
STATUTORY INSTRUMENTS

2006 No. 3336

The Water and Sewerage Services (Northern Ireland) Order 2006

PART VII

FINANCIAL PROVISIONS

CHAPTER I

CHARGES

Charging for services provided with the help of an undertaker

Billing disputes

211.—(1) The Department may by regulations make provision for billing disputes to be referred to the Authority for determination in accordance with the regulations.

(2) In this Article “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 Article may only be made after consulting—

- (a) the Authority, and
- (b) persons or bodies appearing to the Department to be representative of persons likely to be affected by the regulations.

(4) Regulations under this Article may provide that, where a billing dispute is referred to the Authority, it 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 Article 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 Article may provide—

- (a) that disputes may be referred to the Authority under this Article only by prescribed persons; and
- (b) for any determination to be final and enforceable as if it were a judgment of a county court.

(7) Except in such circumstances (if any) as may be prescribed—

Changes to legislation: *The Water and Sewerage Services (Northern Ireland) Order 2006, Section 211 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the Authority or an arbitrator appointed by it 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 Authority for determination in accordance with regulations under this Article shall 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 Article; and
- (c) such other matters (if any) as may be prescribed.

(9) Where a dispute is referred to the Authority in accordance with regulations made under this Article, it shall be the duty of the undertaker concerned to give the Authority such information as it may reasonably require for the purpose of assisting it in determining the dispute.

(10) Article 260 shall have effect, with the necessary modifications, in relation to information which the Authority requires for that purpose as it has effect in relation to information which the Department requires for purposes mentioned in paragraph (1) of that Article.

(11) For the purposes of this Article—

“charge” means any charge fixed by a scheme made under Article 201;

“customer” means any person to whom the relevant undertaker provides services.

Commencement Information

II [Art. 211](#) wholly in operation at 1.4.2007; [art. 211](#) in operation at 1.1.2007 in so far as it confers power on a Northern Ireland department to make regulations or orders or makes provision with respect to the exercise of any such power, see [art. 1\(3\)\(e\)](#); [art. 211](#) in operation at 1.4.2007 insofar as not already in operation by [S.R. 2007/194](#), [art. 2\(2\)](#), [Sch. 1 Pt. II](#) (subject to [art. 3](#), [Sch. 2](#))

Changes to legislation:

The Water and Sewerage Services (Northern Ireland) Order 2006, Section 211 is up to date with all changes known to be in force on or before 13 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 293(10A) inserted by [2015 c. 8 \(N.I.\) Sch. 3 para. 2\(b\)](#)