



Water Act 2014

2014 CHAPTER 21

PART 1

WATER INDUSTRY

CHAPTER 1

WATER SUPPLY LICENCES AND SEWERAGE LICENCES

Licensing arrangements between England and Wales and Scotland

6 Arrangements with the Water Industry Commission for Scotland

- (1) The Water Industry Act 1991 is amended as follows.
- (2) After section 17F (procedure for granting and varying licences) there is inserted—

“17FA Applications forwarded by the Water Industry Commission for Scotland

- (1) The Secretary of State may by regulations make provision about—
 - (a) treating a 2005 Act application for the grant of a water services licence under section 6 of the 2005 Act as being also an application under section 17F for the grant of a water supply licence giving only a retail authorisation or a restricted retail authorisation or both;
 - (b) treating a 2005 Act application for the grant of a sewerage services licence under section 6 of the 2005 Act as being also an application under section 17F for the grant of a sewerage licence giving only a retail authorisation.
- (2) The regulations may in particular make provision about—
 - (a) the circumstances in which, and the conditions subject to which, a 2005 Act application is to be treated as an application under

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- section 17F for a water supply or sewerage licence giving a particular authorisation or particular authorisations;
 - (b) the time at which an application is to be treated as having been made;
 - (c) the processing of an application by the Authority.
- (3) Provision under subsection (2)(a) may require a 2005 Act application that is forwarded to the Authority—
- (a) to contain, or to be accompanied by, such information or information of such description as is specified by the regulations;
 - (b) to be accompanied by such documents or documents of such descriptions as are specified by the regulations;
 - (c) to be accompanied by a fee, or a fee of a description, specified by the regulations.
- (4) In this section and section 17FB—
- “the 2005 Act” means the Water Services etc. (Scotland) Act 2005;
 - “2005 Act application” means an application under paragraph 1 of Schedule 2 to the 2005 Act.

17FB Applications forwarded to the Water Industry Commission for Scotland

- (1) If the conditions in subsection (2) are satisfied, the Authority must—
- (a) forward to the Commission a copy of an application under section 17F for the grant of a water supply licence or sewerage licence, and
 - (b) send to the Commission such information and such fee as appear to the Authority to be required in order that the application may be treated by the Commission as a 2005 Act application for the grant of—
 - (i) a water services licence under section 6 of the 2005 Act, or
 - (ii) a sewerage services licence under section 6 of the 2005 Act, as the case may be.
- (2) The conditions are that—
- (a) the Authority is requested to do so by the applicant;
 - (b) the application under section 17F appears to the Authority to be an application that would be treated by the Commission as a 2005 Act application for the grant of—
 - (i) a water services licence under section 6 of the 2005 Act, or
 - (ii) a sewerage services licence under section 6 of the 2005 Act, as the case may be;
 - (c) the applicant has given the Authority—
 - (i) such information as is mentioned in subsection (1)(b), and
 - (ii) a means of sending to the Commission such fee as is mentioned in subsection (1)(b).
- (3) The Authority must—
- (a) forward a copy of the application, and
 - (b) send such information and fee as are mentioned in subsection (1)(b), before the end of the agreed period for an application of that description.

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(4) In this section—

“the agreed period”, in relation to an application under section 17F of a particular description, means the period agreed between the Authority and the Commission as the period applying to an application of that description for the purposes of subsection (3);

“the Commission” means the Water Industry Commission for Scotland.”

Commencement Information

- I1** S. 6 in force at 1.4.2016 in so far as not already in force by S.I. 2016/465, art. 2(c) (with Sch. 2)
I2 S. 6(1) in force at 18.12.2015 for specified purposes by S.I. 2015/1938, art. 2(a)(i)
I3 S. 6(2) in force at 18.12.2015 for specified purposes by S.I. 2015/1938, art. 2(a)(ii)

7 Arrangements with the Water Services Regulation Authority

(1) The Water Services etc. (Scotland) Act 2005 is amended as follows.

(2) In Schedule 2 (procedure for granting licences), after paragraph 1 there is inserted—

“Applications forwarded by the Water Services Regulation Authority

1A (1) The Scottish Ministers may by order make provision about—

- (a) treating an application under section 17F of the 1991 Act for the grant of a water supply licence giving a retail authorisation or a restricted retail authorisation as being also an application under paragraph 1 for the grant of a water services licence;
- (b) treating an application under section 17F of the 1991 Act for the grant of a sewerage licence giving a retail authorisation as being also an application under paragraph 1 for the grant of a sewerage services licence.

(2) The order may in particular make provision about—

- (a) the circumstances in which, and the conditions subject to which, an application under section 17F of the 1991 Act is to be treated as an application under paragraph 1 for a water services licence or a sewerage services licence;
- (b) the time at which an application is to be treated as having been made;
- (c) the processing of an application by the Commission.

(3) Provision under sub-paragraph (2)(a) may require an application under section 17F of the 1991 Act that is forwarded to the Commission—

- (a) to include, or be accompanied by, information prescribed by the order;
- (b) to be accompanied by a fee, or a fee of a description, prescribed by the order.

(4) In this paragraph and paragraph 1B “the 1991 Act” means the Water Industry Act 1991.

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Applications forwarded to the Water Services Regulation Authority

1B (1) If the conditions in sub-paragraph (2) are satisfied, the Commission must—

- (a) forward to the Authority a copy of an application under paragraph 1 for the grant of a water services licence or sewerage services licence;
- (b) send to the Authority such information, documents and fee as appear to the Commission to be required in order that the application may be treated by the Authority as an application under section 17F of the 1991 Act for the grant of—
 - (i) a water supply licence giving a retail authorisation or a restricted retail authorisation or both, or
 - (ii) a sewerage licence giving a retail authorisation,
 as the case may be.

(2) The conditions are that—

- (a) the Commission is requested to do so by the applicant;
- (b) the application under paragraph 1 appears to the Commission to be an application that would be treated by the Authority as an application under section 17F of the 1991 Act for the grant of—
 - (i) a water supply licence giving a retail authorisation or a restricted retail authorisation or both, or
 - (ii) a sewerage licence giving a retail authorisation,
 as the case may be;
- (c) the applicant has given the Commission—
 - (i) such information and documents as are mentioned in sub-paragraph (1)(b), and
 - (ii) a means of sending to the Authority such fee as is mentioned in sub-paragraph (1)(b).

(3) The Commission must—

- (a) forward a copy of the application, and
- (b) send such information, documents and fee as are mentioned in sub-paragraph (1)(b),

before the end of the agreed period for an application of that description.

(4) In this paragraph—

“the agreed period”, in relation to an application under paragraph 1 of a particular description, means the period agreed between the Commission and the Authority as the period applying to an application of that description for the purposes of sub-paragraph (3);

“the Authority” means the Water Services Regulation Authority.”

(3) In section 6 (grant of water services and sewerage services licences)—

- (a) in subsection (1), for “paragraphs 1 and 2” there is substituted “ paragraphs 1, 1A and 2 ”;

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- (b) in subsection (3), for “paragraphs 1 and 2” there is substituted “ paragraphs 1, 1A and 2 ”.
- (4) In section 34 (orders and regulations), in subsection (3)(c), after “or (4)” there is inserted “ , 1A(1) ”.

Commencement Information

- I4** S. 7(1)(2) in force at 20.11.2015 for specified purposes by [S.S.I. 2015/360](#), **art. 2(a)**
- I5** S. 7(1)(2) in force at 1.4.2016 in so far as not already in force by [S.S.I. 2016/48](#), **art. 2**
- I6** S. 7(3)(4) in force at 20.11.2015 by [S.S.I. 2015/360](#), **art. 2(b)**

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1288, art. 3(c)(d) by [S.I. 2019/706 art. 2](#)
- specified provision(s) amendment to earlier commencing S.I. 2017/462, arts. 4, 5 by [S.I. 2017/926 art. 2](#)