



# Water Act 2014

## CHAPTER 21

### WATER ACT 2014

#### PART 1

#### WATER INDUSTRY

#### CHAPTER 1

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- 2 The supply system of a water undertaker
- 3 The threshold requirement

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##### *Licensing arrangements between England and Wales and Scotland*

- 6 Arrangements with the Water Industry Commission for Scotland
- 7 Arrangements with the Water Services Regulation Authority

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- 9 Main connections into sewerage systems

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- 11 Agreements by sewerage undertakers to adopt infrastructure

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- 12 Arrangements for water undertakers to take water from other persons

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- 13 Procedure with respect to appointments and variations

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- 14 Exceptions to duty and undertakings in lieu of merger references
- 15 Exclusion of small mergers: advice of CMA on threshold

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## SCHEDULES

### SCHEDULE 1 — Water supply licences: authorisations

### SCHEDULE 2 — Water undertakers' duties as regards water supply licensees

- 1 For sections 66A to 66C of the Water Industry Act...
- 2 After section 66C (substituted by paragraph 1) there is inserted—...
- 3 For section 66D of the Water Industry Act 1991 (determinations...
- 4 After section 66D of the Water Industry Act 1991 (as...
- 5 For section 66E of that Act there is substituted— Rules...
- 6 Section 66F (section 66D: supplementary) is repealed.
- 7 (1) Section 66G (designation of strategic supply) is amended as...
- 8 (1) Section 66H (designation of collective strategic supply) is amended...
- 9 (1) Section 66I (prohibition on unauthorised use of supply system)...

### SCHEDULE 3 — Sewerage licences: authorisations

### SCHEDULE 4 — Sewerage undertakers' duties as regards sewerage licensees

### SCHEDULE 5 — Extension of licensing provisions in relation to Wales

- 1 The Water Industry Act 1991 is amended as follows.
- 2 In section 2 (general duties with respect to water industry)...
- 3 In section 2B (strategic priorities and objectives: Wales) (as inserted...
- 4 (1) Section 17A (water supply licences) (as substituted by section...
- 5 (1) Section 17AA (water supply licences: restrictions on grants) (as...
- 6 In section 17B (guidance and interpretation) (as amended by section...
- 7 (1) Section 17BA (sewerage licences) (inserted by section 4) is...
- 8 In section 17BB (sewerage licences: restrictions on grants) (inserted by...
- 9 In section 17C (meaning of household premises) (as amended by...
- 10 Section 17D (the threshold requirement) is repealed (if not previously...
- 11 In section 17DA (guidance) (inserted by Schedule 7), paragraph (a)...
- 12 In section 17E (determinations by the Authority) (as amended by...
- 13 (1) Section 17FA (arrangements with the Water Industry Commission for...
- 14 In section 17G (water supply licence conditions) (as amended by...
- 15 (1) Section 17H (standard conditions of water supply licences) (as...
- 16 (1) Section 17HA (standard conditions of sewerage licences) (inserted by...
- 17 In section 17I (modifications of water supply licences by agreement)...
- 18 (1) Section 17J (modification of standard conditions of water supply...
- 19 In section 17K (water supply licences: modification references to Competition...
- 20 (1) Section 17N (water supply licences: reports on modification references)...

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- 21 In section 17O (modification of licences following report) (as amended...
- 22 In section 17P (water supply licences: Commission's power of veto...
- 23 In section 23 (meaning and effect of special administration order)...
- 24 In section 24 (special administration orders made on special petitions)...
- 25 In section 27C (the interests of consumers) (as amended by...
- 26 (1) Section 38ZA (standards of performance in connection with the...
- 27 In section 52 (the domestic supply duty) (as amended by...
- 28 In section 55 (supplies for non-domestic purposes) (as amended by...
- 29 In section 63AC(4) (as substituted by section 31), the words...
- 30 (1) Section 66A (use of water undertaker's supply system) (inserted...
- 31 (1) Section 66AA (water supply from water undertaker) (inserted by...
- 32 (1) Section 66B (introduction of water into water undertaker's supply...
- 33 (1) Section 66C (introduction of water provided by secondary undertaker)...
- 34 In section 66E (rules about charges) (inserted by Schedule 2),...
- 35 In section 66EA (rules about charges: provision about reduction in...
- 36 In section 66G (designation of strategic supply) (as amended by...
- 37 In section 66H (designation of collective strategic supply) (as amended...
- 38 (1) Section 68 (duties of water undertakers and licensed water...
- 39 (1) Section 95ZA (standards of performance in connection with provision...
- 40 In section 96ZA (procedure for regulations under section 95ZA) (inserted...
- 41 (1) Section 117G (codes under section 117F: procedure) (inserted by...
- 42 (1) Section 117K (rules under section 117I: procedure) (inserted by...
- 43 (1) Section 117L (rules under section 117I: minor or urgent...
- 44 (1) Section 117M (rules under section 117I: guidance) (inserted by...
- 45 (1) Section 117N (designation of strategic sewerage provision) (inserted by...
- 46 (1) Section 117O (designation of collective strategic sewerage provision) (inserted...
- 47 In section 117P (prohibition on unauthorised use of sewerage system)...
- 48 In section 117Q (prohibition on unauthorised removal of matter from...
- 49 In section 117S (section 117R: supplementary) (inserted by Schedule 4),...
- 50 In section 158 (powers to lay pipes in streets), in...
- 51 In section 195(3AA) (the Authority's register: consultation as regards water...
- 52 In section 207D (exercise of adjudication functions by other persons)...
- 53 In section 213 (powers to make regulations), subsection (1ZA) (inserted...
- 54 (1) Schedule 2A (water supply licences: authorisations) (inserted by Schedule...

#### SCHEDULE 6 — Procedure on appeals under section 207A of the Water Industry Act 1991

#### SCHEDULE 7 — Further amendments

- 1 Water Act 1989 (c. 15)
- 2 Water Industry Act 1991 (c. 56)
- 3 (1) Section 2 (general duties with respect to water industry)...

- 4 In section 2A (strategic priorities and objectives: England) (inserted by...
- 5 In section 2B (strategic priorities and objectives: Wales) (inserted by...
- 6 In section 6 (appointment of relevant undertakers), in subsection (5A),...
- 7 (1) Section 10 (transitional provision with respect to replacement appointments)...
- 8 In section 12 (determinations under conditions of appointment)—
- 9 For the heading of Chapter 1A of Part 2 there...
- 10 (1) Section 17B (provision supplementary to section 17A) is amended...
- 11 In section 17C (meaning of “household premises”), in subsection (1),...
- 12 (1) Section 17D (the threshold requirement) is amended as follows...
- 13 After section 17D there is inserted— Guidance The Authority must publish guidance issued from time to time...
- 14 (1) Section 17E (determinations by the Authority) is amended as...
- 15 (1) Section 17F (procedure for granting water supply licences) is...
- 16 (1) Section 17G (water supply licence conditions) is amended as...
- 17 (1) Section 17H (standard conditions of water supply licences) is...
- 18 After section 17H there is inserted— Standard conditions of sewerage...
- 19 (1) Section 17I (modification of licences by agreement) is amended...
- 20 (1) Section 17J (general modification of standard conditions) is amended...
- 21 (1) Section 17K (references to competition authority in relation to...
- 22 (1) Section 17N (reports on modification references) is amended as...
- 23 (1) Section 17O (modification of licences following report) is amended...
- 24 (1) Section 17P (competition authority’s power of veto following report)...
- 25 (1) Section 17R (modification of licences by order under other...
- 26 (1) Section 18 (orders for securing compliance with certain provisions)...
- 27 In section 19 (exceptions to the duty to enforce), for...
- 28 In section 20 (procedure for enforcement orders), for “company to...
- 29 (1) Section 21 (validity of enforcement orders) is amended as...
- 30 In section 22 (effect of enforcement order), in subsection (3)—...
- 31 (1) Section 22A (penalties) is amended as follows.
- 32 (1) Section 22C (time limits on the imposition of financial...
- 33 (1) Section 22E (appeals) is amended as follows.
- 34 In section 22F (recovery of penalties), for “company” there is...
- 35 (1) Section 23 (meaning and effect of special administration orders)...
- 36 (1) Section 24 (special administration orders made on special petitions)...
- 37 In section 25 (power to make special administration order on...
- 38 In section 26 (restrictions on voluntary winding up and insolvency...
- 39 (1) Section 27 (general duty of Authority to keep matters...
- 40 In section 27A (establishment of the Council and committees), in...
- 41 (1) Section 27C (the interests of consumers) is amended as...
- 42 In section 27E (provision of advice and information to public...
- 43 (1) Section 27H (provision of information to the Council) is...
- 44 (1) Section 27K (sections 27H to 27J: supplementary) is amended...
- 45 (1) Section 29 (consumer complaints) is amended as follows.
- 46 In the heading to Chapter 1 of Part 3 (general...
- 47 In section 37A (water resources management plans: preparation and review)—...

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- 48 In section 37C (water resources management plans: provision of information)—...
- 49 In section 37D (water resources management plans: supplementary), in subsection...
- 50 In section 38B (publication of statistical information about complaints)  
—
- 51 (1) Section 39A (information to be given to customers about...
- 52 In section 39B (drought plans: preparation and review)—
- 53 In section 39C (drought plans: provision of information)—
- 54 In section 42 (financial conditions for compliance with the duty...
- 55 Sections 43 and 43A (calculations for the purpose of section...
- 56 In section 47 (conditions of connection with water main), in...
- 57 Section 48 (interest on sums provided by way of security)...
- 58 (1) Section 52 (domestic supply duty) is amended as follows....
- 59 In section 55 (supplies for non-domestic purposes), in subsection (1A) (b),...
- 60 (1) Section 61 (disconnections for non-payment of charges) is amended...
- 61 In section 63 (general duties of undertakers with respect to...
- 62 In the italic heading preceding section 63AA, for “licensed water...
- 63 (1) Section 63AA (supply by licensed water supplier: domestic supply...
- 64 (1) Section 63AB (supply by licensed water supplier: non-domestic supply)...
- 65 (1) Section 63AC (interim duty of water undertaker: domestic and...
- 66 In the italic heading preceding section 68, for “licensed water...
- 67 (1) Section 68 (duties with respect to water quality) is...
- 68 (1) Section 69 (regulations for preserving water quality) is amended...
- 69 In section 72 (contamination of water sources), in subsection (5)(c)...
- 70 In section 73 (offences of contaminating, wasting and misusing water...
- 71 (1) Section 74 (regulations for preventing contamination, waste etc and...
- 72 (1) Section 75 (power to prevent damage and to take...
- 73 In section 76 (temporary bans on use)—
- 74 (1) Section 78 (local authority functions in relation to undertakers’...
- 75 (1) Section 86 (assessors for the enforcement of water quality)...
- 76 In section 87 (fluoridation of water supplies at request of...
- 77 In section 87C (fluoridation arrangements: compliance), in subsection (4)(b), for...
- 78 In section 90 (indemnities in respect of fluoridation), in subsection...
- 79 In section 93 (interpretation of Part 3), in subsection (1),...
- 80 (1) In section 93A (duty to promote the efficient use...
- 81 (1) Section 93B (power of Authority to impose requirements on...
- 82 (1) Section 93C (publicity of requirements imposed under section 93B)...
- 83 (1) Section 93D (information as to compliance with requirements under...
- 84 In the heading to Chapter 1 of Part 4 (general...
- 85 In section 95B (publication of statistical information about complaints)  
—
- 86 (1) Section 96A (information to be given to customers about...
- 87 In section 99 (financial conditions for compliance with the duty...
- 88 Sections 100 and 100A (calculations for the purposes of section...
- 89 In section 101B (power to provide lateral drain following provision...



- 90 In section 102 (adoption of sewers and disposal works), in...
- 91 In section 104 (agreements to adopt sewers, etc), subsection (9)...
- 92 In section 105 (appeals with respect to adoption)—
- 93 In section 105C (adoption schemes: supplementary), in subsection (2), after...
- 94 In section 106B (requirement to enter into agreement before connection...
- 95 In section 107 (right of sewerage undertaker to undertake the...
- 96 In section 113 (power to alter drainage system of premises...
- 97 In section 117 (interpretation of Chapter 2), in subsection (5)(a),...
- 98 (1) Section 146 (connection charges etc) is amended as follows....
- 99 In section 147 (charging for use of emergency water), in...
- 100 In section 148 (restriction on charging for metering works), in...
- 101 In section 150 (fixing maximum charges for services provided with...
- 102 In section 152 (grants for national security purposes), in subsection...
- 103 (1) Section 154A (financial assistance to reduce charges of relevant...
- 104 In section 158 (powers to lay pipes in streets), in...
- 105 (1) Section 162 (works in connection with metering) is amended...
- 106 In section 163 (power to fit stopcocks), in subsection (1),...
- 107 In section 164 (agreements for works with respect to water...
- 108 (1) Section 174 (offences of interference with works etc) is...
- 109 (1) Section 175 (offence of tampering with meter) is amended...
- 110 In section 179 (vesting of works in undertaker), in subsection...
- 111 (1) Section 195 (the Authority's register) is amended as follows....
- 112 (1) Section 195A (reasons for decisions) is amended as follows....
- 113 (1) Section 201 (publication of certain information and advice) is...
- 114 (1) Section 202 (duties of undertakers to furnish the Secretary...
- 115 In section 205 (exchange of metering information between undertakers), in...
- 116 (1) Section 206 (restriction on disclosure of information) is amended...
- 117 (1) Section 208 (directions in the interests of national security)...
- 118 In section 211 (limitation on right to prosecute in respect...
- 119 (1) Section 213 (powers to make regulations) is amended as...
- 120 (1) Section 219 (general interpretation) is amended as follows.
- 121 In Schedule 1A (the Water Services Regulation Authority), in paragraph...
- 122 (1) Schedule 2 (transitional provision on termination of appointments) is...
- 123 In Schedule 8 (pre-1989 Act transitional authority for trade effluent...
- 124 Water Resources Act 1991 (c. 57)
- 125 (1) Section 203 (exchange of information with respect to pollution...
- 126 (1) Section 204 (restriction on disclosure of information) is amended...
- 127 The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)
- 128 Enterprise Act 2002 (c. 40)
- 129 (1) Section 168 (regulated markets) is amended as follows.
- 130 In section 249 (special administration regime), in subsection (1)(aa)—
- 131 Water Act 2003 (c. 37)
- 132 Section 40 (which inserted the section 2A of the Water...
- 133 (1) Section 52 (co-operation between water regulators) is amended as...
- 134 (1) Section 58 (fluoridation of water supplies) is amended as...
- 135 Government of Wales Act 2006 (c. 32)
- 136 Consumers, Estate Agents and Redress Act 2007 (c. 17)

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- 137 In section 4 (meaning of “designated consumers”), in subsection (3)—...
- 138 (1) Section 25 (enforcement by regulator of section 24 notice)...
- 139 In section 33 (supplementary provision about transfer and abolition orders),...
- 140 In section 41 (interpretation of Part 1), in subsection (1)—...
- 141 (1) Section 42 (interpretation of Part 2) is amended as...
- 142 In section 52 (enforcement of requirements imposed under Part 2),...
- 143 Flood and Water Management Act 2010 (c. 29)
- 144 In section 6 (other Part 1 definitions), in subsection (11)...
- 145 In section 35 (provision of infrastructure), in subsection (2), in...
- 146 In section 42 (agreements on new drainage systems)—
- 147 In section 44 (social tariffs in charges schemes), in subsection...

## SCHEDULE 8 — Regulation of the water environment

### Part 1 — PURPOSES FOR WHICH PROVISION MAY BE MADE

- 1 Interpretation
- 2 In this Schedule— “functions” includes powers and duties; “regulated activity”...
- 3 Preliminary
- 4 (1) Determining the authorities (whether public or local or the...
- 5 Enabling the Minister to give directions which regulators are to...
- 6 Permits
- 7 Specifying restrictions or other requirements in connection with the grant...
- 8 (1) Prescribing the contents of permits. (2) Authorising permits to...
- 9 (1) Requiring permits or the conditions to which permits are...
- 10 (1) Regulating the transfer or surrender of permits.
- 11 Authorising the Minister to make schemes for the charging by...
- 12 Authorising, or authorising the Minister to make schemes for, the...
- 13 Further regulation
- 14 Requiring persons to apply for a permit under the regulations...
- 15 (1) Authorising a regulator, where a person is carrying on...
- 16 Imposing requirements, or authorising regulators to impose requirements, on persons...
- 17 Information, publicity and consultation
- 18 Securing— (a) that publicity is given to specified matters;
- 19 Requiring or authorising regulators to carry out consultation in connection...
- 20 Enforcement and offences
- 21 Authorising regulators to serve on holders of permits—
- 22 Authorising regulators to suspend the operation of permits so far...
- 23 Establishing a procedure for the resolution of disputes in relation...
- 24 Providing for the enforcement of notices served by regulators under...
- 25 Where action is required to be taken by a person...
- 26 Creating offences and dealing with matters relating to such offences,...
- 27 Enabling, where a person has been convicted of an offence...
- 28 Where a person causes damage to any structure constructed, altered...
- 29 Appeals
- 30 Corresponding provision
- 31 Crown application
- Part 2 — SUPPLEMENTARY PROVISION
- 32 Water regulations trading schemes: penalties
- 33 Determination of matters by regulators

- 34 Delegation between regulators
- 35 Imposition of conditions
- 36 Charging schemes
- 37 Offences
- 38 Restrictions on Crown application

SCHEDULE 9 — Publication requirements under the Land Drainage Act 1991

- 1 The Land Drainage Act 1991 is amended as follows.
- 2 (1) Section 2 (review of boundaries of internal drainage districts)...
- 3 (1) Section 3 (schemes for reorganisation of internal drainage districts)...
- 4 (1) Section 38 (orders subdividing a district for the purposes)...
- 5 (1) Section 39 (petition for subdivision of internal drainage district)...
- 6 (1) Section 48 (procedure for making of rate) is amended...
- 7 (1) Section 58 (allocation of appropriate agency revenue for its)...
- 8 (1) Paragraph 1 of Schedule 5 (byelaws: publicity for application)...

SCHEDULE 10 — Amendments relating to Regional Flood and Coastal Committees

- 1 Public Bodies (Admission to Meetings) Act 1960 (c. 67)
- 2 Local Government Act 1974 (c. 7)
- 3 House of Commons Disqualification Act 1975 (c. 24)
- 4 Land Drainage Act 1991 (c. 59)
- 5 Water Resources Act 1991 (c. 57)
- 6 (1) Section 134 (raising of general drainage charges) is amended...
- 7 (1) Section 135 (amount, assessment etc of general drainage charge)...
- 8 (1) Section 137 (special drainage charges in the interests of)...
- 9 (1) Section 138 (levying and amount of special drainage charge)...
- 10 In section 143(1) (power of Environment Agency and Natural Resources)...
- 11 (1) Section 145 (interpretation of Chapter 2 of Part 6)...
- 12 (1) Section 166 (power of Environment Agency and Natural Resources)...
- 13 In section 221(1) (interpretation of terms in the Act), in...
- 14 In Schedule 15 (supplemental provisions with respect to drainage charges),...
- 15 In Schedule 26 (procedure relating to bye-laws made by the)...
- 16 Environment Act 1995 (c. 25)
- 17 Freedom of Information Act 2000 (c. 36)
- 18 Public Services Ombudsman (Wales) Act 2005 (c. 10)
- 19 The National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672)

SCHEDULE 11 — Orders under section 91: further provision

- 1 Introductory
- 2 Changes in water supply licensing
- 3 Modification of conditions of old water supply licences
- 4 Changes in water supply licensing: Wales
- 5 Introduction of sewerage licensing
- 6 New retail authorisations and the threshold requirement
- 7 Modifications relating to new wholesale authorisations
- 8 Modifications relating to new supplementary authorisations
- 9 Old section 66D agreements and new water supply licences
- 10 New section 66E and old section 66D agreements
- 11 Interpretation

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SCHEDULE 12 — Commencement orders: appropriate authority

- 1 In relation to the sections and Schedules listed in the...
- 2 A statutory instrument containing an order to be made by...
- 3 In the table in paragraph 1— (a) “wholly or mainly...
- 4 In this Schedule— (a) references to water undertakers’ supply systems...