



# Water Industry Act 1991

## 1991 CHAPTER 56

### PART V

#### FINANCIAL PROVISIONS

#### CHAPTER I

#### CHARGES

##### *Manner of fixing charges*

#### **142 Powers of undertakers to charge.**

(1) Subject to the following provisions of this Chapter, the powers of every relevant undertaker shall include power—

- (a) to fix charges for any services provided in the course of carrying out its functions and, in the case of a sewerage undertaker, charges to be paid in connection with the carrying out of its trade effluent functions; and
- (b) to demand and recover charges fixed under this section from any persons to whom the undertaker provides services or in relation to whom it carries out trade effluent functions.

(2) [<sup>F1</sup>Subject to subsections (2A), (3) and (3A)] below, the powers conferred by subsection (1) above shall be exercisable—

- (a) by or in accordance with a charges scheme under section 143 below; or
- (b) by or in accordance with agreements with the persons to be charged.

[<sup>F2</sup>(2A) Paragraph (b) of subsection (2) above shall not have effect in relation to—

- (a) charges for the supply of water to a dwelling, or
- (b) charges for the provision of sewerage services in respect of a dwelling,

but this subsection does not affect any agreement made before the commencement of section 3 of the Water Industry Act 1999.

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<sup>F2</sup>(2B) In subsection (2A) above, “dwelling” has the meaning given by paragraph 1(2) of Schedule 4A to this Act.]

(3) Paragraph (b) of subsection (2) above shall have effect in relation to the exercise of powers with respect to charges in connection with the carrying out of a sewerage undertaker’s trade effluent functions only in so far as provision for the fixing, demanding or recovery of such charges may be contained in an agreement entered into in accordance with section 129 above.

<sup>F3</sup>[(3A) The power of a sewerage undertaker to charge, by virtue of subsection (1) above, for any services provided in the course of carrying out its duty under section 101A(1) above shall be exercisable only by or in accordance with a charges scheme under section 143 below.]

(4) Except in so far as this Chapter otherwise provides, a relevant undertaker may fix charges under this section by reference to such matters, and may adopt such methods and principles for the calculation and imposition of the charges, as appear to the undertaker to be appropriate.

(5) The powers in relation to which this section has effect shall not be exercised so as to contravene any local statutory provision which expressly provides that no charge shall be made for a particular service.

(6) Nothing in subsections (1) to (5) above or in any charges scheme under section 143 below shall affect any power of a relevant undertaker to fix charges under any power conferred otherwise than by virtue of this Chapter.

<sup>F4</sup>(6A) If an undertaker makes an agreement that falls within subsection (2)(b), it must notify the Authority of the provisions of the agreement.

(6B) The requirement in subsection (6A) is enforceable by the Authority under section 18.]

(7) References in this section to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.

#### Textual Amendments

- F1** Words in s. 142(2) substituted (1.4.2000) by 1999 c. 9, s. 3(1); S.I. 1999/3440, art. 3  
**F2** S. 142(2A)(2B) inserted (1.4.2000) by 1999 c. 9, s. 3(1); S.I. 1999/3440, art. 3  
**F3** S. 142(3A) inserted (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 114(1)(2) (with ss. 7(6), 115, 117); S.I. 1996/186, art. 3  
**F4** S. 142(6A)(6B) inserted (14.7.2014) by Water Act 2014 (c. 21), ss. 33(2), 94(2)(h)

#### Modifications etc. (not altering text)

- C1** S. 142 applied (with modifications) (28.6.2013) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582), reg. 1(1)(b), Sch. 1 para. 11(1) (with reg. 1(1)(c))

## 143 Charges schemes.

(1) A relevant undertaker may make a scheme (“a charges scheme”) which <sup>F5</sup>has effect in relation to a specified period of twelve months and]does any one or more of the following, that is to say—

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- (a) fixes the charges to be paid for any services provided by the undertaker in the course of carrying out its functions;
  - (b) in the case of a sewerage undertaker, requires such charges as may be fixed by the scheme to be paid to the undertaker where, in the circumstances set out in the scheme—
    - (i) a notice containing an application for a consent is served on the undertaker under section 119 above;
    - (ii) such a consent as is necessary for the purposes of Chapter III of Part IV of this Act is given by the undertaker; or
    - (iii) a discharge is made in pursuance of such a consent;and
  - (c) makes provision with respect to the times and methods of payment of the charges fixed by the scheme.
- (2) The persons who may be required by a charges scheme to pay any charge fixed by virtue of subsection (1)(b) above shall be the person who serves the notice, the person to whom the consent is given or, as the case may be, any person who makes a discharge in pursuance of the consent at any time during the period to which, in accordance with the scheme, the charge relates.
- (3) A charges scheme which requires the payment of charges where a discharge has been made in pursuance of such a consent as is mentioned in subsection (1)(b) above may impose—
- (a) a single charge in respect of the whole period for which the consent is in force;
  - (b) separate charges in respect of different parts of that period; or
  - (c) both such a single charge and such separate charges.
- [<sup>F6</sup>(3A) A sewerage undertaker is under a duty to ensure that any charges scheme made by the undertaker, so far as having effect to recover the undertaker's costs of providing a sewer by virtue of its duty under section 101A(1) above, causes those costs to be borne by the undertaker's customers generally; and a sewerage undertaker's duty under this subsection shall be enforceable under section 18 above—
- (a) by the Secretary of State; or
  - (b) with the consent of or in accordance with a general authorisation given by the Secretary of State, by the Director.]
- (4) A charges scheme may—
- (a) make different provision for different cases, including different provision in relation to different circumstances or localities; and
  - (b) contain supplemental, consequential and transitional provision for the purposes of the scheme;
- and such a scheme may revoke or amend a previous charges scheme.
- (5) Nothing in any charges scheme shall affect—
- (a) any power of a relevant undertaker [<sup>F7</sup>in a case not falling within section 142(2A) above] to enter into such an agreement with any person in any particular case as determines the charges to be made for the services provided to that person by the undertaker; or
  - (b) the power of a sewerage undertaker to enter into any agreement under section 129 above on terms that provide for the making of payments to the undertaker.

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[<sup>F8</sup>(6) If the Authority considers that a relevant undertaker's charges scheme does not comply with—

- (a) subsection (2), (3) or (5),
- (b) regulations under section 143A,
- (c) rules under section 143B, or
- (d) section 144A(9), (10) or (11)(a),

the Authority may give the undertaker a direction to do, or not to do, a thing specified in the direction.

(6A) The Authority must issue rules (and, if it revises rules it has issued, must issue revised rules) about consulting the Council about proposed charges schemes.

(6B) The rules must require a relevant undertaker that proposes to make a charges scheme to consult the Council about its proposed scheme.

(6C) If the Authority considers that a relevant undertaker has not complied with those rules, it may give the undertaker a direction to do, or not to do, a thing specified in the direction.

(6D) It is the duty of a relevant undertaker to comply with a direction under subsection (6) or (6C), and this duty is enforceable by the Authority under section 18.]

#### Textual Amendments

- F5** Words in s. 143(1) inserted (23.12.1999) by 1999 c. 9, s. 4(2); S.I. 1999/3440, art. 2
- F6** S. 143(3A) inserted (1.4.1996) by 1995 c. 25, s. 120(1), Sch. 22 para. 114(1)(2) (with ss. 6(6), 115, 117); S.I. 1996/186, art. 3
- F7** Words in s. 143(5)(a) inserted (1.4.2000) by 1999 c. 9, s. 3(2); S.I. 1999/3440, art. 3
- F8** S. 143(6)-(6D) substituted for s. 143(6)-(9) (1.11.2015) by Water Act 2014 (c. 21), ss. 16(1), 94(3); S.I. 2015/1469, art. 4(a) (with art. 5(4)(5))

#### Modifications etc. (not altering text)

- C2** S. 143 applied (with modifications) (28.6.2013) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582), reg. 1(1)(b), Sch. 1 para. 11(2) (with reg. 1(1)(c)) (as amended (31.3.2017) by The Water Act 2014 (Consequential Amendments etc.) Order 2017 (S.I. 2017/506), arts. 1(1), 30(12)(b))

[<sup>F9</sup>143A Regulations as to provisions to be included in charges schemes.

(1) The provisions of any charges scheme under section 143 above must comply with any requirements prescribed by the Secretary of State by regulations.

(2) Without prejudice to the generality of subsection (1) above, regulations under this section may—

- (a) prescribe items with respect to which a consumer is, or is not, to be liable to pay a charge;
- (b) make provision as to the matters by reference to which charges may be fixed and as to methods and principles to be adopted in calculating and imposing charges;
- (c) require alternative bases of charging to be made available to consumers; and

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- (d) require special provision, including exemption from specified charges, to be made for the purpose of assisting individuals who are or would be liable to pay any charges and who fall within any class of individuals appearing to the Secretary of State to require special provision.
- (3) Regulations under this section imposing requirements for the purpose mentioned in subsection (2)(d) may—
- (a) prescribe the classes of persons for whom special provision is to be made in relation to any premises by reference to matters such as age, ill-health or disability, the age, ill-health or disability of any of their dependants or of any other persons who have their homes in the premises, or their financial circumstances;
  - (b) make provision as to the method by which a person may establish his entitlement to assistance under the regulations; and
  - (c) make provision as to responsibility for costs incurred for the purpose of establishing that entitlement.
- (4) The power to make regulations under this section may not be exercised for the purpose of limiting the total revenues of relevant undertakers from charges fixed by or in accordance with charges schemes.]

#### Textual Amendments

**F9** S. 143A inserted (30.6.1999 for certain purposes and 23.12.1999 otherwise) by ss. 5, 17(2); [S.I. 1999/3440, art. 2](#)

#### Modifications etc. (not altering text)

**C3** S. 143A: certain functions transferred to the National Assembly for Wales (15.11.1999) by [S.I. 1999/2787, art. 3](#)

### [<sup>F10</sup>143B] Rules about charges schemes

- (1) The Authority may issue rules about charges schemes under section 143.
- (2) Rules under this section may in particular—
  - (a) make provision about the types of charges that may be imposed;
  - (b) make provision about the amount or maximum amount, or the methods for determining the amount or maximum amount, of any type of charge;
  - (c) make provision about the principles for determining what types of charges may or may not be imposed;
  - (d) make provision about principles for determining the amount of any charge that may be imposed;
  - (e) require particular schemes of charges to be available in specified cases;
  - (f) make provision about the timing of payment of charges;
  - (g) require charges schemes to be published;
  - (h) make provision about how charges schemes are to be published.
- (3) The rules may provide for the reduction of charges under a charges scheme where conditions specified by the rules are satisfied.
- (4) Rules made by virtue of subsection (3) may in particular specify conditions about—

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- (a) taking steps for the purpose of reducing or managing water consumption;
  - (b) taking steps for the purpose of reducing or managing the discharge of matter from premises;
  - (c) taking steps for the purpose of reducing the volume of surface water entering public sewers or the rate at which it does so.
- (5) The provisions of charges schemes must comply with rules issued under this section.
- (6) The rules may make different provision for different cases, including different provision in relation to different, or different descriptions of, persons, circumstances or localities.
- (7) The power to make rules under this section may not be exercised for the purpose of limiting the total revenues of relevant undertakers from charges fixed by or in accordance with charges schemes.
- (8) The Authority may from time to time revise rules issued under this section and issue revised rules.
- (9) The Authority must issue revised rules if—
- (a) guidance is issued under section 143E, and
  - (b) the Authority, having regard to that guidance, considers that it is appropriate to revise the rules.
- (10) Revised rules may include provision for applying any of their revisions to charges schemes under section 143 made before the revised rules come into effect.

#### Textual Amendments

**F10** Ss. 143B-143E inserted (15.7.2015 for the insertion of s. 143C(1)-(7), 1.11.2015 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), **ss. 16(2), 94(3)**; S.I. 2015/1469, arts. 2(a), 4(a) (with art. 5(4)(5))

#### Modifications etc. (not altering text)

**C4** S. 143B applied (with modifications) by S.I. 2013/1582, Sch. 11(2A) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(d)**)

### 143C Rules under section 143B: procedure

- (1) The Authority must have regard to guidance issued under section 143E in making rules under section 143B (as well as to any guidance issued under section 43 or 44 of the Flood and Water Management Act 2010).
- (2) Before issuing rules under section 143B, the Authority must—
- (a) prepare a draft of the proposed rules, and
  - (b) consult the relevant persons about the draft.
- (3) The relevant persons are—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Council;
  - (d) any relevant undertakers likely to be affected by the rules;

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- (e) such other persons as the Authority thinks appropriate.
- (4) The Authority must specify the period (“the consultation period”) within which a person may make representations about the proposed rules.
- (5) Before rules under section 143B prepared by the Authority are issued, the Minister may direct the Authority not to issue the rules.
- (6) In subsection (5) “the Minister” means—
  - (a) the Secretary of State, so far as the rules in question affect relevant undertakers whose areas are wholly or mainly in England;
  - (b) the Welsh Ministers, so far as the rules in question affect relevant undertakers whose areas are wholly or mainly in Wales.
- (7) A direction under subsection (5) must be given within the period of 28 days beginning with the day after the end of the consultation period, and rules prepared by the Authority may not be issued before that period of 28 days has expired.
- (8) This section is subject to section 143D.

#### Textual Amendments

**F10** Ss. 143B-143E inserted (15.7.2015 for the insertion of s. 143C(1)-(7), 1.11.2015 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 16\(2\), 94\(3\)](#); [S.I. 2015/1469](#), arts. 2(a), 4(a) (with art. 5(4)(5))

#### Modifications etc. (not altering text)

**C5** S. 143C applied (with modifications) by [S.I. 2013/1582](#), Sch. 11(2B) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), [30\(12\)\(d\)](#))

### 143D Rules under section 143B: minor or urgent revisions

- (1) This section applies if the Authority proposes to issue revised rules under section 143B and, in the view of the Authority, the revision or each of the revisions proposed to be made is—
  - (a) a revision for which consultation is unnecessary, or
  - (b) a revision that it is necessary or desirable to make without delay.
- (2) Section 143C does not apply to the proposed revised rules.
- (3) Before issuing the revised rules, the Authority must give notice to the Minister of its intention to issue revised rules.
- (4) Before the revised rules are issued, the Minister may direct the Authority not to issue the revised rules.
- (5) A direction under subsection (4) must be given within the period of 14 days beginning with the day after the day on which notice is given under subsection (3), and the Authority may not issue the revised rules in question before—
  - (a) that period of 14 days expires, or
  - (b) the Minister notifies the Authority that no direction under subsection (4) will be given in relation to the revised rules,whichever is the sooner.

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- (6) Once the Authority has issued the revised rules, it must give notice as soon as reasonably practicable of—
- (a) the issuing of the revised rules, and
  - (b) as regards each revision contained in them, whether in the view of the Authority the revision falls within paragraph (a) or (b) of subsection (1).
- (7) Notice under subsection (6) is to be given to such persons as the Authority considers appropriate.
- (8) Unless the Authority gives notice that a revision in revised rules is in the view of the Authority a revision falling within subsection (1)(a), the revision ceases to have effect at the end of the period of six months beginning with the day after that on which the revised rules are issued.
- (9) In this section “the Minister” has the meaning given by section 143C.

#### **Textual Amendments**

**F10** Ss. 143B-143E inserted (15.7.2015 for the insertion of s. 143C(1)-(7), 1.11.2015 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), **ss. 16(2)**, 94(3); S.I. 2015/1469, arts. 2(a), 4(a) (with art. 5(4)(5))

#### **Modifications etc. (not altering text)**

**C6** S. 143D applied (with modifications) by S.I. 2013/1582, Sch. 11(2C) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(d)**)

### **143E Rules under section 143B: guidance**

- (1) The Minister may issue guidance as to the content of rules under section 143B.
- (2) Before issuing the guidance, the Minister must—
- (a) prepare a draft of the proposed guidance;
  - (b) consult the relevant persons about the draft.
- (3) The relevant persons are—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) such other persons as the Minister thinks appropriate.
- (4) The Minister may from time to time revise the guidance and issue revised guidance.
- (5) Subsections (2) and (3) apply to revised guidance as they apply to the original guidance.
- (6) The Minister must arrange for the publication of guidance issued under this section.
- (7) In this section “the Minister” means—
- (a) the Secretary of State, in relation to relevant undertakers whose areas are wholly or mainly in England;
  - (b) the Welsh Ministers, in relation to relevant undertakers whose areas are wholly or mainly in Wales.]



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#### Textual Amendments

**F10** Ss. 143B-143E inserted (15.7.2015 for the insertion of s. 143C(1)-(7), 1.11.2015 in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), **ss. 16(2)**, 94(3); S.I. 2015/1469, arts. 2(a), 4(a) (with art. 5(4)(5))

#### Modifications etc. (not altering text)

**C7** S. 143E applied (with modifications) by S.I. 2013/1582, Sch. 11(2D) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(d)**)

### 144 Liability of occupiers etc. for charges.

- (1) Subject to the following provisions of this section and except in so far as provision to the contrary is made by any agreement to which the undertaker is a party—
  - (a) supplies of water provided by a water undertaker shall be treated for the purposes of this Chapter as services provided to the occupiers for the time being of any premises supplied; and
  - (b) sewerage services provided by a sewerage undertaker shall be treated for the purposes of this Chapter as provided to the occupiers for the time being of any premises which—
    - (i) are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with such a public sewer of the undertaker as is provided for foul water or surface water or both; or
    - (ii) are premises the occupiers of which have, in respect of the premises, the benefit of facilities which drain to a sewer or drain so connecting.
- (2) Subject to subsection (3) below, charges which, under the preceding provisions of this Chapter, are fixed in relation to any premises by reference to volume may be imposed so that a person is made liable in relation to those premises to pay charges for services provided by a relevant undertaker after that person has ceased to be the occupier of the premises.
- (3) A person shall not be made liable by virtue of subsection (2) above for any charges fixed in relation to any premises by any relevant undertaker, except where—
  - (a) he fails to inform the undertaker of the ending of his occupation of the premises at least two working days before he ceases to occupy them; and
  - (b) the charges are in respect of a period ending no later than with the first relevant day.
- (4) For the purposes of subsection (3) above, “the first relevant day”, in relation to a case in which a person has ceased to be the occupier of any premises in relation to which charges are fixed by a relevant undertaker, means whichever of the following first occurs after he ceases to occupy the premises, that is to say—
  - (a) where that person informs the undertaker of the ending of his occupation of the premises less than two working days before, or at any time after, he ceases to occupy them, the twenty-eighth day after he so informs the undertaker;
  - (b) any day on which any meter would normally have been read in order for the amount of the charges to be determined;
  - (c) any day on which any other person informs the undertaker that he has become the new occupier of the premises.

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(5) Where—

- (a) any person who is the occupier of any premises to which a supply of water is provided by a water undertaker has served notice on the undertaker for the purposes of section 62 above; and
- (b) that notice is given otherwise than in connection with that person’s ceasing to be the occupier of the premises in a case in which provision is made by virtue of subsection (2) above for a person who has ceased to be the occupier of the premises to be made liable for any charges,

then, notwithstanding that that person continues to be the occupier of those premises, he shall not be liable to the undertaker (otherwise than in pursuance of a demand for a supply made since the service of the notice) for any charges in respect of any supply of water to those premises after the appropriate time.

(6) In subsection (5) above “the appropriate time”, in relation to a case in which a notice has been served for the purposes of section 62 above, means whichever is the later of—

- (a) the expiry of the notice; and
- (b) the end of the period of two working days beginning with the service of the notice.

(7) In this section any reference to two working days is a reference to a period of forty-eight hours calculated after disregarding any time falling on—

- (a) a Saturday or Sunday; or
- (b) Christmas Day, Good Friday or any day which is a bank holiday in England and Wales under the <sup>M1</sup>Banking and Financial Dealings Act 1971.

(8) Where, in the case of any premises—

- (a) the person who was liable, immediately before 1st September 1989, to pay charges in respect of a supply of water to those premises was the owner of those premises, rather than the occupier;
- (b) that person was so liable (under section 54 of Schedule 3 to the <sup>M2</sup>Water Act 1945 or any other local statutory provision) otherwise than by virtue of an agreement; and
- (c) the person who was in fact the occupier of the premises on that date has not ceased to be the occupier before the coming into force of this Act,

then the person who is the owner from time to time of those premises shall continue, until the person mentioned in paragraph (c) above does cease to be the occupier of the premises, to be the person liable and, accordingly, shall be treated for the purposes of this section as if he were the occupier of the premises.

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**Modifications etc. (not altering text)**

- C8** S. 144 applied (with modifications) (28.6.2013) by [The Water Industry \(Specified Infrastructure Projects\) \(English Undertakers\) Regulations 2013](#) (S.I. 2013/1582), reg. 1(1)(b), **Sch. 1 para. 11(3)** (with reg. 1(1)(c)) (as amended (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017](#) (S.I. 2017/506), arts. 1(1), **30(12)(e)**)
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**Marginal Citations**

- M1** 1971 c. 80.  
**M2** 1945 c. 42.

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## *[<sup>F11</sup>Rules about undertakers' charges*

### **Textual Amendments**

**F11** Ss. 144ZA-144ZD and cross-heading inserted (6.4.2015 for the insertion of s. 144ZD, 15.7.2015 for the insertion of s. 144ZB for specified purposes, 1.4.2016 for E. in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), [ss. 17, 94\(3\)](#); [S.I. 2015/773](#), [art. 2\(1\)\(b\)](#); [S.I. 2015/1469](#), [art. 2\(b\)](#) (with [art. 5\(1\)\(5\)](#)); [S.I. 2016/465](#), [art. 2\(d\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by [S.I. 2017/462](#), [art. 16](#))

### **144ZA Rules about charges for connections etc**

- (1) The Authority may issue rules about charges that may be imposed by a relevant undertaker under—
  - (a) section 42(2)(a) (provision of new water main);
  - (b) section 45(6) (connections with water main);
  - (c) section 46(7)(b) (ancillary works for domestic connection);
  - (d) section 99(2)(a) or (2A)(a) (provision of public sewer or lateral drain);
  - (e) section 101B(3) (lateral drains);
  - (f) section 107(3)(b)(i) (communications with public sewers);
  - (g) section 185(5) (moving of pipes etc).
- (2) Rules under this section may in particular—
  - (a) make provision about the types of charges that may be imposed;
  - (b) make provision about the amount or maximum amount, or the methods for determining the amount or maximum amount, of any type of charge;
  - (c) make provision about the principles for determining what types of charges may or may not be imposed;
  - (d) make provision about the principles for determining the amount of any charge that may be imposed;
  - (e) provide for charges to be payable over a period;
  - (f) make provision about publication of the charges that may be imposed.
- (3) The charges that may be imposed by a water undertaker under section 42(2)(a) for the provision of a new water main may include charges for—
  - (a) providing such other infrastructure, including other water mains, as it is necessary to provide in consequence of the provision of the new water main;
  - (b) doing works to increase the capacity of an existing water main, or procuring the doing of such works, where the use of that increased capacity is a consequence of the provision of the new water main.
- (4) The charges that may be imposed by a sewerage undertaker under section 99(2)(a) for the provision of a new public sewer may include charges for—
  - (a) providing such other infrastructure, including other public sewers, as it is necessary to provide in consequence of the provision of the new public sewer;
  - (b) doing works to increase the capacity of an existing public sewer, where the use of that increased capacity is a consequence of the provision of the new public sewer.
- (5) The rules may make provision as to—

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- (a) the amount of security that may be required by a relevant undertaker under section 42(1)(b), 47(2)(a), 99(1)(b), 101B(3A), 107(3)(b)(ii) or 185(4);
  - (b) the type of security that may be required;
  - (c) the payment of interest on a sum deposited with a relevant undertaker by way of security.
- (6) If the Authority considers that a relevant undertaker is not acting as required by rules under this section, the Authority may give the undertaker a direction to do, or not to do, a thing specified in the direction.
- (7) It is the duty of a relevant undertaker to comply with a direction under subsection (6), and this duty is enforceable by the Authority under section 18.
- (8) The rules may make—
- (a) different provision for different persons or different descriptions of person;
  - (b) different provision for different powers to impose charges or different descriptions of such powers.
- (9) The Authority may from time to time revise rules issued under this section and issue revised rules.
- (10) The Authority must issue revised rules if—
- (a) guidance is issued under section 144ZD, and
  - (b) the Authority, having regard to that guidance, considers that it is appropriate to revise the rules.

#### **144ZB Rules under section 144ZA: procedure**

- (1) The Authority must have regard to guidance issued under section 144ZD in making rules under section 144ZA.
- (2) Before issuing rules under section 144ZA, the Authority must—
- (a) prepare a draft of the proposed rules, and
  - (b) consult the relevant persons about the draft.
- (3) The relevant persons are—
- (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Council;
  - (d) any relevant undertakers likely to be affected by the rules;
  - (e) any water supply or sewerage licensees likely to be affected by the rules;
  - (f) such other persons as the Authority thinks appropriate.
- (4) The Authority must specify the period (“the consultation period”) within which a person may make representations about the proposed rules.
- (5) Before rules under section 144ZA prepared by the Authority are issued, the Minister may direct the Authority not to issue the rules.
- (6) In subsection (5) “the Minister” means—
- (a) the Secretary of State, so far as the rules in question affect relevant undertakers whose areas are wholly or mainly in England;

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- (b) the Welsh Ministers, so far as the rules in question affect relevant undertakers whose areas are wholly or mainly in Wales.
- (7) A direction under subsection (5) must be given within the period of 28 days beginning with the day after the end of the consultation period, and rules prepared by the Authority may not be issued before that period of 28 days has expired.
- (8) This section is subject to section 144ZC.

#### **144ZC Rules under section 144ZA: minor or urgent revisions**

- (1) This section applies if the Authority proposes to issue revised rules under section 144ZA and, in the view of the Authority, the revision or each of the revisions proposed to be made is—
  - (a) a revision for which consultation is unnecessary, or
  - (b) a revision that it is necessary or desirable to make without delay.
- (2) Section 144ZB does not apply to the proposed revised rules.
- (3) Before issuing the revised rules, the Authority must give notice to the Minister of its intention to issue revised rules.
- (4) Before the revised rules are issued, the Minister may direct the Authority not to issue the revised rules.
- (5) A direction under subsection (4) must be given within the period of 14 days beginning with the day after the day on which notice is given under subsection (3), and the Authority may not issue the revised rules in question before—
  - (a) that period of 14 days expires, or
  - (b) the Minister notifies the Authority that no direction under subsection (4) will be given in relation to the revised rules,whichever is the sooner.
- (6) Once the Authority has issued the revised rules, it must give notice as soon as reasonably practicable of—
  - (a) the issuing of the revised rules, and
  - (b) as regards each revision contained in them, whether in the view of the Authority the revision falls within paragraph (a) or (b) of subsection (1).
- (7) Notice under subsection (6) is to be given to such persons as the Authority considers appropriate.
- (8) Unless the Authority gives notice that a revision in revised rules is in the view of the Authority a revision falling within subsection (1)(a), the revision ceases to have effect at the end of the period of six months beginning with the day after that on which the revised rules are issued.
- (9) In this section “the Minister” has the meaning given by section 144ZB.

#### **144ZD Rules under section 144ZA: guidance**

- (1) The Minister must issue guidance as to the content of rules under section 144ZA.
- (2) Before issuing the guidance, the Minister must—
  - (a) prepare a draft of the proposed guidance;

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- (b) consult the relevant persons about the draft.
- (3) The relevant persons are—
  - (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) such other persons as the Minister thinks appropriate.
- (4) The Minister may from time to time revise the guidance and issue revised guidance.
- (5) Subsections (2) and (3) apply to revised guidance as they apply to the original guidance.
- (6) The Minister must arrange for the publication of guidance issued under this section.
- (7) In this section “the Minister” means—
  - (a) the Secretary of State, in relation to relevant undertakers whose areas are wholly or mainly in England;
  - (b) the Welsh Ministers, in relation to relevant undertakers whose areas are wholly or mainly in Wales.]

*<sup>F12</sup>General guidance on charges*

**Textual Amendments**

**F12** Ss. 144ZE, 144ZF and cross-heading inserted (1.1.2015 for W. for specified purposes, 6.4.2015 for W. for specified purposes, 1.4.2016 for E. in so far as not already in force) by [Water Act 2014 \(c. 21\)](#), ss. 38, 94(3); S.I. 2014/3320, art. 2(1)(b) (with art. 3); S.I. 2015/773, art. 2(3)(b) (with art. 6); S.I. 2016/465, art. 2(h) (with Sch. 2) (as amended (22.3.2017) by S.I. 2017/462, art. 16)

**144ZE General guidance on charges**

- (1) The Minister must issue guidance about the principles to be applied by the Authority in determining the provisions of—
  - (a) rules under section 66E;
  - (b) rules under section 117I;
  - (c) rules under section 143B.
- (2) The Minister may issue guidance about the principles to be applied by the Authority in determining the provisions of—
  - (a) rules under section 40E;
  - (b) rules under section 51CD;
  - (c) rules issued in accordance with regulations under section 66M;
  - (d) rules under section 105ZF;
  - (e) rules under section 110F;
  - (f) rules under section 144ZA.
- (3) Guidance under subsection (1) or (2) may include other guidance about the provisions of any of the rules mentioned in subsection (1) or (2).

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- (4) The Minister may issue guidance about the principles to be applied by the Authority in determining the contents of other documents produced by the Authority about charges that may be imposed by relevant undertakers or water supply or sewerage licensees.
- (5) Guidance under subsection (4) may include other guidance about the contents of the documents mentioned in subsection (4).
- (6) The Authority must have regard to guidance issued under this section when making rules to which the guidance relates (as well as to any guidance relating to those rules issued under another provision of this Act).
- (7) If—
  - (a) the Minister issues guidance under this section in respect of rules made under a particular provision, and
  - (b) the Authority, having regard to that guidance, considers that it is appropriate to revise rules made by it under that provision,the Authority must issue revised rules under that provision.
- (8) Before issuing guidance under this section, the Minister must—
  - (a) prepare a draft of the proposed guidance;
  - (b) consult the relevant persons about the draft;
  - (c) comply with the requirements of section 144ZF.
- (9) The relevant persons are—
  - (a) the Secretary of State;
  - (b) the Welsh Ministers;
  - (c) the Council;
  - (d) any relevant undertakers likely to be affected by the proposed guidance;
  - (e) any water supply licensees or sewerage licensees likely to be affected by the proposed guidance;
  - (f) such other persons as the Minister thinks appropriate.
- (10) The Minister may from time to time revise guidance issued under this section and issue revised guidance.
- (11) Subsections (8) and (9) apply to revised guidance as they apply to the original guidance.
- (12) The Minister must arrange for the publication of guidance issued under this section.
- (13) In this section “the Minister” means—
  - (a) the Secretary of State, in relation to relevant undertakers whose areas are wholly or mainly in England;
  - (b) the Welsh Ministers, in relation to relevant undertakers whose areas are wholly or mainly in Wales.

**Modifications etc. (not altering text)**

- C9** S. 144ZE applied (with modifications) by S.I. 2013/1582, Sch. 11(3A) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(f)**)

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#### **144ZF Guidance under section 144ZE: procedure**

- (1) Before issuing guidance under section 144ZE, the Secretary of State must lay a draft of the proposed guidance before both Houses of Parliament.
- (2) The Secretary of State must not issue the guidance until after the period of 40 days beginning with—
  - (a) the day on which the draft is laid before both Houses of Parliament, or
  - (b) if the draft is laid before the House of Lords on one day and the House of Commons on another, the later of those two days.
- (3) If before the end of that period either House resolves that the guidance should not be issued, the Secretary of State may not issue it.
- (4) In reckoning any period of 40 days for the purposes of subsection (2), no account is to be taken of any time during which—
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than four days.
- (5) Before issuing guidance under section 144ZE, the Welsh Ministers must lay a draft of the proposed guidance before the Assembly.
- (6) The Welsh Ministers must not issue the guidance until after the period of 40 days beginning with the day on which the draft is laid before the Assembly.
- (7) If before the end of that period the Assembly resolves that the guidance should not be issued, the Welsh Ministers may not issue it.
- (8) In reckoning any period of 40 days for the purposes of subsection (6), no account is to be taken of any time during which the Assembly is dissolved or is in recess for more than four days.
- (9) Nothing in this section prevents the Secretary of State and the Welsh Ministers issuing a single document containing guidance under section 144ZE, and preparing draft guidance accordingly.]

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#### **Modifications etc. (not altering text)**

**C10** S. 144ZF applied (with modifications) by S.I. 2013/1582, Sch. 11(3B) (as inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(f)**)

#### *<sup>F13</sup> Restrictions on charging*

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#### **Textual Amendments**

**F13** S. 144A and crossheading preceding it inserted (1.4.2000) by [1999 c. 9, s. 6; S.I. 1999/3440, art. 3](#)

#### **<sup>F14</sup>144A Right of consumer to elect for charging by reference to volume.**

- (1) Where—
  - (a) water is supplied by a water undertaker to premises in which, or in any part of which, a person has his home, and



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- (b) charges in respect of those premises are fixed by virtue of any charges scheme under section 143 above without reference to the volume of water supplied, the consumer may at any time give the undertaker a notice (in this section referred to as a “measured charges notice”) requiring the undertaker to fix charges in respect of the supply by reference to the volume of water supplied.
- (2) Subject to subsection (3) below, a water undertaker must give effect to a measured charges notice before the end of a period determined in accordance with the undertaker’s charges scheme.
- (3) A water undertaker is not obliged to give effect to a measured charges notice if—
- (a) it is not reasonably practicable to fix charges in respect of the premises by reference to the volume of water supplied, or
  - (b) to do so would involve the incurring by the undertaker of unreasonable expense.
- (4) Any dispute between a water undertaker and a consumer as to the application of paragraph (a) or (b) of subsection (3) above may be referred to the Director for determination under section 30A above by either party to the dispute.
- (5) Where—
- (a) either the conditions in subsection (6) below or the conditions in subsection (7) below are satisfied in relation to premises in respect of which a measured charges notice has been given, and
  - (b) such other conditions as may be prescribed are also satisfied in relation to the premises,
- the consumer may, at any time before the end of the period of twelve months beginning with the day on which the supply began to be measured by volume for charging purposes, revoke the measured charges notice by notice to the water undertaker.
- (6) The conditions in this subsection are—
- (a) that the person who gave the measured charges notice had not given any previous measured charges notice in relation to the premises, and
  - (b) that he remains the consumer in respect of the premises.
- (7) The conditions in this subsection are—
- (a) that the person who gave the measured charges notice has, since the notice was given, ceased to be the consumer in respect of the premises,
  - (b) that neither he nor the person who has become the consumer had given any previous measured charges notice in respect of the premises, and
  - (c) that any person who was in occupation of the premises when the measured charges notice was given remains in occupation.
- (8) Where a measured charges notice has been revoked under subsection (5) above, the water undertaker must—
- (a) if reasonably practicable, before the end of the period of twelve months referred to in that subsection, or
  - (b) in any other case, as soon as reasonably practicable after the end of that period, revert to fixing the charges for the supply in respect of the premises without reference to the volume of water supplied.
- (9) If and so long as a water undertaker is obliged under subsection (2) above to fix charges for the supply of water in respect of any premises by reference to the volume of water

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supplied, a sewerage undertaker is under a corresponding obligation to fix charges in respect of foul water drainage provided by the sewerage undertaker in respect of those premises by reference to that volume.

- (10) If a water undertaker is obliged under subsection (8) above to fix charges without reference to volume, a sewerage undertaker is under a corresponding obligation in respect of charges for services provided by it.
- (11) Any charges scheme under section 143 above—
- (a) must contain provision for determining the period mentioned in subsection (2) above, and
  - (b) shall have effect subject to the preceding provisions of this section.

#### Textual Amendments

**F14** S. 144A and crossheading preceding it inserted (1.4.2000) by 1999 c. 9, s. 6; S.I. 1999/3440, art. 3

#### Modifications etc. (not altering text)

**C11** S. 144A: certain functions transferred to the National Assembly for Wales (15.11.1999) by S.I. 1999/2787, art. 3

**C12** S. 144A applied (with modifications) (28.6.2013) by The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013 (S.I. 2013/1582), reg. 1(1)(b), Sch. 1 para. 11(4) (with reg. 1(1)(c))

### <sup>F15</sup>144B Restriction on undertakers' power to require fixing of charges by reference to volume.

- (1) Subsection (2) below applies where—
- (a) water is supplied to any premises in which, or in any part of which, a person has his home,
  - (b) charges in respect of those premises have previously been fixed without reference to volume, and
  - (c) such conditions as may be prescribed are satisfied in relation to the premises.
- (2) Where this subsection applies, a relevant undertaker may not by virtue of any charges scheme under section 143 above begin to fix the charges in respect of those premises by reference to volume unless either—
- (a) the consumer—
    - (i) has given the undertaker a measured charges notice under section 144A above which has not been revoked under that section, or
    - (ii) has consented to the charges in respect of the premises being so fixed and has not revoked that consent under section 144A, or
  - (b) there has been a change in the occupation of the premises and no charges have yet been demanded from the person who has become the consumer.
- (3) A change in the persons occupying any premises does not constitute a change in the occupation of the premises for the purposes of subsection (2)(b) above if any person who was in occupation of the premises before the change remains in occupation after the change.
- (4) Where a consumer gives consent for the purposes of subsection (2)(a)(ii) above in relation to premises in which, or in any part of which, a person has his home, he shall

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be treated for the purposes of subsections (5) to (8) of section 144A above as having given a measured charges notice under that section.]]

#### Textual Amendments

**F15** S. 144B inserted (30.6.1999 for certain purposes and 1.4.2000 otherwise) by 1999 c. 9, ss. 7, 17(2)(f); S.I. 1999/3440, 3

#### Modifications etc. (not altering text)

**C13** S. 144B: certain function transferred to the National Assembly for Wales (15.11.1999) by S.I. 1999/2787, art. 3

### [<sup>F16</sup>144C Non-owner occupiers

- (1) This section applies to residential premises which are occupied by one or more persons other than the owner (and not by the owner).
- (2) The owner must arrange for the undertaker to be given information about the occupiers.
- (3) If the owner fails to comply with subsection (2), the occupiers' liability for charges under this Chapter becomes shared jointly and severally with the owner.
- (4) The Minister may make regulations—
  - (a) about the information to be given under subsection (2);
  - (b) about timing and procedure in connection with subsection (2) or (3).
- (5) The Minister may make regulations exempting owners from liability under subsection (3) where—
  - (a) information supplied by them is false or incomplete, but
  - (b) they have taken steps specified by the regulations to ensure its accuracy or completeness.
- (6) “Residential premises” means premises that are—
  - (a) occupied by one or more persons as a home (but not necessarily as their only or main home), and
  - (b) a “dwelling”, a “house in multiple occupation” or “accommodation for the elderly” within the meaning of paragraphs 1 to 3 of Schedule 4A.
- (7) Where a person is the “owner” of premises by virtue of being agent or trustee (see section 219(1)) the duty and liability under this section attach to the principal (and not to the agent or trustee).
- (8) “The Minister” means—
  - (a) the Secretary of State, in relation to services provided by an undertaker whose area is wholly or mainly in England, and
  - (b) the Welsh Ministers, in relation to services provided by an undertaker whose area is wholly or mainly in Wales (for which purpose section 213 applies with references to the Secretary of State and either House of Parliament being taken as references to the Welsh Ministers and the National Assembly for Wales).]

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#### Textual Amendments

- F16** S. 144C inserted (1.10.2010 for specified purposes, 1.1.2015 for W. in so far as not already in force) by [Flood and Water Management Act 2010 \(c. 29\)](#), [ss. 45\(1\), 49\(3\)](#) (with [s. 49\(1\)\(6\)](#)); [S.I. 2010/2169](#), [art. 4](#); [S.I. 2014/3155](#), [art. 2](#)

### *General restrictions on charging*

<sup>F17</sup> **145** .....

#### Textual Amendments

- F17** S. 145 and the heading preceding it repealed (30.6.1999) by [1999 c. 9](#), [ss. 8, 15\(2\), 17\(2\)](#), [Sch. 4 Pt. I](#)

#### **146 Connection charges etc. and charges for highway drainage.**

- (1) Subject to subsection (2) below, nothing in this Chapter or in any other enactment shall entitle any relevant undertaker to fix, demand or recover an initial charge for its becoming, or for its taking steps for the purpose of becoming—
  - (a) the person who provides a supply of water for domestic purposes to any premises; or
  - (b) the person who provides sewerage services for the purposes of the drainage for domestic sewerage purposes of any premises.
- (2) Subject to subsection (3) below, nothing in subsection (1) above or in any other enactment shall be construed as prohibiting the fixing, demand or recovery by a relevant undertaker of—
  - (a) a charge for the connection to a water supply of premises which have never at any previous time (whether before or after the coming into force of the restriction contained in this section) been connected to a supply of water provided for domestic purposes by a water undertaker or by any other authority or body which at that time provided supplies of water in the course of carrying out functions under any enactment; or
  - (b) a charge for the connection to a public sewer of premises which have never at any previous time (whether before or after the coming into force of the restriction contained in this section) been connected to a sewer used for the drainage for domestic sewerage purposes of those premises by a sewerage undertaker or by any other authority or body which at that time provided sewerage services in the course of carrying out functions under any enactment.
- (3) Nothing in this Chapter or in any other enactment or in the terms of any agreement under section 104 above shall authorise a sewerage undertaker to require any payment to be made to the undertaker in respect of the making by the undertaker of any declaration of vesting under Chapter II of Part IV of this Act or in respect of any agreement to make such a declaration.
- (4) Nothing in this Chapter or in any other enactment shall authorise a sewerage undertaker [<sup>F18</sup>or a sewerage licensee] to require any payment to be made to the undertaker [<sup>F19</sup>or the licensee (as the case may be)] by a highway authority in respect

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of the drainage of any highway or the disposal of the contents of any drain or sewer used for draining any highway.

- (5) The preceding provisions of this section, so far as they restrict the making of certain charges [<sup>F20</sup>by relevant undertakers], shall be without prejudice—
- (a) to enactments by virtue of which a relevant undertaker may recover expenses incurred by it in carrying out works; and
  - (b) to the power of any such undertaker, by virtue of section 142(4) above, to fix the amount of any of its other charges by reference to such matters as it thinks appropriate.
- (6) In this section “domestic sewerage purposes” has the same meaning as in Chapter II of Part IV of this Act.

#### Textual Amendments

- F18** Words in s. 146(4) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 98\(3\)\(a\)](#); S.I. 2017/462, art. 3(k)(bb)(xiv)
- F19** Words in s. 146(4) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 98\(3\)\(b\)](#); S.I. 2017/462, art. 3(k)(bb)(xiv)
- F20** Words in s. 146(5) inserted (1.4.2017) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 98\(4\)](#); S.I. 2017/462, art. 3(k)(bb)(xiv)

#### 147 Charging for emergency use of water.

- (1) Notwithstanding anything [<sup>F21</sup>in section 38(2) of the Fire and Rescue Services Act 2004, or anything] in section 142 above or in any charges scheme under section 143 above or in any agreement as to charges in respect of any supply of water, no charge may be made by any water undertaker [<sup>F22</sup>or water supply licensee] in respect of—
- (a) water taken for the purpose of extinguishing fires or taken by a [<sup>F23</sup>fire and rescue authority] for any other emergency purposes;
  - (b) water taken for the purpose of testing apparatus installed or equipment used for extinguishing fires or for the purpose of training persons for fire-fighting; or
  - (c) the availability of water for any purpose mentioned in paragraph (a) or (b) above.
- (2) This section shall not prevent the making of charges in respect of work carried out at the request of or for the benefit of any person receiving a supply of water for the purposes mentioned in paragraph (a) or (b) of subsection (1) above.
- (3) This section shall not have the effect, where any water is used or made available for any of the purposes mentioned in paragraph (a) or (b) of subsection (1) above, of requiring a reduction in the charges imposed in respect of the provision for other purposes of the supply from which that water is taken.
- (4) <sup>F24</sup> .....

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### Textual Amendments

- F21** Words in s. 147(1) inserted (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 61, {Sch. 1 para. 77(a)}; S.I. 2004/2304, [art. 2\(2\)](#) (subject to savings in [art. 3](#)); S.I. 2004/2917, [art. 2](#)
- F22** Words in s. 147(1) inserted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 99](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(q\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, [art. 16](#))
- F23** Words in s. 147(1)(a) substituted (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 53, 61, {Sch. 1 para. 77(b)}; S.I. 2004/2304, [art. 2\(2\)](#) (subject to savings in [art. 3](#)); S.I. 2004/2917, [art. 2](#)
- F24** S. 147(4) repealed (1.10.2004 for E. and 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), ss. 54, 61, {Sch. 2}; S.I. 2004/2304, [art. 2\(2\)](#) (subject to savings in [art. 3](#)); S.I. 2004/2917, [art. 2](#)

### *Metering*

#### 148 Restriction on charging for metering works.

- (1) Subject to subsections (2) to (4) below and section 177 below, where any meter [<sup>F25</sup>capable of being used] in determining the amount of any charges is installed by or at the request of any relevant undertaker then, notwithstanding the provisions of any enactment or of any agreement to the contrary between the undertaker and any other person, the undertaker shall bear—
- (a) the expenses of installing and connecting the meter;
  - (b) any expenses incurred in maintaining, repairing, disconnecting or removing the meter in accordance with any requirements of the undertaker; and
  - (c) any expenses incurred in carrying out any works for purposes connected with the installation and connection of the meter or with the maintenance, repair, disconnection or removal of the meter in accordance with any such requirements.

<sup>F26</sup>[(1A) References in subsection (1) above to expenses include references to expenses incurred in meeting the needs of a disabled person.]

- (2) Subject to subsection (3) below, subsection (1) above shall not require any relevant undertaker to bear, or prevent any such undertaker from recovering from any other person—
- (a) any expenses incurred for the purpose of enabling a condition imposed by virtue of subsection (2)(c) or (d) of section 47 above to be satisfied;
  - (b) any sums which it is entitled to recover in pursuance of any terms or conditions determined under section 56 above;
  - <sup>F27</sup>(c) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any sums which it is entitled to recover from that person by virtue of section 64(3)(b) above;]
  - <sup>F28</sup>(cc) any sums which it is entitled to recover under an agreement under section 66D [<sup>F29</sup>or 117E] above;]
  - (d) any expenses incurred in relation to a meter which is or is to be used in determining the amount of—

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- (i) any charges which are to be paid in connection with the carrying out of a sewerage undertaker's functions under Chapter III of Part IV of this Act; or
  - (ii) any charges provision for which is contained in an agreement entered into in accordance with section 129 above;
- <sup>F27</sup>(e) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any expenses incurred in consequence of the exercise by the consumer of any option to be charged by the undertaker in relation to those premises by reference to volume rather than by reference to other matters.]
- (3) For the purposes of subsection (2) above the expenses which an undertaker may require someone else to bear, or may recover from another, by virtue of that subsection shall not include any expenses incurred for the purpose of enabling conditions such as are mentioned in paragraph (a) of that subsection to be satisfied in a case in which the conditions could not have been imposed but for the exercise by the undertaker of its power by virtue of paragraph (a), (b), (d) or (e) of section 64(2) above to require the provision of a separate service pipe to any premises.
- (4) The occupier of any premises where any relevant undertaker installs or has installed a meter shall in all cases bear so much of the expenses referred to in subsection (1) above as is attributable to compliance with a request made by him in accordance with any regulations under section 149 below for the positioning, in a place other than that reasonably proposed by the undertaker, either of the meter or of any pipe or apparatus installed for the purpose of facilitating the use of the meter.
- <sup>F30</sup>[(4A) Subsection (4) above is subject to any regulations made by virtue of section 149(2) (aa) below.]
- (5) Any dispute between a relevant undertaker and any other person (including another such undertaker)—
- (a) as to whether the undertaker or that other person should bear any expenses under this section; or
  - (b) as to the amount of any expenses to be borne by any person under this section, shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertaker and that person or, in default of agreement, by the Director.

#### Textual Amendments

- F25** Words in s. 148(1) substituted (1.4.2000) by 1999 c. 9, s. 15(1), **Sch. 3**, Pt. I para. 1; S.I. 1999/3440, **art. 3**
- F26** S. 148(1A) inserted (1.7.1992) by **Competition and Service (Utilities) Act 1992 (c. 43)**, s. 53(2); **Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992**, art. 3, Sch. Pt. I
- F27** S. 148(2)(c)(e) substituted (1.4.2000) by 1999 c. 9, s. 9; S.I. 1999/3440, **art. 3**
- F28** S. 148(2)(cc) inserted (1.12.2005) by **Water Act 2003 (c. 37)**, ss. 101(1), 105(3), **Sch. 8 para. 33**; S.I. 2005/2714, **art. 3(c)** (with **Sch. para. 8**)
- F29** Words in s. 148(2)(cc) inserted (1.4.2017) by **Water Act 2014 (c. 21)**, s. 94(3), **Sch. 7 para. 100**; S.I. 2017/462, art. 3(k)(xv)
- F30** S. 148(4A) inserted (1.7.1992) by **Competition and Service (Utilities) Act 1992 (c. 43)**, s. 53(3); **Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992**, art. 3, Sch. Pt. I

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## 149 Further provision relating to charging by volume.

- (1) The Secretary of State may by regulations make such provision, supplementing—
- (a) the provisions of this Chapter; and
  - (b) so far as they relate to works for purposes connected with the fixing of charges in relation to any premises by reference to volume, the provisions of Part VI of this Act,
- as he considers appropriate with respect to the installation of meters, with respect to the connection, disconnection, use, maintenance, authentication and testing of meters and with respect to any related matters.
- (2) Without prejudice to the generality of subsection (1) above, regulations under that subsection may—
- (a) regulate the positioning, whether inside or outside the building or other premises [<sup>F31</sup>to which the meter relates], of any meter or of any pipes or apparatus appearing to any relevant undertaker to be required for the purpose of facilitating the use of any meter;
    - <sup>F32</sup>[(aa) require a relevant undertaker who, for the purpose of meeting the needs of a disabled person—
      - (i) alters the position of any meter;
      - (ii) installs an additional meter; or
      - (iii) does any other work in connection with any meter,
 to bear any expenses incurred by the undertaker in doing so;]
  - (b) make any other provision which appears to the Secretary of State to be appropriate with respect to any such pipes or apparatus;
  - (c) provide for a reading from a meter to be proved in such manner as may be prescribed and for a reading from a meter to be such evidence as may be prescribed of the volume of water supplied to, or of effluent discharged from, any premises;
  - (d) fix the method of determining the amount of the charges to be paid where it appears that a meter has given, or may have given, an incorrect reading;
  - (e) require a person who is not a relevant undertaker to pay the expenses incurred by such an undertaker in doing anything under the regulations or to pay contributions towards those expenses;
  - (f) provide for the payment of compensation in respect of anything done by a relevant undertaker under the regulations;
  - (g) require disputes arising under the regulations to be referred to arbitration;
  - (h) repeal or amend any local statutory provision.

### Textual Amendments

**F31** Words in s. 149(2)(a) substituted (1.4.2000) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. I para. 2**; S.I. 1999/3440, **art. 3**

**F32** S. 149(2)(aa) inserted (1.7.1992) by **Competition and Service (Utilities) Act 1992 (c. 43), s. 53(4)**; Competition and Service (Utilities) Act 1992 (Commencement No. 1) Order 1992, art. 3, Sch. Pt. I

### Modifications etc. (not altering text)

**C14** S. 149 applied (with modifications) (01.12.1991) by **Water Consolidation (Consequential Provisions) Act 1991 (c. 60, SIF 130), ss. 2(2), 4(2), Sch. 2 Pt. I para. 11(2)**.



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*Charging for services provided with the help of an undertaker*

**150 Fixing maximum charges for services provided with the help of undertakers' services.**

(1) The Director may from time to time by order fix maximum charges which a person who is not a relevant undertaker may recover from another such person in respect of water supplies or sewerage services provided to that other person with the help of services provided by a relevant undertaker.

[<sup>F33</sup>(1A) This section does not apply to—

- (a) water supplies provided by a water supply licensee, or
- (b) sewerage services provided by a sewerage licensee,

to premises of customers in accordance with Chapter 1A of Part 2.]

(2) For the purposes of this section water supplies or sewerage services are provided to a person with the help of services provided by a relevant undertaker if—

- (a) a facility for that person to have access to a supply of water provided by a water undertaker in pipes, or to make use of sewerage services provided by a sewerage undertaker, is made available to that person otherwise than by the undertaker;
- (b) that person is provided with a supply of water in pipes by a person to whom the water is supplied, directly or indirectly, by a water undertaker; or
- (c) that person is provided with sewerage services by a person who, for the purpose of providing those services, makes use of sewerage services provided, directly or indirectly, by a sewerage undertaker.

[<sup>F34</sup>(2A) An order under this section may require the person providing the supplies or services to furnish the person who is provided with them with such information as may be specified or described in the order.

(2B) An order containing such a requirement may also provide that, in the event of the failure of the person providing the supplies or services to furnish that information, the maximum charges he is entitled to recover from the person provided with them in respect of those supplies or services shall be such as may be fixed by the order.]

(3) It shall be the duty of the Director to publish any order under this section in such manner as he considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.

(4) An order under this section may make different provision for different cases, including different provision in relation to different persons, circumstances or localities, and may fix a maximum charge either by specifying the maximum amount of the charge or by specifying a method of calculating that amount.

(5) Where a person pays a charge in respect of anything to which an order under this section relates and

[<sup>F35</sup>(a) the amount of the excess; and

- (b) if the order so provides, interest on that amount at a rate specified or described in the order,

shall be recoverable by that person from the person to whom he paid the charge.]

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### Textual Amendments

- F33** S. 150(1A) substituted (1.4.2016) by [Water Act 2014 \(c. 21\)](#), s. 94(3), [Sch. 7 para. 101](#); S.I. 2016/465, [art. 2\(m\)](#), [Sch. 1 para. 1\(r\)](#) (with [Sch. 2](#)) (as amended (22.3.2017) by S.I. 2017/462, art. 16)
- F34** S. 150(2A)(2B) inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), [ss. 59\(2\)](#), 105(3); S.I. 2004/2528, [art. 2\(i\)](#)
- F35** S. 150(5)(a)(b) substituted (1.10.2004) for words by [Water Act 2003 \(c. 37\)](#), [ss. 59\(3\)](#), 105(3); S.I. 2004/2528, [art. 2\(i\)](#)

### PROSPECTIVE

#### [150A <sup>F36</sup> Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “billing dispute” means a dispute between a relevant undertaker and a customer concerning the amount of the charge which the undertaker is entitled to recover from the customer in connection with—
  - (a) the supply of water for domestic purposes, in the case of a water undertaker; and
  - (b) the provision of sewerage services other than by the carrying out of trade effluent functions, in the case of a sewerage undertaker.
- (3) Regulations under this section may only be made after consulting—
  - (a) the Director; and
  - (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he may either—
  - (a) determine the dispute, or
  - (b) appoint an arbitrator to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this section shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this section may provide—
  - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
  - (b) for any determination to be final and enforceable as if it were a judgment of [<sup>F37</sup>the county court] .
- (7) Except in such circumstances (if any) as may be prescribed—
  - (a) the Director or an arbitrator appointed by him shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
  - (b) neither party to any billing dispute which has been referred to the Director for determination in accordance with regulations under this section shall

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commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.

- (8) No relevant undertaker may commence proceedings before any court in respect of any charge in connection with the supply of water for domestic purposes or (as the case may be) the provision of sewerage services other than by the carrying out of trade effluent functions unless, not less than 28 days before doing so, the customer concerned was informed by it, in such form and manner as may be prescribed, of—
- (a) its intention to commence proceedings;
  - (b) the customer’s rights by virtue of this section; and
  - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Director in accordance with regulations made under this section, it shall be the duty of the undertaker concerned to give him such information as he may reasonably require for the purpose of assisting him in determining the dispute.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.
- (11) For the purposes of this section—
- “charge” means any charge fixed by a scheme made under section 143 above;
  - “customer” means any person to whom the relevant undertaker provides services;
- and references to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.]

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**Textual Amendments**

- F36** S. 150A inserted (prosp.) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), [ss.36](#), 56(2)
- F37** Words in s. 150A(6) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))

*[<sup>F38</sup> Interpretation of Chapter I*

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**Textual Amendments**

- F38** S. 150B and crossheading preceding it inserted (1.4.2000) by [1999 c. 9](#), s. 15(1), [Sch. 3 Pt. I para. 3](#); [S.I. 1999/3440](#), [art. 3](#)

<sup>F39</sup>**150B Meaning of “consumer” in Chapter I.**

In this Chapter “consumer”—

- (a) in relation to the supply of water by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall, and

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- (b) in relation to the provision of sewerage services in respect of any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of those services would fall.]

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**Textual Amendments**

**F39** S. 150B and crossheading preceding it inserted (1.4.2000) by 1999 c. 9, s. 15(1), **Sch. 3 Pt. I para. 3**; S.I. 1999/3440, **art. 3**

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**Modifications etc. (not altering text)**

**C15** S. 150B applied (with modifications) (28.6.2013) by **The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013** (S.I. 2013/1582), reg. 1(1)(b), **Sch. 1 para. 11(5)** (with reg. 1(1)(c))

**Status:**

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**Changes to legislation:**

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