

WATER INDUSTRY ACT 1991: SECTION 17BA

SEWERAGE LICENCE

Granted on 6 November 2017

Coming into force on 7 November 2017

The Water Services Regulation Authority, in exercise of its powers under section 17BA of the Water Industry Act 1991¹, in accordance with a general authorisation given by the Secretary of State, hereby grants a sewerage licence to Marston's PLC registered company number 00031461 ("the Licensee") of

Marston's House, Brewery Road, Wolverhampton, WV1 4JT

Interpretation

1. – (1) In this licence unless the context otherwise requires -

"the Act" means the Water Industry Act 1991;

"qualifying sewerage licensee" has the same meaning as in section 23 of the Act (meaning and effect of special administration order);

"relevant removal" means the removal of matter by the Licensee which is permitted under section 117C (removal of matter from sewerage system by a sewerage licensee) or 117D (connections for the purposes of a disposal authorisation) and which is designated as strategic sewerage provision under section 117N (designation of strategic sewerage provision) or removals of matter by the Licensee which are so permitted and which are designated as collective strategic sewerage provision under section 117O (designation of collective strategic sewerage provision);

"Special Conditions" means the special conditions set out in Schedule 2; and

"Standard Conditions" means the Standard Conditions of Water Supply and Sewerage Licences determined by the Secretary of State under sections 17H(1) and 17HA(1) of the Act², as amended from time to time.

(2) Any words or expressions used in the Act or the Water Act 2014 shall, unless the contrary intention appears, have the same meaning when used in this licence.

(3) Words and expressions used in this licence and references in and to this licence shall be construed as if they were an Act of Parliament and the Interpretation Act 1978 applied to them.

(4) Any reference, express or implied, to any enactment includes:

(a) that enactment as amended, supplemented, applied or replaced by or under any other enactment from time to time;

(b) any enactment which that enactment re-enacts (with or without modification); and

(c) any subordinate legislation made from time to time under that enactment, including, where applicable, that enactment as amended, supplemented, applied or replaced as

¹ 1991 (c.56). Section 17BA was inserted into the Water Industry Act 1991 by section 4(1) of the Water Act 2014 (c.21).

² A copy may be obtained from www.gov.uk/defra or www.ofwat.gov.uk

described in sub-paragraph (a) above or under any enactment which it re-enacts as described in sub-paragraph (b) above.

(5) Any reference to any provision of the Standard Conditions is a reference to that provision as amended from time to time.

(6) Unless the contrary intention appears, any reference to a section, Chapter or Part is a reference to a section, Chapter or Part of the Act.

Authorisation(s)

2. This licence gives the Licensee the authorisations listed in Schedule 1.

Application of the Standard Conditions

3. This licence is subject to the Standard Conditions as modified by Schedule 3.

Application of the Special Conditions

4. The licence is subject to the Special Conditions.

Duration of licence

5. - (1) This licence comes into force on 7 November 2017.

(2) This licence continues in force unless revoked in accordance with the Standard Conditions (which set out the conditions of revocation), or terminated by not less than 25 years' notice served by the Secretary of State on the Licensee.

(3) At any time after the service of a notice under sub-paragraph (2) and before the end of the 25 year period mentioned in that sub-paragraph, the Secretary of State may by further notice served on the Licensee vary or withdraw the notice under sub-paragraph (2).

(4) A notice of variation under sub-paragraph (2) may not provide for termination to take place earlier than 25 years after the date first specified in the notice in sub-paragraph (2).

(5) Subject to sub-paragraph (6), this licence shall not be terminated by virtue of a notice under sub-paragraph (2) while the Licensee is a qualifying sewerage licensee.

(6) Sub-paragraphs (7) and (8) apply where the Secretary of State is satisfied that arrangements have been made to ensure that activities relating to any relevant removal will be properly carried on after this licence is terminated.

(7) Where this sub-paragraph applies and the date of termination specified in the notice under sub-paragraph (2) has not passed, sub-paragraph (5) shall cease to apply.

(8) Where this sub-paragraph applies and the date of termination specified in the notice under sub-paragraph (2) has passed, this licence shall terminate immediately.

Signed for and on behalf of the Water Services Regulation Authority

Cathryn Ross

Chief Executive

6 November 2017

Schedule 1
Authorisations given by this Licence

Sewerage Licence

This sewerage licence gives the holder the following authorisation as described in Schedule 2B to the Act³:

- a retail authorisation.

³ Schedule 2B was inserted by section 4(2) of, and Schedule 3 to, the Water Act 2014.

Schedule 2

Special Conditions to this Licence

Self-supply restriction

The Licensee shall not use the sewerage system of a sewerage undertaker for the purpose of enabling the Licensee to provide sewerage services in respect of the premises of any person other than:

- (a) the Licensee; or
- (b) persons associated with the Licensee and the reference to 'persons associated with the Licensee' shall be interpreted in accordance with Schedule 2B to the Act.

Schedule 3**Exclusions and modifications to the Standard Conditions under section 17HA(7) of the Act**

This sewerage licence is subject to the Standard Conditions, modified as follows:

1. In Part A, Condition 1(2), the exclusion of the definition of “Customer Protection Code of Practice”;
2. In Part A, Condition 1(2) after the definition of “Licence,” the insertion of the following definition:
 ““List of Associated Persons” means the list of persons supplied by the Licensee as authorised by its Licence”;
3. In Part A, the exclusion of Condition 4;
4. In Part A, the exclusion of Condition 7;
5. In Part A, Condition 8, after clause (3) the insertion of the following new clause:
 “(4) The Licensee shall produce a List of Associated Persons and shall publish it on its website. The Licensee shall keep the List of Associated Persons up to date.”
6. In Part B, the exclusion of Condition 2.