



Water Act 1989

1989 CHAPTER 15

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Interpretation provisions

187 Interpretation of references to the service of documents.

- (1) Any document required or authorised by virtue of this Act to be served on any person may be served—
- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address; or
 - (b) if the person is a body corporate, by serving it in accordance with paragraph (a) above on the secretary or clerk of that body; or
 - (c) if the person is a partnership, by serving it in accordance with paragraph (a) above on a partner or a person having the control or management of the partnership business.
- (2) For the purposes of this section and section 7 of the ^{M1}Interpretation Act 1978 (which relates to the service of documents by post) in its application to this section, the proper address of any person on whom a document is to be served shall be his last known address, except that—
- (a) in the case of service on a body corporate or its secretary or clerk, it shall be the address of the registered or principal office of the body;
 - (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it shall be the address of the principal office of the partnership;

and for the purposes of this subsection the principal office of a company registered outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

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- (3) If a person to be served by virtue of this Act with any document by another has specified to that other an address within the United Kingdom other than his proper address (as determined in pursuance of subsection (2) above) as the one at which he or someone on his behalf will accept documents of the same description as that document, that address shall also be treated as his proper address for the purposes of this section and for the purposes of the said section 7 in its application to this section.
- (4) Where under any provision of this Act any document is required to be served on the owner or on the occupier of any premises then—
 - (a) if the name or address of the owner or, as the case may be, of the occupier of the premises cannot after reasonable inquiry be ascertained; or
 - (b) in the case of service on the occupier, if the premises appear to be or are unoccupied,
 that document may be served either by leaving it in the hands of a person who is or appears to be resident or employed on the land or by leaving it conspicuously affixed to some building or object on the land.
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

Marginal Citations
 M1 1978 c. 30.

^{F1}188

Textual Amendments
 F1 S. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10) (12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1) (2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2) (5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

189 General interpretation.

[^{F2}(1) In this Act, except in so far as the context otherwise requires—

- “the 1945 Act” means the ^{M2}Water Act 1945;
- “the 1973 Act” means the ^{M3}Water Act 1973;
- “accessories”, in relation to a water main, sewer or other pipe, includes any manholes, ventilating shafts, inspection chambers, settling tanks, wash-out pipes, pumps, ferrules or stopcocks for the main, sewer or other pipe, or any machinery or other apparatus which is designed or adapted for use in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it, but does not include any telecommunication

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apparatus (within the meaning of Schedule 2 to the ^{M4}Telecommunications Act 1984) unless it—

- (a) is or is to be situated inside or in the close vicinity of the main, sewer or other pipe or inside or in the close vicinity of another accessory for it; and
- (b) is intended to be used only in connection with the use or maintenance of the main, sewer or other pipe or of another accessory for it;

“analyse”, in relation to any sample of land, water or effluent, includes subjecting the sample to a test of any description, and cognate expressions shall be construed accordingly;

“the Authority” means the National Rivers Authority;

“conservancy authority” means any person who has a duty or power by or under any enactment to conserve, maintain or improve the navigation of a tidal water, and is not a harbour authority or navigation authority;

“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;

“customer or potential customer”, in relation to a company holding an appointment under Chapter I of Part II of this Act, means—

- (a) any person for or to whom that company provides any services in the course of carrying out the functions of a water undertaker or sewerage undertaker; or
- (b) any person who might become such a person on making an application for the purpose to the company;

“damage”, in relation to individuals, includes personal injury and death;

“the Director” means the Director General of Water Services;

“disposal”—

- (a) in relation to land or any interest or right in or over land, includes the creation of such an interest or right and a disposal effected by means of the surrender or other termination of any such interest or right; and
- (b) in relation to sewage, includes treatment;

and cognate expressions shall be construed accordingly;

“domestic purposes”, except in relation to sewers, shall be construed in accordance with subsections (2) and (3) below;

“drain” has, subject to subsection (4) below, the same meaning as in the ^{M5}Public Health Act 1936;

“effluent” means any liquid, including particles of matter and other substances in suspension in the liquid;

“enactment” includes an enactment contained in this Act or in any Act passed after this Act;

“engineering or building operations”, without prejudice to the generality of that expression, includes—

- (a) the construction, alteration, improvement, maintenance or demolition of any building or structure or of any reservoir, watercourse, dam, weir, well, borehole or other works; and
- (b) the installation, modification or removal of any machinery or apparatus;

“financial year” means the twelve months ending with 31st March;

“functions”, in relation to the Authority or a water undertaker or sewerage undertaker, means the functions of the Authority or, as the case may be, of such an undertaker under or by virtue of any enactment and shall be construed subject to section 188 above;

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“harbour authority” means a person who is a harbour authority within the meaning of the ^{M6}Prevention of Oil Pollution Act 1971 and is not a navigation authority;

“highway” has the same meaning as in the ^{M7}Highways Act 1980;

“holding company” has the same meaning as in the ^{M8}[^{F3}the Companies Acts (see section 1159 of the Companies Act 2006)] ;

“house” means any building or part of a building which is occupied as a dwelling-house, whether or not a private dwelling-house, or which, if unoccupied, is likely to be so occupied;

“information” includes anything contained in any records, accounts, estimates or returns;

“inland waters”, except in Chapter I of Part III of this Act, has the same meaning as in the ^{M9}Water Resources Act 1963;

“limited company” means a company within the meaning of the Companies Act 1985 which is limited by shares;

“local authority” means the council of a district or of a London borough or the Common Council of the City of London;

“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) above; or
- (d) a provision of any other instrument which is in the nature of a local enactment;

“micro-organism” includes any microscopic biological entity which is capable of replication;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“modifications” includes additions, alterations and omissions, and cognate expressions shall be construed accordingly;

“the Monopolies Commission” means the Monopolies and Mergers Commission;

“navigation authority” means any person who has powers under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

“notice” means notice in writing;

“owner”, in relation to any premises, means the person who—

- (a) is for the time being receiving the rack-rent of the premises, whether on his own account or as agent or trustee for another person; or
- (b) would receive the rack-rent if the premises were let at a rack-rent,

and cognate expressions shall be construed accordingly;

“prescribed” means prescribed by or determined under regulations made by the Secretary of State or, in relation to regulations made by the Minister, those regulations;

“protected land”, in relation to a company holding an appointment under Chapter I of Part II of this Act, means any land which, or any interest or right in or over which—

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- (a) was transferred to that company in accordance with a scheme under Schedule 2 to this Act or, where that company is a statutory water company, is or was held by that company at any time during the financial year current on the transfer date;
- (b) is or has at any time on or after the transfer date been held by that company for purposes connected with the carrying out of its functions as a water undertaker or sewerage undertaker (including any functions which for the purposes for which section 188 above has effect are taken to be such functions by virtue of subsection (6) or (7) of that section); or
- (c) has been transferred to that company in accordance with a scheme under Schedule 5 to this Act from another company in relation to which that land was protected land when the other company held an appointment under that Chapter;

“public authority” means any Minister of the Crown or government department, the Authority, any local authority or county council or any person certified by the Secretary of State to be a public authority for the purposes of this Act;

“public sewer” means a sewer for the time being vested in a sewerage undertaker in its capacity as such, whether vested in that undertaker by virtue of a scheme under Schedule 2 or 5 to this Act or under section 153 above or otherwise, and “private sewer” shall be construed accordingly;

“records” includes computer records and any other records kept otherwise than in a document;

“service pipe” means, subject to subsection (4) below, so much of a pipe which is, or is to be, connected with a water main for supplying water from that main to any premises—

- (a) as is or is to be subject to water pressure from that main; or
- (b) as would be so subject but for the closing of some valve,

and includes part of any service pipe;

“services” includes facilities;

“sewer” has, subject to subsection (4) below, the same meaning as in the ^{M10}Public Health Act 1936;

“sewerage services” includes the disposal of sewage and any other services which are required to be provided by a sewerage undertaker for the purpose of carrying out its functions;

“sewerage undertaker” shall be construed in accordance with section 11 above;

“statutory water company” means any company which is a statutory water company for the purposes of the 1973 Act immediately before the transfer date;

“stopcock” includes any box or pit in which a stopcock is enclosed and the cover to any such box or pit;

“street” has, subject to subsection (5) below, the same meaning as in the ^{M11}Public Utilities Street Works Act 1950;

“subordinate legislation” has the same meaning as in the ^{M12}Interpretation Act 1978;

“subsidiary” has the same meaning as in the ^{M13}Companies Act 1985;

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“substance” includes micro-organisms and any natural or artificial substance or other matter, whether it is in solid or liquid form or in the form of a gas or vapour;

“successor company” means a company nominated in accordance with section 4 above as the successor company of a water authority and, in relation to any water authority, means the company so nominated in relation to that authority;

“supply of water in bulk” means a supply of water for distribution by a water undertaker taking the supply;

“surface water” includes water from roofs;

“transfer date” means the day appointed as the transfer date in accordance with section 4 above;

“trunk main” means a water main which is or is to be used by a water undertaker for the purpose of—

- (a) conveying water from a source of supply to a filter or reservoir or from one filter or reservoir to another filter or reservoir; or
- (b) conveying water in bulk, whether in the course of taking a supply of water in bulk or otherwise, between different places outside the area of the undertaker, from such a place to any part of that area or from one part of that area to another part of that area;

“underground strata” means strata subjacent to the surface of any land;

“vessel” includes a hovercraft within the meaning of the ^{M14}Hovercraft Act 1968;

“water authority” means an authority established in accordance with section 2 of the 1973 Act;

“water main” means, subject to subsection (4) below, any pipe, not being a pipe for the time being vested in a person other than the undertaker, which is used or to be used by a water undertaker for the purpose of making a general supply of water available to customers or potential customers of the undertaker, as distinct from for the purpose of providing a supply to particular customers;

“water undertaker” shall be construed in accordance with section 11 above;

“watercourse” includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows except mains and other pipes which belong to the Authority or a water undertaker or are used by a water undertaker or any other person for the purpose only of providing a supply of water to any premises.]

^{F4}(2)

(6) A company shall be regarded for the purposes of this Act as wholly owned by the Crown at any time when each of the issued shares is held by, or by a nominee of, the Treasury, the Secretary of State or another company which is wholly owned by the Crown.

(7) For the purposes of any provision of this Act by or under which power is or may be conferred on any person to recover the expenses incurred by that person in doing anything, those expenses shall be assumed to include such sum as may be reasonable in respect of establishment charges or overheads.

^{F4}(8)

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- (9) Where by virtue of any provision of this Act any function of a Minister of the Crown is exercisable concurrently by different Ministers, that function shall also be exercisable jointly by any two or more of those Ministers.
- (10) References in this Act to anything done under or for the purposes of any enactment contained in this Act or to anything done by or in relation to any person shall include references to anything which, by virtue of any provision made by or under this Act, has effect as if done under or for the purposes of that enactment or, as the case may be, by or in relation to that person.

Textual Amendments

- F2** S. 189(1) except in so far as it defines “the 1945 Act”, “the 1973 Act”, “the Authority”, “contravention”, “the Director”, “disposal” and cognate expressions, “enactment”, “holding company”, “information”, “local statutory provision”, “the Minister”, “modifications” and cognate expressions, “sewer”, “subordinate legislation”, “statutory water company”, “successor company”, “transfer date” and “water authority” repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)
- F3** Words in s. 189(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 101(3)** (with art. 10)
- F4** Ss. 5(1)–(4), 6(1)–(7), 7–10, 11(1)–(8), 12, 14–22, 24–28, 31–68, 70(3)–(5), 71, 73–82, 97–135, 137(1)–(8)(10)(11), 138, 139(1)–(5), 140, 142(1), 143–167, 170, 171, 176, 178–182, 186, 188, 189(2)–(5)(8), Sch. 1 paras. 1–10, 14–23, Sch. 3 paras. 1–5, Sch. 4 paras. 1–5, Schs. 6, 7, Sch. 8 paras. 1, 2(1)–(10)(12), 3, 4, 5, Schs. 9–14, Sch. 16, Schs. 18–21, 24, Sch. 25 paras. 2, 6, 7, 10, 21, 27(4), 31(1), 40, 45(1)(2), 61(5), 63, 71(1)(2), 72, 73, 80(1), Sch. 26 paras. 5(2)–(4), 7, 9–12, 13(1), 14(1)(2), 15(2), 16(1)(2)(5)–(7)(10), 18, 19, 21–25, 27–29, 32–39, 40(2), 41(2)(3), 42–45, 48, 50, 56, 57(1)–(5)(7) repealed by [Water Consolidation \(Consequential Provisions\) Act 1991 \(c. 60, SIF 130\)](#), s. 3, **Sch. 3 Pt. I** (with s. 2, Sch. 2 paras. 10, 14(1), 15)

Modifications etc. (not altering text)

- C1** S. 189 applied (Isles of Scilly) (with modifications) (1.11.2019) by [The Isles of Scilly \(Application of Water Legislation\) Order 2019 \(S.I. 2019/1259\)](#), arts. 2(1), **3(1)(b)(3)**

Marginal Citations

- M2** 1945 c. 42.
M3 1973 c. 37.
M4 1984 c. 12.
M5 1936 c. 49.
M6 1971 c. 60.
M7 1980 c. 66.
M8 1985 c. 6.
M9 1963 c. 38.
M10 1936 c. 49.
M11 1950 c. 39.
M12 1978 c. 30.
M13 1985 c. 6.
M14 1968 c. 59.

Changes to legislation:

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