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STATUTORY INSTRUMENTS

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**2017 No. 244**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Sewerage Services (Exception from Sewerage System Prohibition) (England) Regulations 2017**

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| <i>Made</i>                   | - - - - | <i>28th February 2017</i> |
| <i>Laid before Parliament</i> |         | <i>3rd March 2017</i>     |
| <i>Coming into force</i>      | - -     | <i>1st April 2017</i>     |

The Secretary of State makes the following Regulations in exercise of the power conferred by section 117P(4) of the Water Industry Act 1991(1).

**Citation and commencement**

1. These Regulations may be cited as the Sewerage Services (Exception from Sewerage System Prohibition) (England) Regulations 2017 and come into force on 1st April 2017.

**Specified circumstances in which prohibition on use of a sewerage system does not apply**

2.—(1) Section 117P(1) of the Water Industry Act 1991 (prohibition on unauthorised use of sewerage system) does not apply where—

- (a) a sewerage undertaker(2) provides sewerage services to any premises; and
- (b) provision of those services—
  - (i) involves use of the sewerage system of another sewerage undertaker whose area is wholly or mainly in England; and
  - (ii) is under a main connection agreement or an old main connection agreement.

(2) In this regulation—

“main connection agreement” has the meaning given in section 110A(11) of the Water Industry Act 1991(3); and

“old main connection agreement” has the meaning given in section 9(3)(a) of the Water Act 2014(4).

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(1) 1991 c. 56; section 117P was inserted by Schedule 4 of the Water Act 2014 (c. 21).

(2) Schedule 1 to the Interpretation Act 1978 (c. 30) provides that “sewerage undertaker”, in relation to England and Wales, shall be construed in accordance with section 6 of the Water Industry Act 1991 (appointment of relevant undertakers).

(3) Section 110A was substituted by section 9(1) of the Water Act 2014.

(4) 2014 c. 21.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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28th February 2017

*Thérèse Coffey*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Water Industry Act 1991 (“the Act”), as amended by the Water Act 2014, requires sewerage undertakers to grant access to their sewerage systems under certain conditions and for certain purposes.

Section 117P of the Act prohibits use of the sewerage system of a sewerage undertaker whose area is wholly or mainly in England for the purpose of providing sewerage services to premises of a customer, the person so using that system, or a person associated with that person. This prohibition does not apply where that use of the system is made by the sewerage undertaker, by a sewerage licensee in pursuance of its sewerage licence or in such further circumstances as the Secretary of State may specify in regulations.

These Regulations specify further circumstances in which the prohibition in section 117P of the Act does not apply.

Regulation 2(1) allows a sewerage undertaker to use the sewerage system of another sewerage undertaker whose area is wholly or mainly in England where it is providing sewerage services under a main connection agreement. Regulation 2(2) defines relevant terms.

No impact assessment has been prepared in respect of these Regulations. Impact assessments were prepared in respect of the Water Act 2014 and copies can be obtained from the Water Services Team, the Department for Environment, Food and Rural Affairs, Area 3D, Nobel House, 17 Smith Square, London SW1P 3JR. These impact assessments are published alongside the Water Act 2014 at [www.legislation.gov.uk](http://www.legislation.gov.uk).