

WATER SERVICES REGULATION AUTHORITY

WATER INDUSTRY ACT 1991, SECTION 13(1)

Modification of the Conditions of Appointment of [company]

**Made on 2 November 2018
Coming into effect on 1 April 2019**

The Water Services Regulation Authority, in exercise of the power conferred on it by section 13(1) of the Water Industry Act 1991 (the "Act"), after giving notice as required by section 13(2) of the Act, hereby makes the modifications described in the Schedule attached hereto to the Conditions of the Appointments of [company] (the "Appointee") as a water [and sewerage] undertaker under Chapter I of Part II of the Act, the Appointee having consented to these modifications.

**Signed for and on behalf of the
Water Services Regulation Authority**

**David Black
Senior Director, Water 2020**

Schedule

The following condition E1 is inserted after condition E:

“Condition E1: Prohibition on undue discrimination and undue preference and restrictions on the use of information in relation to the provision of certain services”

Undue preference and undue discrimination

1. The Appointee shall, when carrying out the Regulated Activities, not show undue preference towards (including towards itself), or undue discrimination against, any person in the doing of such things as relate to the provision by itself or by other relevant undertakers, water supply [and/or sewerage] licensees or any other person of the following services:
 - (1) the provision, management and/or development of water resources;
 - (2) activities connected with the promotion of the efficient use of water and the reduction of demand for water (Demand Management);
 - (3) activities connected with the discovery and repair of unplanned or unintended leaks of water from pipes (Leakage Services);
 - (4) the laying of [lateral drains,] service pipes[, sewers] and/or water mains that are intended to be connected to the Appointee’s supply system (as defined in section 219(4A) of the Water Industry Act 1991) [or its sewerage system (as defined in section 17BA(7) of the Water Industry Act 1991)] or the alteration or removal of a pipe or other apparatus that is for the time being kept installed by the Appointee on, under or over any land;
 - (5) the provision of supplies of water [or, as the case may be, sewerage services] to premises by a relevant undertaker; and
 - (6) [activities connected with the transport, treatment and disposal of sludge produced by sewage disposal works (Bioresources)].

Restrictions on the use of information

2. The Appointee shall not disclose the information referred to in paragraph 3 below, or otherwise use, distribute or disseminate such information within the Appointed Business, otherwise than for the purpose or purposes for which that information was furnished by the relevant person, except -
 - (1) where required or permitted by law;
 - (2) where necessary to protect public health or to prevent the contamination, waste, undue consumption or misuse of water supplied by the Appointee;
 - (3) where necessary to investigate or prosecute criminal offences; or
 - (4) where otherwise agreed with the person furnishing the information.

3. The information referred to in paragraph 2 above is information disclosed to the Appointee by any person when:
 - (1) submitting, or providing information in relation to, a bid to the Appointee for the provision, management and/or development of -
 - (a) water resources,
 - (b) activities connected with the promotion of the efficient use of water and the reduction of demand for water (Demand Management),
 - (c) activities connected with the discovery and repair of unplanned or unintended leaks of water from pipes (Leakage Services), and/or
 - (d) [activities connected with the transport, treatment and disposal of sludge produced by sewage disposal works (Bioresources)]; or
 - (2) making an enquiry about, or entering into, an agreement under section 51A (Agreements to adopt water main or service pipe at future date) [or section 104 (Agreements to adopt sewer, drain or sewage disposal works, at future date)] of the Water Industry Act 1991.

4. For the avoidance of doubt, paragraph 2 above does not restrict the disclosure, use, distribution or dissemination of information that is in the public domain or that has been disclosed to the Appointee in circumstances that do not fall within paragraph 3 above.”