

*Status: This version of this provision is prospective.*

*Changes to legislation: Water Act 2014, Section 39 is up to date with all changes known to be in force on or before 19 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*



# Water Act 2014

## 2014 CHAPTER 21

### PART 1

#### WATER INDUSTRY

### CHAPTER 3

#### REGULATION OF THE WATER INDUSTRY

#### *Adjudication functions*

PROSPECTIVE

#### **39 Exercise of adjudication functions by other persons**

After section 207C of the Water Industry Act 1991 (inserted by section 37) there is inserted—

#### *“Adjudication*

#### **207D Exercise of adjudication functions by other persons**

- (1) The Minister may by order made by statutory instrument provide that any of the Authority's adjudication functions (see subsection (4)) is to be exercised—
  - (a) on the Authority's behalf, by such person as may be specified in the order, or
  - (b) either by the Authority or, on the Authority's behalf, by such person as may be specified in the order, at the option of the Authority in any particular case.
- (2) An order under subsection (1) may—

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- (a) provide for requirements applying to the exercise of a function by the Authority to apply to the exercise of the function by another person;
  - (b) require the Authority to produce guidance as to the exercise by another person of one of the Authority's adjudication functions and to keep such guidance up to date;
  - (c) require a person exercising one of the Authority's adjudication functions to have regard to—
    - (i) any guidance to which the Authority would have regard in exercising that function;
    - (ii) any guidance produced by the Authority as to the exercise of that function.
- (3) An order under subsection (1) may—
- (a) make different provision for different purposes;
  - (b) apply any primary or secondary legislation with or without modifications;
  - (c) make supplemental, consequential and transitional provision.
- (4) For the purposes of this section, the Authority's adjudication functions are—
- (a) the determination of any matter referred to it for determination under section 30A;
  - (b) the Authority's functions under any of the following—
    - regulations made by virtue of section 38(4) (power to prescribe by regulations standards of performance for water undertakers as regards water supply in individual cases: provision for disputes etc);
    - regulations made by virtue of section 38ZA(4) (power to prescribe by regulations standards of performance for water supply licensees as regards water supply in individual cases: provision for disputes etc);
    - regulations made by virtue of section 95(4) (power to prescribe by regulations standards of performance for sewerage undertakers as regards sewerage services in individual cases: provision for disputes etc);
    - regulations made by virtue of section 95ZA(4) (power to prescribe by regulations standards of performance for sewerage licensees as regards sewerage services in individual cases: provision for disputes etc);
    - section 105 (appeals with respect to adoption of sewer etc);
    - section 105B (appeals relating to schemes for the adoption of sewers etc);
    - section 110 (determination of disputes with respect to cross boundary sewers);
    - section 112(2) and (3) (appeal against requirement that proposed drain or sewer be constructed so as to form part of general system);
    - section 122 (appeals relating to applications to discharge trade effluent);
    - section 126 (appeals with respect to variations of consent to discharge trade effluent);

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section 128 (application for variation of time for discharge of trade effluent);

section 181 (investigation of complaints with respect to the exercise of works powers on private land);

but do not include any functions as to enforcement under section 18.

(5) In this section—

“the Minister”, in relation to an adjudication function of the Authority, means—

(a) the Secretary of State, to the extent that the function is to be exercised—

(i) in relation to a relevant undertaker whose area is wholly or mainly in England,

(ii) in relation to a water supply licensee using the supply system of such an undertaker (see section 17B), or

(iii) in relation to a sewerage licensee using the sewerage system of such an undertaker (see section 17BA);

(b) the Welsh Ministers, to the extent that the function is to be exercised—

(i) in relation to a relevant undertaker whose area is wholly or mainly in Wales, or

(ii) in relation to a water supply licensee using the supply system of such an undertaker (see section 17B);

“primary legislation” means an Act or an Act or Measure of the Assembly;

“secondary legislation” means an instrument made under primary legislation.

(6) A statutory instrument containing an order made by the Secretary of State under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) A statutory instrument containing an order made by the Welsh Ministers under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Assembly.”

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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](#)