



Water Act 2014

2014 CHAPTER 21

PART 1

WATER INDUSTRY

CHAPTER 3

REGULATION OF THE WATER INDUSTRY

General duties of the Water Services Regulation Authority

22 Primary duty to secure resilience

(1) Section 2 of the Water Industry Act 1991 (general duties with respect to water industry) is amended as follows.

(2) In subsection (2A)—

- (a) omit the “and” at the end of paragraph (c);
- (b) after paragraph (d) insert “; and
- (e) to further the resilience objective.”

(3) After subsection (2D) insert—

“(2DA) The resilience objective mentioned in subsection (2A)(e) is—

- (a) to secure the long-term resilience of water undertakers' supply systems and sewerage undertakers' sewerage systems as regards environmental pressures, population growth and changes in consumer behaviour, and
- (b) to secure that undertakers take steps for the purpose of enabling them to meet, in the long term, the need for the supply of water and the provision of sewerage services to consumers,

including by promoting—

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- (i) appropriate long-term planning and investment by relevant undertakers, and
- (ii) the taking by them of a range of measures to manage water resources in sustainable ways, and to increase efficiency in the use of water and reduce demand for water so as to reduce pressure on water resources.

(2DB) For the purposes of subsection (2DA)—

- (a) the reference to water undertakers' supply systems is to be construed in accordance with section 17B;
- (b) the reference to sewerage undertakers' sewerage systems is a reference to the systems comprising—
 - (i) the systems of public sewers, the facilities for emptying public sewers and the sewage disposal works and other facilities for dealing effectually with the contents of public sewers that undertakers are required to provide by section 94, and
 - (ii) the lateral drains that undertakers are required to maintain by section 94.”

Commencement Information

- I1** S. 22 not in force at Royal Assent; s. 22 in force for specified purposes at 14.7.2014, see s. 94(2)(e)
- I2** S. 22 in force at 18.12.2015 in so far as not already in force by S.I. 2015/1938, art. 2(e)

23 General duty as regards undue preference in the provision of services

In section 2 of the Water Industry Act 1991 (general duties of the Secretary of State and the Water Services Regulation Authority with respect to the water industry), in subsection (3) (general considerations in exercising powers and duties), after paragraph (b) there is inserted—

- “(ba) to secure that no undue preference (including for itself) is shown, and that there is no undue discrimination, in the doing by such a company of—
- (i) such things as relate to the provision of services by itself or another such company, or
 - (ii) such things as relate to the provision of services by a water supply licensee or a sewerage licensee;”.

Commencement Information

- I3** S. 23 in force at 1.1.2015 for specified purposes by S.I. 2014/3320, art. 2(1)(a) (with art. 3)
- I4** S. 23 in force at 6.4.2015 for W. for specified purposes by S.I. 2015/773, art. 2(3)(a) (with art. 6)
- I5** S. 23 in force at 1.4.2016 for E. in so far as not already in force by S.I. 2016/465, art. 2(e) (with Sch. 2)

24 Strategic priorities and objectives

(1) For section 2A of the Water Industry Act 1991 there is substituted—

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“2A Strategic priorities and objectives: England

- (1) The Secretary of State may from time to time publish a statement setting out strategic priorities and objectives for the Authority in carrying out relevant functions relating wholly or mainly to England.
- (2) The Authority must carry out those functions in accordance with any statement published under this section.
- (3) In formulating a statement under this section, the Secretary of State—
 - (a) must have regard to the duties imposed on the Authority under section 2,
 - (b) must have regard to social and environmental matters, and
 - (c) may have regard to such other matters as the Secretary of State thinks fit.
- (4) Before publishing a statement under this section, the Secretary of State must consult—
 - (a) the Authority,
 - (b) the Council,
 - (c) relevant undertakers,
 - (d) licensed water suppliers,
 - (e) the Environment Agency,
 - (f) the Welsh Ministers,
 - (g) the NRBW, and
 - (h) anyone else the Secretary of State thinks appropriate.
- (5) Before publishing a statement under this section the Secretary of State must—
 - (a) lay a draft of the statement before Parliament, and
 - (b) then wait until the end of the 40-day period.
- (6) The Secretary of State may not publish the statement under this section if, within the 40-day period, either House of Parliament resolves not to approve it.
- (7) “The 40-day period” means the period of 40 days beginning with the day on which the draft is laid before Parliament (or, if it is not laid before each House on the same day, the later of the days on which it is laid).
- (8) When calculating the 40-day period, ignore any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days.
- (9) In this section “relevant functions relating wholly or mainly to England” means the functions mentioned in section 2(1)(b) so far as they relate to appointment areas wholly or mainly in England.
- (10) In subsection (9) “appointment area” means an area for which an appointment is held under Chapter 1 of Part 2.

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2B Strategic priorities and objectives: Wales

- (1) The Welsh Ministers may from time to time publish a statement setting out strategic priorities and objectives for the Authority in carrying out relevant functions relating wholly or mainly to Wales.
 - (2) The Authority must carry out those functions in accordance with any statement published under this section.
 - (3) In formulating a statement under this section the Welsh Ministers—
 - (a) must have regard to the duties imposed on the Authority under section 2,
 - (b) must have regard to social and environmental matters, and
 - (c) may have regard to such other matters as the Welsh Ministers think fit.
 - (4) Before publishing a statement under this section, the Welsh Ministers must consult—
 - (a) the Authority,
 - (b) the Council,
 - (c) relevant undertakers,
 - (d) licensed water suppliers,
 - (e) the NRBW,
 - (f) the Secretary of State,
 - (g) the Environment Agency, and
 - (h) anyone else the Welsh Ministers think appropriate.
 - (5) Before publishing a statement under this section the Welsh Ministers must—
 - (a) lay a draft of the statement before the Assembly, and
 - (b) then wait until the end of the 40-day period.
 - (6) The Welsh Ministers may not publish the statement under this section if, within the 40-day period, the Assembly resolves not to approve it.
 - (7) “The 40-day period” means the period of 40 days beginning with the day on which the draft is laid before the Assembly.
 - (8) When calculating the 40-day period, ignore any period during which the Assembly is dissolved or is in recess for more than 4 days.
 - (9) In this section “relevant functions relating wholly or mainly to Wales” means the functions mentioned in section 2(1)(b) so far as they relate to appointment areas wholly or mainly in Wales.
 - (10) In subsection (9) “appointment area” means an area for which an appointment is held under Chapter 1 of Part 2.”
- (2) In section 2(6A), (6B) and (7) of that Act (general duties with respect to water industry), for “section 2A” there is substituted “ sections 2A and 2B ”.
 - (3) In section 192A of that Act (forward work programme), after subsection (3) there is inserted—

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“(3A) The forward work programme for any year must also include an explanation of how the projects described in it reflect any strategic priorities or objectives published under section 2A or 2B.”

Commencement Information

I6 S. 24 in force at 6.4.2015 by S.I. 2015/773, **art. 2(1)(c)** (with **art. 4**)

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](#)