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STATUTORY INSTRUMENTS

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**2005 No. 59**

**WATER INDUSTRY, ENGLAND AND WALES**

**The Water Industry (Charges) (Vulnerable Groups) (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>16th January 2005</i>
<i>Laid before Parliament</i>		<i>19th January 2005</i>
<i>Coming into force</i>	- -	<i>10th February 2005</i>

The Secretary of State, in exercise of her powers under sections 143A and 213(2) of the Water Industry Act 1991(1), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Water Industry (Charges) (Vulnerable Groups) (Amendment) Regulations 2005 and shall come into force on 10th February 2005.

**Amendments to the Water Industry (Charges) (Vulnerable Groups) Regulations 1999**

2.—(1) The Water Industry (Charges) (Vulnerable Groups) Regulations 1999(2) shall be amended as follows.

(2) In regulation 2 (special provision to be included in charges schemes)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), omit the word “dependent”, and for “16” substitute “19”;

(ii) for sub-paragraph (b) substitute—

“(b) the consumer or another person residing with him in the premises, whether or not the same person as the qualifying person—

(i) is diagnosed as suffering from any of the medical conditions listed in paragraph (5) and as a result of that condition is obliged to use a significant additional volume of water; or

(ii) subject to regulation 4(6A), is diagnosed as suffering from a medical condition other than one listed in paragraph (5) and as a

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(1) 1991 c. 56; section 143A was inserted by section 5 of the Water Industry Act 1999 (c. 9).

(2) S.I. 1999/3441, amended by S.I. 2000/519, 2003/552.

result of that condition is obliged to use a significant additional volume of water.”;

- (b) in paragraph (5)—
  - (i) in sub-paragraph (d), omit the word “and”; and
  - (ii) for sub-paragraph (e) substitute—
    - “(e) Crohn’s disease;
    - (f) ulcerative colitis; and
    - (g) renal failure requiring dialysis at home.”; and
- (c) after paragraph (5), add—

“(6) Paragraph (5)(g) does not apply where a contribution to the cost of the water consumed in the process of dialysis during the billing period is made by the health authority.”.
- (3) In regulation 4 (method of establishing entitlement to assistance)—
  - (a) in paragraph (5), omit the word “dependent” in both places where that word occurs, and for “16” substitute “19”;
  - (b) in paragraph (6)—
    - (i) for “regulation 2(2)(b)” substitute “regulation 2(2)(b)(i)”;
    - (ii) insert “and” at the end of sub-paragraph (a); and
    - (iii) omit sub-paragraphs (c) and (d);
  - (c) after paragraph (6) insert—

“(6A) In the case of an application for assistance made in reliance upon regulation 2(2)(b)(ii) (other medical conditions), the undertaker may refuse the application if it is not supported by a certificate given by a registered medical practitioner in accordance with paragraph (6B).

(6B) A certificate under paragraph (6A) shall be in the form of a statement in writing bearing the signature of the registered medical practitioner, and containing the following particulars—

    - (a) the name of the person in respect of whom the diagnosis is made (“the patient”);
    - (b) the diagnosis of the patient’s medical condition which obliges the patient to use a significant additional volume of water;
    - (c) the date on which the certificate is given; and
    - (d) the name and address of the registered medical practitioner.”; and
  - (d) after paragraph (9) insert—

“(9A) Paragraph (9) shall not apply in relation to the provision of a certificate under paragraph (6A).”.

*Elliot Morley*  
Minister of State,  
Department for Environment, Food and Rural  
Affairs

16th January 2005

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

The Water Industry (Charges) (Vulnerable Groups) Regulations 1999 (“the 1999 Regulations”) require water and sewerage undertakers' charges schemes to include special provision for assistance for certain groups of people on low incomes. The 1999 Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales. These Regulations amend the 1999 Regulations to expand the classes of people entitled to assistance.

Regulation 2(2)(a) of the 1999 Regulations requires provision for assistance for consumers who are or live with a person on relevant benefits where that person also receives child benefit for three or more children under 16. Regulation 2(2) of these Regulations raises the age limit to 19.

Regulation 2(2)(b) of the 1999 Regulations requires the provision of assistance to households which include a person on relevant benefits or tax credits who suffers from, and receives treatment for, a medical condition listed in regulation 2(5) which requires the use of extra water. Regulation 2(2) of these Regulations substitutes a new regulation 2(2)(b) with the effect (in part) of: adding Crohn's disease and ulcerative colitis to the list of medical conditions; removing entitlement to support where a person suffers from renal failure requiring home dialysis if a health authority contributes to the cost of water consumed; removing the requirement that the person should be receiving treatment for the condition; and removing the requirement that the person who suffers from the condition is the person in receipt of benefits.

Regulation 4(4) of the 1999 Regulations requires specified information to be given in support of an application for assistance on the basis of a listed medical condition. Regulation 2(3) of these Regulations amends this provision to remove the need to provide information about treatment received.

New regulation 2(2)(b) of the 1999 Regulations also requires the provision of assistance to relevant households which include a person suffering from any other medical condition which requires the use of extra water. Regulation 2(3) of these Regulations inserts into regulation 4 of the 1999 Regulations a requirement for a doctor's certificate in connection with such applications, and provides that the cost of the doctor's certificate should not be met by the water or sewerage company.

Regulation 2(3) also makes a number of small consequential amendments.

A full regulatory impact assessment has been prepared in connection with the changes made by these Regulations. It is contained in the paper “Reductions for Vulnerable Groups: Response to Consultation” produced by the Department for Environment, Food and Rural Affairs. A copy of that paper has been placed in the library of each House of Parliament, and copies are available on the Defra website. Copies may also be obtained from Division WSR4, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE (telephone 020 7944 8362).