
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART III

APPOINTMENT AND REGULATION OF UNDERTAKERS

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Remuneration and standards of performance

62.—(1) This Article applies to any company holding an appointment under Chapter I.

(2) As soon as reasonably practicable after the end of each financial year of the company it must make a statement to the Authority—

- (a) disclosing whether or not remuneration has been paid or become due during that financial year to the directors of the company as a result of arrangements falling within paragraph (3); and
- (b) where such remuneration has been paid or become due, describing the arrangements and the remuneration.

(3) Arrangements fall within this paragraph if they are arrangements for linking the remuneration of the directors of the company to standards of performance in connection with the carrying out by the company of the functions of a relevant undertaker.

(4) A description under paragraph (2)(b) must include in particular—

- (a) a statement of when the arrangements were made;
- (b) a description of the standards of performance in question;
- (c) an explanation of the means by which the standards of performance are assessed; and
- (d) an explanation of how the remuneration was calculated.

(5) The statement required by paragraph (2) must also state—

- (a) whether or not there are in force in respect of the financial year during which the statement is made arrangements falling within paragraph (3); or
- (b) if not, whether the company intends that such arrangements will be in force at some time during that financial year,

and if there are, or it is intended that there will be, such arrangements in force the statement must describe those arrangements.

(6) A description under paragraph (5) must—

- (a) include in particular the matters listed in paragraph (4)(a), (b) and (c); and
 - (b) where the arrangements described are different from any arrangements described under paragraph (2)(b), state the likely effect of those differences on the remuneration of each director of the company.
- (7) The statement required by paragraph (2) must be made to the Authority in such manner as may be required by the Authority.
- (8) The statement required by paragraph (2)—
- (a) shall be published by the company making the statement in such manner as it reasonably considers will secure adequate publicity for it; and
 - (b) may be published by the Authority in such manner as it may consider appropriate.
- (9) The duty of a company under this Article applies in respect of any person who has at any time been a director of the company.
- (10) In this Article—
- “remuneration” in relation to a director of a company—
- (a) means any form of payment, consideration or other benefit (including pension benefit), paid or due to or in respect of the director; and
 - (b) includes remuneration in respect of any of his services while a director of the company;
- “standards of performance”, in relation to any company, include any standards which are—
- (a) set by or under any conditions of the company’s appointment under Chapter I;
 - (b) contained in or prescribed by regulations made under Article 66(1)(b) or (2) or Article 150(1)(b) or (2); or
 - (c) set or agreed to by the company.
- (11) Any requirement imposed by this Article shall be treated as a statutory requirement enforceable under Article 30 by the Authority.