



Water Industry Act 1991

1991 CHAPTER 56

PART III

WATER SUPPLY

[^{F1}CHAPTER 2A

[^{F2}SUPPLY DUTIES ETC: WATER SUPPLY LICENSEES]

[^{F2}Duties of undertakers to supply water supply licensees etc]

[^{F1}]^{F2}66A Wholesale water supply by primary water undertaker

- (1) This section applies where a water supply licensee with a retail authorisation (“L”) requests a water undertaker to permit the use of the undertaker's supply system for the purpose of supplying water to premises that—
 - (a) L is to supply in accordance with L's retail authorisation, and
 - (b) are in the area of the undertaker.
- (2) This section also applies where a water supply licensee with a restricted retail authorisation (“R”) requests a water undertaker to permit the use of the undertaker's supply system for the purpose of supplying water to premises that—
 - (a) R is to supply in accordance with R's restricted retail authorisation, and
 - (b) are in the area of the undertaker.
- (3) Where this section applies, the undertaker must in accordance with a section 66D agreement take such steps—
 - (a) for the purpose of connecting the premises in question with the undertaker's supply system, or
 - (b) in respect of that system,as may be provided for in that agreement in order to enable the requested use of the undertaker's supply system.

Changes to legislation: *Water Industry Act 1991, Section 66A is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- [^{F3}(3A) A water undertaker is not required by this section to take any steps to enable the use of its supply system at a time when it is required to take those steps by virtue of a notice under section 41 or a connection notice.]
- (4) A water undertaker is not required by this section to permit the use of its supply system, or to take any steps to enable its use, if the first or second ground applies.
- (5) The first ground is that—
- (a) in the case of a request under subsection (1), the water supply licensee has not secured by means of—
 - (i) a request under section 66AA(1) made by the licensee,
 - (ii) a request under section 66B(1) or 66C(1), (2) or (3) made by the licensee or another water supply licensee, or
 - (iii) a combination of such requests,
 a supply of water, or the introduction of a supply of water, in connection with which the premises in question are to be supplied;
 - (b) in the case of a request under subsection (2), the water supply licensee has not secured by means of—
 - (i) a request under section 66AA(2), 66B(2) or (3) or 66C(4), or
 - (ii) a combination of such requests,
 a supply of water, or the introduction of a supply of water, in connection with which the premises in question are to be supplied.
- (6) The second ground is that there is, in relation to the water fittings used or to be used in connection with—
- (a) the supply of water to the premises in question, or
 - (b) the use of water in those premises,
- a contravention of such of the requirements of regulations under section 74 as are prescribed for the purposes of this subsection.
- (7) Where—
- (a) a request has been made by a water supply licensee for the purposes of subsection (1) or (2), and
 - (b) the steps which the undertaker is required to take by virtue of that request include steps for the purpose of obtaining any necessary authority for, or agreement to, any exercise by it of any of its powers or the carrying out by it of any works,
- the failure of the undertaker to acquire the necessary authority or agreement does not affect the liability of the licensee to reimburse the undertaker in respect of some or all of the expenses incurred by it in taking those steps, if the section 66D agreement provides for such liability as regards those steps.
- (8) For the purposes of this section and sections 66AA to 66C—
- (a) premises which are outside a water undertaker's area are to be treated as being within that area if they are supplied with water using the undertaker's supply system, and
 - (b) any pipes of the water undertaker which are used for the purpose of supplying premises as mentioned in paragraph (a) are to be treated as being part of the undertaker's supply system (if they would not otherwise be part of it).
- (9) In this section and sections 66AA to 66C—

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- (a) “prescribed” means, in relation to a water undertaker whose area is wholly or mainly in Wales, prescribed by regulations made by the Welsh Ministers by statutory instrument, which is subject to annulment in pursuance of a resolution of the Assembly;
- (b) a reference to the supply system of a water undertaker is to be construed in accordance with section 17B;
- (c) references to a retail authorisation or a restricted retail authorisation are to be construed in accordance with Schedule 2A.]]

Textual Amendments

- F1** Pt. 3 Ch. 2A inserted (1.4.2004 for specified provisions and purposes and 1.12.2005 otherwise) by Water Act 2003 (c. 37), ss. 56, 105(3), **Sch. 4 para. 3**; S.I. 2004/641, **art. 3(I)**, Sch. 1 (with art. 6, Sch. 3); S.I. 2005/2714, **art. 3(a)** (with Sch. 2 para. 8)
- F2** S. 66A-66C and cross-heading substituted (1.4.2017 for the substitution of ss. 66A, 66AA, 66C) by Water Act 2014 (c. 21), s. 94(3), **Sch. 2 para. 1**; S.I. 2017/462, art. 3(i)(i) (with arts. 6-9, 12)
- F3** S. 66A(3A) inserted (E.) (31.10.2021) by The Water and Sewerage Undertakers (Exit from Non-household Retail Market) (Consequential Provision) Regulations 2021 (S.I. 2021/1208), regs. 1(2), **2(5)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 66A(2) repealed by [2014 c. 21 Sch. 5 para. 30\(2\)](#)
- s. 66A(5)(a) words repealed by [2014 c. 21 Sch. 5 para. 30\(3\)\(a\)](#)
- s. 66A(5)(b) repealed by [2014 c. 21 Sch. 5 para. 30\(3\)\(b\)](#)
- s. 66A(7)(a) words repealed by [2014 c. 21 Sch. 5 para. 30\(4\)](#)
- s. 66A(7)(a) words repealed by [2014 c. 21 Sch. 5 para. 31\(5\)](#)
- s. 66A(9)(c) words repealed by [2014 c. 21 Sch. 5 para. 30\(5\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 3 Ch. 2B inserted by [2014 c. 21 s. 12](#)
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17A(c) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(d) repealed by [2014 c. 21 Sch. 5 para. 4\(2\)\(c\)](#)
- s. 17A(2)(ba) and word inserted by [2014 c. 21 Sch. 5 para. 4\(2\)\(b\)](#)
- s. 17R(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(7)(b) (as substituted) by [S.I. 2019/1245 reg. 21](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17AA(1)(ba)(bb) inserted by [2014 c. 21 Sch. 5 para. 5\(2\)](#)
- s. 17BA(5A) inserted by [2014 c. 21 Sch. 5 para. 7\(3\)](#)
- s. 17HA(9)(b)(ia) inserted by [2014 c. 21 Sch. 5 para. 16\(2\)](#)
- s. 23(2AA) inserted by [2014 c. 21 Sch. 7 para. 35\(4\)](#)
- s. 23(8)(9) inserted by [2014 c. 21 Sch. 7 para. 35\(10\)](#)
- s. 39E-39H inserted by [2021 c. 30 s. 78\(7\)](#)
- s. 87(7C)-(7F) inserted by [2012 c. 7 s. 35\(6\)](#)
- s. 94A-94E inserted by [2021 c. 30 s. 79](#)
- s. 95ZA(6) inserted by [2014 c. 21 Sch. 5 para. 39\(4\)](#)
- s. 96ZA(2)-(5) substituted for s. 96ZA(2) by [2014 c. 21 Sch. 5 para. 40](#)
- s. 106B(3A) inserted by [2014 c. 21 Sch. 7 para. 94](#)
- s. 117G(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(2\)](#)
- s. 117G(4)-(4D) substituted for s. 117(4) by [2014 c. 21 Sch. 5 para. 41\(3\)](#)
- s. 117G(6)(aa) inserted by [2014 c. 21 Sch. 5 para. 41\(4\)](#)
- s. 117K(2)(aa) inserted by [2014 c. 21 Sch. 5 para. 42\(2\)](#)
- s. 117K(5)(5A) substituted for s. 117(5) by [2014 c. 21 Sch. 5 para. 42\(3\)](#)
- s. 117L(9) inserted by [2014 c. 21 Sch. 5 para. 43\(3\)](#)
- s. 117N(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(2\)](#)
- s. 117N(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(3\)](#)
- s. 117N(11)(aa) inserted by [2014 c. 21 Sch. 5 para. 45\(4\)](#)
- s. 117O(4)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(2\)](#)
- s. 117O(8)(aa) inserted by [2014 c. 21 Sch. 5 para. 46\(3\)](#)

- s. 117S(7)-(9) inserted by 2014 c. 21 Sch. 5 para. 49
- s. 119(2)(ab) inserted by 2003 c. 37 s. 89(1)(a)
- s. 119(3) inserted by 2003 c. 37 s. 89(1)(b)
- s. 121(1)(ba) inserted by 2003 c. 37 s. 89(2)(a)
- s. 141DC inserted by 2021 c. 30 s. 83
- s. 177K(7)(aa) inserted by 2014 c. 21 Sch. 5 para. 42(4)
- s. 207D and cross-heading inserted by 2014 c. 21 s. 39
- s. 207D(5) word repealed by 2014 c. 21 Sch. 5 para. 52(a)
- s. 207D(5) words inserted by 2014 c. 21 Sch. 5 para. 52(b)
- s. 213(1ZA) inserted by 2014 c. 21 Sch. 7 para. 119(3)
- s. 213(1ZA) repealed by 2014 c. 21 Sch. 5 para. 53