) a provision of so much of any public general Act as has effect with respect to a particular area, with respect to particular persons or works or with respect to particular provisions falling within any paragraph of this definition;
- (c) a provision of an instrument made under any provision falling within paragraph (a) or (b); or
- (d) a provision of any other instrument which is in the nature of a local enactment;

“relevant undertaker” means a water undertaker or sewerage undertaker;

“retail authorisation” has the meaning given—

- (a) for a water supply licence, in paragraph 3 of Schedule 2A to the 1991 Act(2);

(1) 1991 c. 56.

(2) Schedule 2A was inserted by Schedule 1 to the Water Act 2014.

- (b) for a sewerage licence, in paragraph 1 of Schedule 2B to the 1991 Act⁽³⁾;
“sewerage services request” has the meaning given by regulation 51(2);
“sewerage system”, in relation to a sewerage undertaker, has the meaning given by section 17BA(7) of the 1991 Act⁽⁴⁾;
“supply system”, in relation to a water undertaker, has the meaning given by section 17B(4A) of the 1991 Act⁽⁵⁾;
“transferred premises” has the meaning given by regulation 7;
“transferred customer”, in relation to an acquiring licensee, means a customer whose premises are transferred premises in relation to the licensee;
“transfer scheme” has the meaning given by paragraph 1(a) of Schedule 1;
“water supply request” has the meaning given by regulation 36(2).
- (2) For the purposes of these Regulations—
- (a) premises which are outside the area of a water undertaker that is withdrawing, or has withdrawn, from the non-household retail market are to be treated as being within the retail exit area⁽⁶⁾ if they are supplied with water using the undertaker’s supply system;
 - (b) premises which are within the area of a water undertaker that is withdrawing, or has withdrawn, from the non-household retail market are to be treated as being outside the retail exit area if they are supplied with water using another undertaker’s supply system; and
 - (c) any pipes of a water undertaker which are used for the purpose of supplying premises as mentioned in sub-paragraph (a) or (b) are to be treated as being part of that undertaker’s supply system (if they would not otherwise be part of it).
- (3) For the purposes of these Regulations—
- (a) premises which are outside the area of a sewerage undertaker that is withdrawing, or has withdrawn, from the non-household retail market are to be treated as being within the retail exit area if they are provided with sewerage services using the undertaker’s sewerage system;
 - (b) premises which are within the area of a sewerage undertaker that is withdrawing, or has withdrawn, from the non-household retail market are to be treated as being outside the retail exit area if they are supplied with sewerage services using another undertaker’s sewerage system; and
 - (c) any sewers or drains of a sewerage undertaker which are used for the purpose of serving premises as mentioned in sub-paragraph (a) or (b) are to be treated as being part of that undertaker’s sewerage system (if they would not otherwise be part of it).
- (4) Except where the context otherwise requires, expressions used in these Regulations have the same meaning as in the 1991 Act.

The non-household retail market

3.—(1) The function of supplying water to non-household premises is specified for the purposes of section 42(4)(a) of the Water Act 2014 (meaning of references to a water undertaker withdrawing from the non-household retail market).

(3) Schedule 2B was inserted by Schedule 3 to the Water Act 2014.

(4) Section 17BA(7) was inserted by section 4(1) of the Water Act 2014.

(5) Section 17B(4A) is prospectively substituted by section 2(2) of the Water Act 2014 from a date to be appointed.

(6) The definition of “retail exit area” may be found in section 52(1) of the Water Act 2014.

(2) The function of providing sewerage services to non-household premises is specified for the purposes of section 42(4)(b) of the Water Act 2014 (meaning of references to a sewerage undertaker withdrawing from the non-household retail market).