

2007 No. 280

WATER AND SEWERAGE

**The Water and Sewerage Charges Scheme (No. 2) Regulations
(Northern Ireland) 2007**

Made - - - - - *4th May 2007*

Coming into operation - *25th May 2007*

The Department for Regional Development, in exercise of the powers conferred by Articles 202, 204(5) and 300(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(a) makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water and Sewerage Charges Scheme (No. 2) Regulations (Northern Ireland) 2007 and shall come into operation on 25th May 2007.

Interpretation

2. In these Regulations—

“capital value” in relation to a dwelling means the capital value published under Part II of the Rates (Capital Values, etc.) (Northern Ireland) Order 2006(b);

“housing benefit” means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits Act (Northern Ireland) 1992 (c. 7);

“NIHE” means the Northern Ireland Housing Executive;

“the Order” means the Water and Sewerage Services (Northern Ireland) Order 2006;

“qualifying consumer” means a consumer who:

- (a) is in receipt of housing benefit or rate relief under Article 30A of the Rates (Northern Ireland) Order 1997; or
- (b) qualifies for rate relief under regulations made under Article 30B of the Rates (Northern Ireland) Order 1997; or
- (c) is a former relevant child within the meaning of Article 34D of the Children (Northern Ireland) Order 1995 and who is under 21 years of age(c);

“rate relief” means rate relief provided by virtue of a scheme under Article 30A or by regulations made under Article 30B of the Rates (Northern Ireland) Order 1997(d);

“sewerage affordability tariff” means the charge for the provision of sewerage services payable by a qualifying consumer under a relevant undertaker’s charges scheme; and

(a) S.I. 2006/3336 (N.I. 21)
(b) S.I. 2006/611 (N.I. 4)
(c) S.I. 1995/775 (N.I. 2) as amended by Article 2(3) S.R. 2002 c.11
(d) S.I. 1977/2157 (N.I. 28)

“water affordability tariff” means the charge for the supply of water payable by a qualifying consumer under a relevant undertaker’s charges scheme.

Special provision to be included in charges schemes

3. Any charges scheme made under Article 201 of the Order shall include special provision for providing assistance:

- (a) in relation to a qualifying consumer; and
- (b) in accordance with regulation 7.

Assistance to be provided to qualifying consumers

4.—(1) Subject to paragraphs (2) and (5), a relevant undertaker’s charges scheme shall provide that a qualifying consumer shall be charged—

- (a) a water affordability tariff for the supply of water; and
- (b) a sewerage affordability tariff for the provision of sewerage services,

in respect of a dwelling which a qualifying consumer occupies as his only or principal home.

(2) Where a qualifying consumer receives either a supply of water or is provided with sewerage services, but not both, the relevant undertaker’s charges scheme shall provide that the qualifying consumer shall be charged either the water or sewerage affordability tariff but not both.

(3) Each affordability tariff is equal to the guaranteed figure $\times 52 \times 0.03 \times 0.5$.

(4) The “guaranteed figure” is the figure, for the time being, set out in Regulation 6(1)(b) of the State Pension Credit Regulations 2003 (Northern Ireland)(a) on 1st December in the year before any charges scheme takes effect.

(5) Where a qualifying consumer occupies a dwelling that has a capital value of £100,000 or less the relevant undertaker’s charges scheme shall provide that the affordability tariffs are adjusted as follows—

- (a) where the capital value of the dwelling is between £70,000 and £100,000, the affordability tariffs shall be multiplied by 0.75; and
- (b) where the capital value of the dwelling is £70,000 or less, the affordability tariffs shall be multiplied by 0.5;

and the qualifying consumer shall be charged the relevant adjusted affordability tariffs instead of the affordability tariffs.

Calculation of period for payment of affordability tariff

5.—(1) A qualifying consumer shall be charged an affordability tariff from the first day of that month in which he became a qualifying consumer and shall cease to be charged an affordability tariff on the last day of the month in which he ceased to be a qualifying consumer.

(2) The date on which a consumer becomes a qualifying consumer is the date specified by NIHE or DFP as the date on which he is in receipt of housing benefit, or DFP as the date on which he is in receipt of rate relief under Article 30A of the Rates (Northern Ireland) Order 1977 or qualifies for rate relief under regulations made under Article 30B of that Order.

Charging by reference to volume

6.—(1) Subject to paragraph (2), an undertaker shall not charge a qualifying consumer by reference to volume where a water undertaker is required, as a condition of making a connection, to install a meter under Article 81(2) of the Order.

(a) S.R. 2003/28

(2) An undertaker shall fix charges for which a qualifying consumer is liable by reference to volume where the measured charges payable by the qualifying consumer are lower than the affordability tariffs.

(3) Where an undertaker is obliged to fix charges by reference to volume under Article 204 of the Order (right of consumer to elect for charging by reference to volume) and the period of 12 months mentioned in paragraph 204(5) has elapsed without the consumer exercising their right to revoke a measured charges notice under Article 205(5), the undertaker shall cease to fix charges by reference to volume if—

- (a) the consumer (not being a qualifying consumer) who gave the measured charges notice in respect of the premises concerned becomes a qualifying consumer and the charges payable by the consumer would be lower if they were charged the relevant affordability tariffs; or
- (b) a consumer who has not previously given a measured charges notice in respect of the premises concerned becomes the consumer in respect of those premises and is, or becomes, a qualifying consumer and the charges payable by the consumer would be lower if they were charged the relevant affordability tariffs.

Requisitions and adoptions of water mains or sewers for existing dwellings

7.—(1) — Where a notice under Article 76 (Duty to comply with water main requisition) of the Order is served on a water undertaker in respect of an existing dwelling, the cost of complying with that water main requisition shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(2) Where an agreement is made under Article 86 of the Order (Agreements to adopt water main or service pipe at a future date) in respect of an existing dwelling, such costs as may be agreed in relation to the adoption shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(3) Where a notice under Article 154 (Duty to comply with sewer and lateral drain requisition) of the Order is served on a sewerage undertaker in respect of an existing dwelling, the cost of complying with sewer or lateral drain requisition shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(4) Where an agreement is made under Article 161 of the Order (Agreements to adopt sewer, drain or waste water treatment works at future date) in respect of an existing dwelling, such costs as may be agreed in relation to the adoption shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(5) “existing dwelling” means a dwelling constructed prior to 1st January 2000 never having been previously connected to the water mains or public sewer, as appropriate.

(6) Paragraphs (3) and (4) shall cease to have effect on the day appointed for the coming into operation of Article 157 of the Order (Further duty to provide sewers).

Grants by the Department for the purpose of providing special assistance under Article 202 of the Order

8.—(1) The Department shall make a grant, under article 213(1), of an amount equal to the sum which is the difference between the total amount that the relevant undertaker would be entitled to charge for the supply of water and provision of sewerage (or either service if the relevant undertaker supplies only one service) if it was not obliged to charge an affordability tariff by these regulations and the sum it is entitled to receive from the consumer by virtue of being obliged to charge the affordability tariffs.

(2) The Department shall make a grant, under article 213(1), equal to the total of all allowances provided by a relevant undertaker under regulation 7.

Revocation of Regulations

9. On 25th May 2007 the Water and Sewerage Charges Scheme Regulations (Northern Ireland) 2007(a) shall be revoked.

Sealed with the Official Seal of the Department for Regional Development on 4th May 2007



John Mills
A senior officer of the
Department for Regional Development

(a) S.R. 2007/151

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Water and Sewerage Charges Scheme Regulations (Northern Ireland) 2007(a) to rectify a typographical error in the preamble and, thereby, remove any doubt as to the vires of the original regulations. These regulations are otherwise identical.

These regulations set out matters which must be included within a water or sewerage undertaker's charges scheme under the Water and Sewerage Services (NI) Order 2006. Under that Order water and sewerage undertakers (who are responsible for the delivery of water and sewerage services) are entitled to make charges for the delivery of water and sewerage services. Article 201 of that Order requires the undertaker to provide an annual charges scheme setting out the charges to be paid by consumers. Article 202 of the Order allows the Department for Regional Development to stipulate, through regulations, certain matters that must be included in an undertaker's charges scheme. Accordingly, these regulations specify that certain categories of consumer are to be charged an affordability tariff and that an allowance for assistance for the cost of making new connections to the water and sewerage network is to be available in certain circumstances.

Regulation 2 defines certain terms used in the regulations.

Regulation 3 stipulates that an undertaker's charges scheme must include arrangements for providing assistance to qualifying consumers in the form of an affordability tariff and under regulation 7 (Requisitions and adoptions of water mains or sewers for existing dwellings) . Paragraphs 2 and 3 define the categories of consumer eligible to be charged the affordability tariffs ("qualifying consumers").

Regulation 4 sets out how the affordability tariffs are calculated in relation to both the provision of water and sewerage services. The formula at regulation 4(3) converts the weekly "guaranteed figure" (based on the single persons pension guarantee) referred to at Regulation 4(4) to an annual figure, calculates 3% of that figure and apportions the result equally between the water and sewerage affordability tariffs. A qualifying consumer must be charged the relevant affordability tariff where they receive either a supply of water or are provided with sewerage services, but not both. An adjusted affordability tariff must also be charged if a qualifying consumer occupies a dwelling with a capital value of £100,000 or less.

Regulation 5 specifies the period of a qualifying consumer's entitlement to be charged any affordability tariff.

Regulation 6 sets out the circumstances under which the undertaker can charge a qualifying consumer by reference to volume. Paragraph 2 states that the undertaker shall fix charges by reference to volume where the charges are lower than the relevant affordability tariffs.

Regulation 7 states that where an undertaker is required to make a requisition to the water or sewerage network for dwellings constructed prior to 1st January 2000, these requisitions will be subject to an allowance to be set out by the Department in a Charges Scheme.

Regulation 8 requires the Department to make a grant to the relevant undertaker equal to the amount of revenue lost due to charging the affordability tariffs for the supply of water and provision of sewerage services. The Department is also required to make a grant equal to the total of all allowances provided by the undertaker under regulation 7.

Regulation 9 revokes the Water and Sewerage Charges Scheme Regulations (Northern Ireland) 2007.

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