

SCHEDULE 2

TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

PART IV

CHARGES FOR SERVICES

Amounts due to the Department

18.—(1) The repeal of the 1973 Order shall not affect the liability of any person for any amount which is due to the Department under the 1973 Order or regulations made under the 1973 Order immediately before the transfer date or which would, but for the repeal, have become so due to the Department on or after that date in respect of any period, or anything done, prior to that date; and each such amount shall be payable on or after that date to the person to whom the right to receive it is transferred in accordance with a scheme made under Article 270 of the 2006 Order.

(2) Without prejudice to the generality of sub-paragraph (1) and notwithstanding the repeal of Article 54 of the 1973 Order or revocation of regulation 7(3) of the Water Charges Regulations (Northern Ireland) 1973 by the 2006 Order, the person to whom the right to receive the amount referred to in sub-paragraph (1) is transferred in accordance with a scheme made under Article 270 of the 2006 Order may recover any such amounts summarily as a civil debt.

Trade effluent charges

19. References (however expressed) in any deemed consent (as defined in Part III of Schedule 2 to this Order (Trade Effluent)), to any charges or method of charging for trade effluent discharges determined from time to time by the Department in relation to any period shall have effect on and after the transfer date, as if they were references to the charges or method of charging for trade effluent discharges specified in a charges scheme made under Article 201 of the 2006 Order and for the time being in force.

Liability of owners and occupiers

20. Where, in the case of any premises—

- (a) the person who is liable, immediately before the transfer date, to pay charges in respect of a supply of water or the provision of sewerage services to those premises is the owner of those premises, and not the occupier; and
- (b) that person is so liable otherwise than by virtue of an agreement,

then, on and after that date, the person who is the owner from time to time of those premises (“the current owner”) shall continue to be or, as the case may be, shall become and remain, so liable, until the person who is in fact the occupier of the premises immediately before that date ceases to be, and another person becomes, the occupier of those premises, and accordingly the current owner shall until then be treated for the purpose of Article 203 of the 2006 Order as if he were the occupier of those premises.

Notice of requirements to connect or disconnect a meter

21.—(1) Where before the transfer date the Department was proposing to carry out, or was carrying out, any works in respect of any premises pursuant to a notice served on the Department under regulation 5(2) of the Water Charges Regulations (Northern Ireland) 1973, notwithstanding the revocation of that regulation by the 2006 Order, that regulation shall apply to such works on or after that date, but subject to the transfer in accordance with a scheme made under Article 270 of the 2006 Order.

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(2) Where sub-paragraph (1) applies in respect of any premises, Article 223 of the 2006 Order shall apply to the person to whom the rights and liabilities in relation to regulation 5(2) of the Water Charges Regulation (Northern Ireland) 1973 are transferred in accordance with a scheme made under Article 270 of the 2006 Order, as if paragraph (2) of that Article was satisfied in relation to those premises; and Article 233 of the 2006 Order shall apply accordingly.

(3) The requirements as to notice of entry in Schedule 4 to the 2006 Order shall be deemed to be satisfied in respect of any entry to premises effected under Article 223 or 233 of the 2006 Order for the purposes of sub-paragraph (1) by the person to whom the rights and liabilities in relation to regulation 5(2) of the Water Charges Regulations (Northern Ireland) 1973 are transferred in accordance with a scheme made under Article 270 of the 2006 Order.

Disconnection for non-payment

22.—(1) Where—

- (a) before the transfer date premises are disconnected by the Department from a main of the Department under Article 53(5) of the 1973 Order or regulation 7(1) of the Water Charges Regulations (Northern Ireland) 1973 and remain so disconnected immediately before the transfer date; and
- (b) a demand is made to the water undertaker under Article 91(2) of the 2006 Order (or takes effect as if made under Article 91(2) of that Order in accordance with paragraph 1), by any person in respect of those premises,

Article 92(2)(a) of the 2006 Order shall apply in relation to that demand as if the reference to any amount owed by him to the undertaker included a reference to any amount owed by him to the Department, and the reference to expenses reasonably incurred in cutting off any supply included any expenses incurred by the Department in cutting off the supply under Article 53(5) of the 1973 Order or regulation 7 of those regulations.

(2) Any notice served by the Department on any person of its intention to disconnect premises from a main of the Department under regulation 7(1) of the Water Charges Regulations (Northern Ireland) 1973 which is extant immediately before the transfer date in respect of any premises shall, except in the case of any premises specified in Schedule 2 to the 2006 Order, have effect on and after that date as if it were a notice served by the water undertaker for the purposes of Article 100(1)(b) of the 2006 Order on that person.

(3) References in Article 100(1)(b) of the 2006 Order to the day after a person is served with notice shall be taken, in relation to a notice having effect as a notice under that Article by virtue of sub-paragraph (2), as references to the day after a person is served with notice by the Department under regulation 7(1) of the Water Charges Regulations (Northern Ireland) 1973.

(4) In relation to a notice having effect as mentioned in sub-paragraph (2), where, within the period of 7 days after a person is served with the notice, that person notifies the Department (before the transfer date) or the water undertaker (on or after the transfer date) that he disputes his liability to pay the charges in question, Article 100(3) of the 2006 Order shall apply.