



# Competition and Service (Utilities) Act 1992

## 1992 CHAPTER 43

### PART I

#### STANDARDS OF PERFORMANCE AND SERVICE TO CUSTOMERS

##### *Water supply and sewerage services*

#### **35 Reference of certain disputes to the Director.**

- (1) The <sup>M1</sup>Water Industry Act 1991 shall be amended as follows.
- (2) In section 45 (duty to make connections with mains), the following subsection shall be inserted after subsection (6)—

“(6A) Any dispute between a water undertaker and any other person as to whether the expenses were incurred reasonably may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (3) In section 46 (duty to carry out ancillary works for the purpose of making domestic connection), in subsection (7), for “(6)” there shall be substituted “ (6A) ”.
- (4) In section 49 (supplemental provisions with respect to metering conditions), the following shall be substituted for subsection (3)—

“(3) Any dispute between a water undertaker and any other person as to the terms of any condition imposed under section 47 above for the purposes of metering shall be referred—

  - (a) to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person; or
  - (b) if no agreement is reached, for determination by the Director under section 30A above.”

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*Changes to legislation: There are currently no known outstanding effects for the  
Competition and Service (Utilities) Act 1992, Section 35. (See end of Document for details)*

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- (5) In section 53 (conditions of compliance with domestic supply duty), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any requirement of a kind mentioned in subsection (2)(a) or (b) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (6) In section 64 (supply by means of separate service pipes), the following subsection shall be inserted after subsection (2)—
- “(2A) Any dispute between a water undertaker and any other person as to whether any condition of a kind mentioned in subsection (2) above has been complied with may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (7) In section 105 (appeals with respect to adoption of sewers etc.), for “Secretary of State”, wherever it appears, there shall be substituted “ Director ”.
- (8) In section 106 (right to communicate with public sewers)—
- (a) in subsection (6), for “a magistrates’ court” there shall be substituted “ the Director under section 30A above ”;
  - (b) subsection (7) shall cease to have effect; and
  - (c) in subsection (8)(b), for “a magistrates’ court” there shall be substituted “ the Director ”.
- (9) In section 107 (right of sewerage undertaker to undertake the making of communications with public sewers), in subsection (1)(b), for “a magistrates’ court” there shall be substituted “ the Director ” and after subsection (4) there shall be inserted the following subsection—
- “(4A) Any dispute between a sewerage undertaker and any other person as to—
- (a) whether the undertaker’s estimate of the cost of works given under subsection (3)(b)(i) above is reasonable,
  - (b) whether any requirement of security for the payment of the cost of works was reasonably made by the undertaker, or
  - (c) whether any excess is repayable, or any expenses are recoverable, by the undertaker under subsection (4) above, or the amount of any such excess or expenses,
- may be referred to the Director for determination under section 30A above by either party to the dispute.”
- (10) In section 112 (requirement that proposed drain or sewer be constructed so as to form part of general system), in subsections (2) and (3), for “Secretary of State” there shall be substituted “ Director ”.
- (11) In section 113 (power to alter drainage system of premises)—
- (a) in subsection (4), for “appeal to a magistrates’ court” there shall be substituted “ refer the matter to the Director for determination under section 30A above ”; and
  - (b) subsection (5) shall cease to have effect.
- (12) In section 116 (power to close or restrict use of public sewer), the following subsection shall be inserted after subsection (3)—

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**Changes to legislation:** There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 35. (See end of Document for details)

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“(4) Any dispute arising under subsection (3)(a) above between a sewerage undertaker and any other person as to the effectiveness of any sewer provided by the undertaker for that person’s use may be referred to the Director for determination under section 30A above by either party to the dispute.”

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**Commencement Information**

**I1** [S. 35](#) wholly in force at 1.9.1992 see [s. 56\(2\)](#) and Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 4, Sch. Pt. II.

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**Marginal Citations**

**M1** [1991 c. 56](#).

**Changes to legislation:**

There are currently no known outstanding effects for the Competition and Service (Utilities) Act 1992, Section 35.