

WATER INDUSTRY ACT 1991: SECTION 17BA

SEWERAGE LICENCE

Granted on 15 January 2021

Coming into force on 16 January 2021

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 Arla Foods Limited, registered company number 02143253 ("the Licensee") of Arla House, 4 Savannah Way, Leeds Valley Park, Leeds, Yorkshire, LS10 1AB.

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 (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 Condition(s)" means the special condition(s) 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;

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

(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 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

4. This licence is subject to the Standard Conditions.

Application of the Special Condition(s)

3. The licence is subject to the Special Conditions (if any).

Duration of licence

5. - (1) This licence comes into force on 15 January 2021.

(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

A handwritten signature in black ink, appearing to read 'Emma Kelso'.

Emma Kelso
Senior Director, Markets and Enforcement

15 January 2021

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.

5
Schedule 2

Special Condition(s) 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.