

*These notes refer to the Water Industry Act 1999
(c.9) which received Royal Assent on 30 June 1999*

WATER INDUSTRY ACT 1999

EXPLANATORY NOTES

ANNEX A:

Extracts from the Water Industry Act 1991, referred to in paragraph 17 of the Notes. The amendments made by the Water Industry Act 1999 are shown in bold. These extracts have no authoritative status.

WATER INDUSTRY ACT 1991

“61 Disconnections for non-payment of charges.

(1) Subject to the following provisions of this section, a water undertaker may disconnect a service pipe which for the purposes of providing a supply of water to any premises is connected with any water main of that undertaker, or may otherwise cut off a supply of water to any premises, if the occupier of the premises-

- (a) is liable (whether in his capacity as occupier or under any agreement with the undertaker) to pay charges due to the undertaker in respect of the supply of water to those premises; and
- (b) has failed to do so before the end of the period of seven days beginning with the day after he is served with notice requiring him to do so.

(1A) The power conferred by subsection (1) above is not exercisable in relation to premises specified in Schedule 4A.

(2) Where-

- (a) a water undertaker has served a notice for the purposes of paragraph (b) of subsection (1) above on a person; and
- (b) within the period of seven days mentioned in that paragraph, that person serves a counter-notice on the undertaker stating that he disputes his liability to pay the charges in question,

the undertaker shall not in respect of that notice exercise his power by virtue of that subsection in relation to any premises except at a time when that person is the occupier of the premises and those charges are enforceable against that person in a manner specified in subsection (3) below.

(3) For the purposes of subsection (2) above charges are enforceable in a manner specified in this subsection against a person if-

- (a) the undertaker is able to enforce a judgement against that person for the payment of the charges; or
- (b) that person is in breach of an agreement entered into, since the service of his counter-notice, for the purpose of avoiding or settling proceedings by the undertaker for the recovery of the charges.

(4) A water undertaker which exercises its power under this section to disconnect any pipe or otherwise to cut off any supply of water may recover, from the person in respect of whose liability the power is exercised, any expenses reasonably incurred by the undertaker in making the disconnection or in otherwise cutting off the supply.

(5) Where-

- (a) a water undertaker has power under this section to disconnect any pipe to any premises, or otherwise to cut off any supply to any premises; and
- (b) a supply of water is provided to those premises and to other premises wholly or partly by the same service pipe,

the undertaker may exercise that power so as to cut off the supply to those other premises if and only if the same person is the occupier of the premises in relation to which the charges are due and of the other premises.

.....

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) **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.
- (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.**
- (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.
- (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.
- (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.

143 Charges schemes.

- (1) A relevant undertaker may make a scheme ("a charges scheme") which **has effect in relation to a specified period of twelve months and** does any one or more of the following, that is to say-

- (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.
- (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 **in a case not falling within section 142(2A)** 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.
- (6) **A charges scheme shall not take effect unless it has been approved by the Director.**
- (7) **The Secretary of State may give guidance to the Director on the exercise of his power under subsection (6) above; and the Director shall have regard to that guidance in the exercise of that power.**

- (8) The Secretary of State shall arrange for any guidance given by him under subsection (7) above to be published in such manner as he considers appropriate.**
- (9) The Director may not exercise his power under subsection (6) above for the purpose of limiting the total revenues of relevant undertakers from charges fixed by or in accordance with charges schemes.**

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**
 - (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.**

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.
- (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 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 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.

Restrictions on Charging

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
- (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 has 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 has 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 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.**

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

General restrictions on charging

[This section is repealed by this Act.]

145 Charging by reference to rateable value.

- (1) Charges and other amounts to which this section applies shall not, by virtue of anything contained-
- (a) in this Chapter;
 - (b) in any local statutory provision;
 - (c) in any charges scheme under section 143 above; or
 - (d) in any agreement entered into on or after 1st September 1989,
- be recoverable by a relevant undertaker from any person if they have been fixed wholly or partly by reference to a rating valuation list or are otherwise determined, whether directly or indirectly, by reference to any value or other amount specified at any time in such a list.
- (2) This section applies to-
- (a) charges in respect of any services provided at any time after the end of 31st March 2000 by a relevant undertaker in the course of carrying out its functions; and
 - (b) amounts of any other description which such an undertaker, in exercise of any power conferred by or under any enactment, requires any person to pay in respect of any period ending after that date or in respect of anything done after that date.
- (3) In this section "rating valuation list" means a list which is or has at any time been maintained, for the purposes of rating, under section 41 or 52 of the Local Government Finance Act 1988, section 67 of the General Rate Act 1967 or any other enactment.

.....

Metering

148 Restriction on charging for metering works.

- (1) Subject to subsections (2) to (4) below and section 177 below, where any meter to be 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.

- (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;
 - (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;**
 - (d) any expenses incurred in relation to a meter which is or is to be used in determining the amount of-
 - (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;
 - (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 as 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.
- (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.

.....

162 Works in connection with metering.

- (1) Subject to the following provisions of this section, to section 148 above and to the provisions of Chapter III of this Part, where-
- (a) **subsection (1A) below applies to a relevant undertaker in respect of any premises; and**
 - (b) there is either-
 - (i) a service pipe which is connected with a water undertaker's water main and by which a supply of water is or could be provided to those premises or to any building in which those premises are contained; or
 - (ii) a drain or private sewer which connects those premises with a public sewer,

the undertaker shall have power, in accordance with section 172 below or otherwise, to carry out any works specified in subsection (3) below.

- (1A) **This subsection applies to a relevant undertaker in respect of any premises if-**
- (a) **the undertaker has fixed any charges in relation to any premises by reference to volume,**
 - (b) **the undertaker is entitled so to fix any charges because the person who is the consumer in relation to the premises for the purposes of Chapter I of Part V of this Act has exercised his right to give-**
 - (i) **a measured charges notice under section 144A above, or**
 - (ii) **any consent for the purposes of section 144B(2)(a)(ii) above,****and has not revoked the measured charges notice or consent under section 144A, or**
 - (c) **the undertaker has given notice of its intention of so fixing any charges-**
 - (i) **within the period specified in the notice, or**
 - (ii) **in a case where it is not for the time being entitled so to fix the charges, if and when it becomes entitled to do so.**
- (2) The power under subsection (1) above to carry out works specified in subsection (3) below shall include power to carry out any such works in a street; and the power conferred by virtue of subsection (1)(c) of section 158 above and subsection (6) of that section shall apply in relation to the power conferred by this subsection as they apply in relation to the powers conferred by that section.
- (3) The works mentioned in subsections (1) and (2) above are, in relation to any premises-
- (a) works consisting in the installation and connection of any meter for use in determining the amount of any charges which have been or may be fixed in relation to the premises;
 - (b) where the premises comprise a house which is one of two or more houses to which the supply of water is wholly or partly by the same service pipe, works consisting in the installation and connection, for any purpose connected with the installation or connection of such a meter, of a separate service pipe for that house;
 - (c) works for the purpose of maintaining, repairing, disconnecting or removing-
 - (i) any meter which has been installed for use in determining the amount of any charges which have been or may be fixed in relation to the premises; or
 - (ii) any pipes or apparatus installed in the course of any works specified in this section; and
 - (d) any other works appearing to the undertaker to be necessary or expedient for any purpose connected with the carrying out of any works specified in paragraph (a), (b) or (c) above, including the installation and connection of any pipes or other apparatus on the premises and the alteration or removal of any of the plumbing of the premises.

- (4) A notice given for the purposes of **subsection (1A)(c)** above may relate to particular premises or to any description of premises and shall be given-
 - (a) by publishing the notice in the locality in which the premises to which it relates are situated in such a manner as the undertaker considers appropriate for bringing it to the attention of the persons likely to be affected by it; and
 - (b) by serving a copy of the notice on the Secretary of State.
- (5) Subject to subsection (6) below, any works carried out by a water undertaker by virtue of the provisions of this section shall be necessary works for the purposes of Chapter II of Part III of this Act.
- (6) Nothing in this section shall prevent the exercise by a water undertaker of its power by virtue of subsection (3)(b) of section 64 above to impose a condition by virtue of subsection (2)(c) or (d) of section 47 above in a case where it has, under the said section 64, required the provision of a separate service pipe to any premises.
- (7) Part II of Schedule 6 to this Act shall apply to the powers conferred by this section.
- (8) Any dispute between a relevant undertaker and any other person (including another such undertaker) as to the exercise of any power under this section to carry out any works on any premises shall be referred to the arbitration of a single arbitrator appointed-
 - (a) by agreement between the undertaker and that person; or
 - (b) in default of agreement, by the Director.
- (9) Without prejudice to subsection (2) above, nothing in section 158, 159 or 161 above shall authorise the installation of any apparatus for measuring or showing the volume of water supplied to, or of effluent discharged from, any premises where that apparatus is to be used for the purpose only of determining the amount of any charges fixed, or to be fixed, in relation to those premises wholly or partly by reference to the volume of that water or effluent.