



Water Industry Act 1991

1991 CHAPTER 56

PART VIII

MISCELLANEOUS AND SUPPLEMENTAL

Construction of Act

216 Provisions relating 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 of 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 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.

Changes to legislation: Water Industry Act 1991, Cross Heading: Construction of Act is up to date with all changes known to be in force on or before 30 April 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

- (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, on a lessee or on the occupier of any premises then—
- (a) if the name or address of the owner, of the lessee 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.
- [^{F1}(4A) Any document required or authorised by virtue of this Act to be served on any person may be served by electronic means.
- (4B) But a document may be served by electronic means on a person who is a consumer only if—
- (a) the person has consented in writing to the receipt of documents by electronic means (and has not withdrawn that consent), and
 - (b) the document is sent to the number or address most recently specified by the person for that purpose.
- (4C) For the purposes of subsection (4B) “consumer” means a person who is liable to pay charges in respect of—
- (a) the supply of water to any premises, or
 - (b) the provision of sewerage services to any premises,
- but does not include a water undertaker, a water supply licensee, a sewerage undertaker, a sewerage licensee, or the Authority.]
- (5) This section shall not apply to any document in relation to the service of which provision is made by rules of court.

Textual Amendments

F1 S. 216(4A)-(4C) inserted (10.5.2022 for specified purposes) by [Environment Act 2021 \(c. 30\)](#), **ss. 87**, 147(3)(4) (with s. 144); [S.I. 2022/518](#), regs. 1(2), 2(f)

Modifications etc. (not altering text)

C1 S. 216 extended (01.12.1991) by [Statutory Water Companies Act 1991 \(c. 58, SIF 130\)](#), **ss. 15(4)**, 17(2).

Marginal Citations

M1 [1978 c. 30](#).

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217 Construction of provision conferring powers by reference to undertakers' functions.

- (1) The purposes to which this section applies shall be the construction of any enactment which, by reference to the functions of a relevant undertaker, confers any power on or in relation to that undertaker.
- (2) For the purposes to which this section applies the functions of every relevant undertaker shall be taken to include joining with or acting on behalf of—
 - (a) the [^{F2}Environment Agency][^{F3}or the NRBW];
 - (b) one or more other relevant undertakers; or
 - (c) the [^{F2}Environment Agency][^{F3}or the NRBW] and one or more other such undertakers,
for the purpose of carrying out any works or acquiring any land which at least one of the bodies with which it joins, or on whose behalf it acts, is authorised to carry out or acquire for the purposes of that body's functions under any enactment or of any function which is taken to be a function of that body for the purposes to which this section or section 3 of the ^{M2}Water Resources Act 1991 (functions of [^{F2}Environment Agency] for certain purposes) applies.
- (3) For the purposes to which this section applies the functions of every relevant undertaker shall be taken to include the protection against pollution—
 - (a) of any waters, whether on the surface or underground, which belong to the [^{F2}Environment Agency][^{F4}or the NRBW] or any water undertaker or from which the [^{F2}Environment Agency][^{F4}or the NRBW] or any water undertaker is authorised to take water;
 - (b) without prejudice to paragraph (a) above, of any reservoir which belongs to or is operated by the [^{F2}Environment Agency][^{F4}or the NRBW] or any water undertaker or which the [^{F2}Environment Agency][^{F4}or the NRBW] or any water undertaker is proposing to acquire or construct for the purpose of being so operated; and
 - (c) of any underground strata from which the [^{F2}Environment Agency][^{F4}or the NRBW] or any water undertaker is for the time being authorised to abstract water in pursuance of a licence under Chapter II of Part II of the ^{M3}Water Resources Act 1991.
- (4) For the purposes to which this section applies the functions of every relevant undertaker shall be taken to include the furtherance of research into matters in respect of which functions are conferred by or under this Act, the other consolidation Acts or the ^{M4}Water Act 1989 on the [^{F2}Environment Agency], [^{F5}on the NRBW,] on water undertakers or on sewerage undertakers.
- (5) For the purposes to which this section applies the functions of every relevant undertaker shall be taken to include the provision of houses and other buildings for the use of persons employed by that undertaker and the provision of recreation grounds for persons so employed.
- (6) For the purposes to which this section applies the functions of every water undertaker shall be taken to include the provision of supplies of water in bulk, whether or not such supplies are provided for the purposes of, or in connection with, the carrying out of any other function of that undertaker.
- (7) For the purposes to which this section applies the functions of every water undertaker shall be taken to include the doing of anything in pursuance of any arrangements

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under section 20 of the Water Resources Act 1991 between that undertaker and the [F²Environment Agency][F⁶or the NRBW].

- (8) In this section “the other consolidation Acts” has the same meaning as in section 206 above.

Textual Amendments

- F2** Words in s. 217(2)(3)(4)(7) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 124** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F3** Words in s. 217(2) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 258(2)** (with Sch. 7)
- F4** Words in s. 217(3) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 258(3)** (with Sch. 7)
- F5** Words in s. 217(4) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 258(4)** (with Sch. 7)
- F6** Words in s. 217(7) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), **art. 1(2), Sch. 2 para. 258(5)** (with Sch. 7)

Marginal Citations

- M2** 1991 c. 57.
M3 1991 c. 57.
M4 1989 c. 15.

218 Meaning of “domestic purposes” in relation to water supply.

- (1) Subject to the following provisions of this section, in this Act references to domestic purposes, in relation to a supply of water to any premises or in relation to any cognate expression, are references to the drinking, washing, cooking, central heating and sanitary purposes for which water supplied to those premises may be used.
- (2) Where the whole or any part of the premises are or are to be occupied as a house, those purposes shall be taken to include—
- (a) the purposes of a profession carried on in that house or, where—
 - (i) that house and another part of the premises are occupied together; and
 - (ii) the house comprises the greater part of what is so occupied,
 in that other part; and
 - (b) such purposes outside the house (including the washing of vehicles and the watering of gardens) as are connected with the occupation of the house and may be satisfied by a supply of water drawn from a tap inside the house and without the use of a hosepipe or similar apparatus.
- (3) No such reference to domestic purposes shall be taken to include a reference—
- (a) to the use of a bath having a capacity, measured to the centre line of overflow or in such other manner as may be prescribed, of more than two hundred and thirty litres;
 - (b) to the purposes of the business of a laundry; or
 - (c) to any purpose of a business of preparing food or drink for consumption otherwise than on the premises.

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219 General interpretation.

(1) In this Act, except in so far as the context otherwise requires—

“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 [^{F7}electronic communications apparatus] 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;

[^{F8}“the Assembly” means the National Assembly for Wales;]

[^{F9}“the Authority” means the Water Services Regulation Authority;]

[^{F10}“the CMA” means the Competition and Markets Authority]

[^{F11}“charging rules” means rules issued under section 144ZA;]

“conservancy authority” means any person who has a duty or power 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;

[^{F12}“the Council” means the Consumer Council for Water;]

“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 [^{F13}(other than a [^{F14}water supply licensee or sewerage licensee]); 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 death and any personal injury, including any disease or impairment of physical or mental condition;

[^{F15}.....]

“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;

“disposal main” means (subject to subsection (2) below) any outfall pipe or other pipe which—

- (a) is a pipe for the conveyance of effluent to or from any sewage disposal works, whether of a sewerage undertaker or of any other person; and
- (b) is not a public sewer;

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“domestic purposes”, except in relation to sewers, shall be construed in accordance with section 218 above;

“drain” means (subject to subsection (2) below) a drain used for the drainage of one building or of any buildings or yards appurtenant to buildings within the same curtilage;

“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 a relevant undertaker, means the functions of the undertaker under or by virtue of any enactment and shall be construed subject to section 217 above;

“harbour authority” means a person who is a harbour authority within the meaning of [^{F16}Chapter II of Part VI of the Merchant Shipping Act 1995] and is not a navigation authority;

“highway” and “highway authority” have the same meanings as in the ^{M5}Highways Act 1980;

“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”, has the same meaning as in the ^{M6}Water Resources Act 1991;

[^{F17}“lateral drain” means—

- (a) that part of a drain which runs from the curtilage of a building (or buildings or yards within the same curtilage) to the sewer with which the drain communicates or is to communicate; or
- (b) (if different and the context so requires) the part of a drain identified in a declaration of vesting made under section 102 above or in an agreement made under section 104 above;]

^{F18}
...

[^{F19}“limited company” means a company (as defined in section 1(1) of the Companies Act 2006) that—

- (a) is registered in England and Wales or Scotland, and
- (b) 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 [^{F20}but, in relation to Wales, means the council of a county or county borough];

“local statutory provision” means—

- (a) a provision of a local Act (including an Act confirming a provisional order);

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- (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;

“meter” means any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from, any premises;

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

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

^{F21}
...

^{F22}
...

[^{F23}“the NRBW” means the Natural Resources Body for Wales;]

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

[^{F24}“new towns residuary body” means—

- (a) in relation to a new town in England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) or (b) of the Housing and Regeneration Act 2008 [^{F25}or the Greater London Authority so far as exercising its new towns and urban development functions] (and references to the “English new towns residuary body” are to be read accordingly); and
- (b) in relation to a new town in Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) or (ii) of the New Towns Act 1981 (and references to the “Welsh new towns residuary body” are to be read accordingly);]

“notice” means notice in writing;

^{F26}
...

“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 regulations made by the Secretary of State;

“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—

- (a) was transferred to that company in accordance with a scheme under Schedule 2 to the ^{M7}Water Act 1989 or, where that company is a statutory water company, was held by that company at any time during the financial year ending with 31st March 1990;

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- (b) is or has at any time on or after 1st September 1989 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 [F27]section 217] 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 2 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, [F28]the Environment Agency], [F29]the NRBW,] 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 [F30](subject to section 106(1A) above)] 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 to the M8Water Act 1989 or Schedule 2 to this Act or under section 179 above or otherwise, and “private sewer” shall be construed accordingly;

“railway undertakers” means the British Railways Board, [F31]Transport for London or any subsidiary (within the meaning of the Greater London Authority Act 1999) of Transport for London,] or any other person authorised by any enactment, or by any order, rule or regulation made under any enactment, to construct, work or carry on any railway;

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

[F32]“regional committee” means a regional committee of the Council established under section 27A above;]

“the relevant sewerage provisions” means the following provisions of this Act, that is to say—

- (a) Chapters II and III of Part IV (except sections 98 to 101 and 110 and so much of Chapter III of that Part as provides for regulations under section 138 or has effect by virtue of any such regulations);
- (b) sections 160, 171, 172(4), 178, 184, 189, 196 and 204 and paragraph 4 of Schedule 12; and
- (c) the other provisions of this Act so far as they have effect for the purposes of any provision falling within paragraph (a) or (b) of this definition;

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

“resource main” means (subject to subsection (2) below) any pipe, not being a trunk main, which is or is to be used for the purpose of—

- (a) conveying water from one source of supply to another, from a source of supply to a regulating reservoir or from a regulating reservoir to a source of supply; or
- (b) giving or taking a supply of water in bulk;

[F33]“ retail exit area ” has the meaning given by section 42 of the Water Act 2014;]

“service pipe” means (subject to subsection (2) below [F34]and to section 51E(3) above)] 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 as—

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

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and includes part of any service pipe;

“services” includes facilities;

“sewer” includes (without prejudice to subsection (2) below) all sewers and drains (not being drains within the meaning given by this subsection) which are used for the drainage of buildings and yards appurtenant to buildings;

[^{F11}“ sewerage licensee ” is to be construed in accordance with section 17BA(6);]

“sewerage services” [^{F35}—

(a) in the case of a sewerage undertaker, 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; [^{F36}or

(b) in the case of a sewerage licensee, means the services provided by that person in that person's capacity as a sewerage licensee;]

“special administration order” has the meaning given by section 23 above;

“statutory water company” means any company which was a statutory water company for the purposes of the ^{M9}Water Act 1973 immediately before 1st September 1989;

“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 Part III of the ^{M10}New Roads and Street Works 1991;

“subordinate legislation” has the same meaning as in the ^{M11}Interpretation Act 1978;

“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;

“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;

“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 ^{M12}Hovercraft Act 1968;

“water main” means (subject to subsection (2) 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 [^{F37}or [^{F38}water supply licensee]] for the purpose of making a general supply of water available to customers or potential customers of the undertaker [^{F39}or licensee], as distinct from for the purpose of providing a supply to particular customers;

“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 [^{F28}the Environment Agency][^{F40}, the NRBW]

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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.

[^{F11}“ water supply licensee ” is to be construed in accordance with section 17A(7);]

(2) In this Act—

- (a) references to a pipe, including references to a main, a drain or a sewer, shall include references to a tunnel or conduit which serves or is to serve as the pipe in question and to any accessories for the pipe; and
- (b) references to any sewage disposal works shall include references to the machinery and equipment of those works and any necessary pumping stations and outfall pipes;

and, accordingly, references to the laying of a pipe shall include references to the construction of such a tunnel or conduit, to the construction or installation of any such accessories and to the making of a connection between one pipe and another.

(3) Nothing in Part III or IV of this Act by virtue of which a relevant undertaker owes a duty to any particular person to lay any water main, resource main or service pipe or any sewer, [^{F41}lateral drain,] disposal main or discharge pipe shall be construed—

- (a) as conferring any power in addition to the powers conferred apart from those Parts; or
- (b) as requiring the undertaker to carry out any works which it has no power to carry out.

(4) References in this Act to the fixing of charges in relation to any premises by reference to volume are references to the fixing of those charges by reference to the volume of water supplied to those premises, to the volume of effluent discharged from those premises, to both of those factors or to one or both of those factors taken together with other factors.

[^{F42}(4A) In this Act, unless otherwise stated, references to the supply system of a water undertaker are to the water mains and other pipes which it is the undertaker’s duty to develop and maintain by virtue of section 37 above.]

(5) Until the coming into force of Part III of the ^{M13}New Roads and Street Works Act 1991, the definition of “street” in subsection (1) above shall have effect as if the reference to that Part were a reference to the ^{M14}Public Utilities Street Works Act 1950; but nothing in this section shall be taken—

- (a) to prejudice the power of the Secretary of State under that Act of 1991 to make an order bringing Part III of that Act into force on different days for different purposes (including the purposes of this section); or
- (b) in the period before the coming into force of that Part, to prevent references in this Act to a street, where the street is a highway which passes over a bridge or through a tunnel, from including that bridge or tunnel.

(6) 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.

(7) References in this Act to the later or latest of two or more different times or days are, in a case where those times or days coincide, references to the time at which or, as the case may be, the day on which they coincide.

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- (8) 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.
- (9) Sub-paragraph (1) of paragraph 1 of Schedule 2 to the ^{M15}Water Consolidation (Consequential Provisions) Act 1991 has effect (by virtue of sub-paragraph (2)(b) of that paragraph) so that references in this Act to things done under or for the purposes of provisions of this Act or the ^{M16}Water Resources Act 1991 include references to things done, or treated as done, under or for the purposes of the corresponding provisions of the law in force before the commencement of this Act.
- [^{F43}(10) If the Assembly designates a person as Chief Inspector of Drinking Water for Wales under section 86(1B) above, references in this Act to the Chief Inspector of Drinking Water, as respects anything to be done in relation to him, shall be taken as references to the person designated as the Chief Inspector of Drinking Water by the Secretary of State and also the person designated by the Assembly as the Chief Inspector of Drinking Water for Wales.]
- [^{F44}(11) Subsection (10) does not apply to references to the Chief Inspector of Drinking Water in sections 8, 17AA, 51CA, 51CB, 66DB, 66P and 86ZA.]

Textual Amendments

- F7** S. 219(1): words in definition of "accessories" substituted (25.7.2003) by [Communications Act 2003 \(c. 21\)](#), ss. 406, 411(2)(3), [Sch. 17 para. 110](#); S.I. 2003/1900, [art. 2\(1\)](#), Sch. 1
- F8** S. 219(1): definition of "the Assembly" inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 7 para. 27\(7\)\(a\)](#); S.I. 2004/641, [art. 3\(y\)](#), Sch. 2
- F9** S. 219(1): definition of "the Authority" inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 7 para. 27\(7\)\(a\)](#); S.I. 2004/641, [art. 3\(y\)](#), Sch. 2
- F10** Words in s. 219(1) inserted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 68\(a\)](#); S.I. 2014/416, [art. 2\(1\)\(d\)](#) (with Sch.)
- F11** Words in s. 219(1) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 120\(2\)\(f\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(aa\)](#) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F12** S. 219(1): definition of "the Council" inserted (1.8.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 7 para. 27\(7\)\(b\)](#); S.I. 2005/968, [art. 3](#) (with art. 4, Schs. 1, 2)
- F13** S. 219(1): words in definition of "customer or potential customer" inserted (1.4.2004 for specified purposes and 1.10.2004 for further specified purposes and otherwise 1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 50\(2\)\(a\)](#); S.I. 2004/641, [art. 3\(y\)](#), Sch. 2 (with art. 6, Sch. 3); S.I. 2004/2528, [art. 2\(t\)](#) (with art. 4); S.I. 2005/2714, [art. 3](#) (with Sch. 2 para. 8)
- F14** Words in s. 219(1) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 120\(2\)\(a\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(aa\)](#) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F15** S. 219(1): definition of "the Director" repealed (1.4.2006) by [Water Act 2003 \(c. 37\)](#), ss. 101(1)(2), 105(3), [Sch. 7 para. 27\(7\)\(c\)](#), [Sch. 9 Pt. 3](#); S.I. 2005/2714, [art. 4\(f\)\(g\)\(i\)](#) (with Sch. para. 8)
- F16** Words in the definition of "harbour authority" in s. 219(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), [Sch. 13 para. 89\(b\)](#)
- F17** S. 219(1): definition of "lateral drain" inserted (28.5.2004) by [Water Act 2003 \(c. 37\)](#), ss. 97(9)(a), 105(3); S.I. 2004/641, [art. 4\(b\)](#) (with art. 6, Sch. 3)
- F18** Words in s. 219(1) repealed (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 120\(2\)\(g\)](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(aa\)](#) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F19** S. 219(1): definition of "limited company" substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order (S.I. 2009/1941), art. 2(1), {Sch. 1 para. 126(3)} (with art. 10)

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- F20** Words in the definition of “local authority” in s. 219(1) inserted (1.4.1996) by 1994 c. 19, s. 22(5), **Sch. 11 Pt. I para. 2(2)** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, **art. 3**
- F21** S. 219(1): definition of “the Monopolies Comission” repealed (1.4.1999) by S.I. 1999/3434, **art. 30(c)**
- F22** Definition of “the NRA” in s. 219(1) repealed (1.4.1996) by 1995 c. 25, s. 120(1)(3), Sch. 22 para. 125(a), **Sch. 24** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F23** Words in s. 219(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 259(4)** (with Sch. 7)
- F24** S. 219(1): definition of “new towns residuary body” inserted (1.12.2008) by Housing and Regeneration Act 2008 (c. 17), ss. 56, 325, **Sch. 8 para. 59**; S.I. 2008/3068, **art. 2(1)(w)** (with savings and transitional provisions in arts. 6-13)
- F25** Words in s. 219(1) inserted (1.4.2012) by Localism Act 2011 (c. 20), s. 240(2), **Sch. 19 para. 29**; S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)
- F26** Words in s. 219(1) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 68(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F27** Words in s. 219(1) substituted (1.1.2015) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(2)(b)**; S.I. 2014/3320, art. 2(2)(e)(iv)
- F28** Words in the definitions of “public authority” and “watercourse” in s. 219(1) substituted (1.4.1996) by 1995 c. 25, s. 120(1), **Sch. 22 para. 125(b)** (with ss. 7(6), 115, 117); S.I. 1996/186, **art. 3**
- F29** Words in s. 219(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 259(2)** (with Sch. 7)
- F30** S. 219(1): words in definition of “public sewer” inserted (28.5.2004) by Water Act 2003 (c. 37), ss. **99(6)**, 105(3); S.I. 2004/641, **art. 4(b)** (with art. 6, Sch. 3)
- F31** S. 219(1): words in definition of “railway undertakers” substituted (15.7.2003) by The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 2, **Sch. 1 para. 15**
- F32** S. 219(1): definition of “regional committee” inserted (1.10.2005) by Water Act 2003 (c.37), ss. 101(01), 105(3), **Sch. 7 para. 27(7)(d)**; S.I. 2005/2714, **art. 2(i)** (with Sch. 2 para. 8)
- F33** Words in s. 219(1) inserted (3.10.2016) by The Water and Sewerage Undertakers (Exit from Non-household Retail Market) Regulations 2016 (S.I. 2016/744), reg. 1(2), **Sch. 2 para. 11**
- F34** S. 219(1): words in definition of “service pipe” inserted (28.5.2004) by Water Act 2003 (c. 37), ss. **92(6)(7)**, 105(3); S.I. 2004/641, **art. 4(a)** (with art. 6, Sch. 3)
- F35** Words in s. 219(1) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(2)(c)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(aa) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F36** Words in s. 219(1) inserted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(2)(d)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(aa) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F37** S. 219(1): words in definition of “water main” inserted (1.4.2004 for specified purposes and 1.10.2004 for further specified purposes and otherwise 1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 50(2)(b)**; S.I. 2004/641, **art. 3(y)**, Sch. 2 (with art. 6, Sch. 3); S.I. 2004/2528, **art. 2(f)** (with art. 4); S.I. 2005/2714, **art. 3** (with Sch. 2 para. 8)
- F38** Words in s. 219(1) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(2)(e)(i)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(aa) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F39** Words in s. 219(1) substituted (1.4.2016) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(2)(e)(ii)**; S.I. 2016/465, art. 2(m), Sch. 1 para. 1(aa) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F40** Words in s. 219(1) inserted (1.4.2013) by The Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), art. 1(2), **Sch. 2 para. 259(3)** (with Sch. 7)
- F41** Words in s. 219(3) inserted (28.5.2004) by Water Act 2003 (c. 37), ss. **97(9)(b)**, 105(3); S.I. 2004/641, **art. 4(b)** (with art. 6, Sch. 3)
- F42** S. 219(4A) inserted (1.4.2004 for specified purposes and 1.10.2004 for further specified purposes and otherwise 1.12.2005) by Water Act 2003 (c. 37), ss. 101(1), 105(3), **Sch. 8 para. 50(3)**; S.I. 2004/641,

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art. 3(y), Sch. 2 (with art. 6, Sch. 3); S.I. 2004/2528, **art. 2(t)** (with art. 4); S.I. 2005/2714, **art. 3** (with Sch. 2 para. 8)

F43 S. 219(10) inserted (1.4.2004) by Water Act 2003 (c. 37), **ss. 57(9)**, 105(3); S.I. 2004/641, **art. 3(m)** (with art. 6, Sch. 3)

F44 S. 219(11) inserted (1.1.2015 for specified purposes, 1.11.2016 for specified purposes, 1.4.2017 for specified purposes) by Water Act 2014 (c. 21), s. 94(3), **Sch. 7 para. 120(3)**; S.I. 2014/3320, art. 2(2)(e)(v); S.I. 2016/1007, art. 2(h)(vii); S.I. 2017/462, art. 3(k)(bb)(xxii)

Modifications etc. (not altering text)

C2 S. 219 applied (with modifications) (28.6.2013) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582), reg. 1(1)(b), **Sch. 1 para. 16(2)** (with regs. 1(1)(c), 3(2)(5))

Marginal Citations

M5 1980 c. 66.
M6 1991 c. 57.
M7 1989 c. 15.
M8 1989 c. 15.
M9 1973 c. 37.
M10 1991 c. 22.
M11 1978 c. 30.
M12 1968 c. 59.
M13 1991 c. 22.
M14 1950 c. 39.
M15 1991 c. 60.
M16 1991 c. 57.

220 Effect of local Acts.

Subject to any provision to the contrary which is contained in Schedule 26 to the Water Act 1989 or in the Water Consolidation (Consequential Provisions) Act 1991, nothing in any local statutory provision passed or made before 1st September 1989 shall be construed as relieving any relevant undertaker from any liability arising by virtue of this Act in respect of any act or omission occurring on or after that date.

Changes to legislation:

Water Industry Act 1991, Cross Heading: Construction of Act is up to date with all changes known to be in force on or before 30 April 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.

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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. 141DA inserted by [2021 c. 30 s. 81](#)
- 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