



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART VIII

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Powers to make regulations*

#### **213 Powers to make regulations.**

(1) The powers of the Secretary of State to make regulations under this Act shall be exercisable by statutory instrument subject (except in the case of regulations under section 8(1) or (2) [<sup>F1</sup>or 17D(8)] [<sup>F2</sup>or 105A] above) to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F3</sup>(1A) But on the occasion of the first exercise by the Secretary of State of the power to make regulations under each of sections 89 and 90 above, the instrument containing the regulations shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(1B) The power of the Assembly to make regulations under section 89 above shall be exercisable by statutory instrument.]

(2) Subject to subsection (3) below, the provisions of any regulations made by the Secretary of State under this Act may include-

- (a) provision for any duty or other requirement imposed by the regulations on a water undertaker or sewerage undertaker [<sup>F4</sup>or licensed water supplier] to be enforceable under section 18 above by the Secretary of State, by the Director or by either of them;
- (b) provision, where such a duty or requirement is so enforceable by either of them, for enforcement by the Director to be subject to such consent or authorisation as may be prescribed;
- (c) provision which, in relation to the furnishing of any information or the making of any application under the regulations, makes provision corresponding to section 207 above;

*Status: Point in time view as at 01/04/2007.*

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- (d) provision for anything that may be prescribed by the regulations to be determined under the regulations and for anything falling to be so determined to be determined by such persons, in accordance with such procedure and by reference to such matters, and to the opinion of such persons, as may be prescribed;

[<sup>F5</sup>(dd) as to awarding costs or expenses of proceedings in any determination under the regulations, including the amount of the costs or expenses and the enforcement of the awards;]

- (e) different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
- (f) such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

[<sup>F6</sup>(2A) Such regulations may include provision—

- (a) for the determination of questions of fact or of law which may arise in giving effect to the regulations;
- (b) for regulating (otherwise than in relation to any court proceedings) any matters relating to the practice and procedure to be followed in connection with the determination of such questions;
- (c) as to the mode of proof of any matter;
- (d) as to parties and their representation; and
- (e) for the right to appear before and be heard by the Secretary of State, the Director and other authorities.

(2B) Any such regulations which prescribe a period within which things are to be done may provide for extending the period so prescribed.]

(3) Except to the extent that they would do so apart from this section, the power to make regulations under section 113, 125 or 126 above or under section 214 below or Schedule 8 to this Act—

- (a) shall not include the powers conferred by virtue of paragraphs (a) to (d) of subsection (2) above; and
- (b) in the case of the power to make regulations under section 214 below, shall also not include the powers conferred by virtue of paragraphs (e) and (f) of that subsection.

#### Textual Amendments

- F1** Words in s. 213(1) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 49\(2\)](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F2** Words in s. 213(1) inserted (1.4.2007) by [Water Act 2003 \(c. 37\)](#), s. 101(1), 105(3), [Sch. 7 para. 39\(3\)](#); S.I. 2007/1021, [art. 2\(d\)](#)
- F3** S. 213(1A)(1B) inserted (18.2.2005 for E. for specified purposes, 25.2.2009 for E. in so far as not already in force, 1.2.2017 for W.) by [Water Act 2003 \(c. 37\)](#), ss. 58(8), 105(3); S.I. 2005/344, [art. 2](#); S.I. 2009/359, [art. 2\(c\)](#) (with saving in [art. 3, Sch.](#)); S.I. 2017/88, [art. 2](#)
- F4** Words in s. 213(2)(a) inserted (1.4.2004) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 49\(3\)](#); S.I. 2004/641, [art. 3\(y\)](#), [Sch. 2](#) (with [Sch. 3 para. 7](#))
- F5** S. 213(2)(dd) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), s. 56(6), [Sch. 1 para.28](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992](#), [art. 3, Sch. Pt.I](#)

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**F6** S. 213(2A)(2B) inserted (1.7.1992) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\), s. 52](#); [Competition and Service \(Utilities\) Act 1992 \(Commencement No. 1\) Order 1992, art. 3, Sch. Pt.I](#)

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**Modifications etc. (not altering text)**

**C1** S. 213 extended (01.12.1991) by [Statutory Water Companies Act 1991 \(c. 58, SIF 130\), ss. 9\(2\), 17\(2\)](#).

**214 Power to prescribe forms.**

- (1) The Secretary of State may by regulations prescribe the form of any notice or other document to be used for any of the purposes of the relevant sewerage provisions.
- (2) If forms are prescribed under this section, those forms or forms to the like effect may be used in all cases to which those forms are applicable.

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