

1989 No. 1159

WATER, ENGLAND AND WALES

The Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989

<i>Made - - - -</i>	<i>6th July 1989</i>
<i>Laid before Parliament</i>	<i>7th July 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

The Secretary of State for Wales, in relation to water and sewerage undertakers appointed by him, or with his consent or in accordance with a general authorisation given by him and the Secretary of State for the Environment, in relation to other water undertakers and sewerage undertakers, in exercise of the powers conferred on them by sections 38(2) and (3) and 68(2) and (3) of the Water Act 1989(a) and acting prior to any transfer date appointed under section 4 of that Act hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989 and shall come into force on 1st September 1989.

Interpretation

2. In these Regulations—

“the 1989 Act” means the Water Act 1989;

“customer” includes

(a) a potential customer; and

(b) an occupier of domestic premises where the supply of water or sewerage services to those premises is the subject of a separate charge for which a person other than the occupier is liable to the undertaker—

but

(i) nothing in these Regulations shall require an undertaker to make a payment or credit an amount other than to a person who is liable to pay its charges or, in the case of a potential customer, may become liable to pay its charges;

(ii) nothing in these Regulations shall require an undertaker to give notice to more than one person in respect of the same premises or to make a payment or credit an amount to more than one person in respect of any one claim; and

(iii) nothing in, or done by an undertaker in consequence of, these Regulations shall determine who is beneficially entitled to any payment made or amount credited in pursuance of these Regulations;

(a) 1989 c.15.

“domestic premises” means premises used wholly or partly as a dwelling or intended for such use;

“strategic main” means a main conveying water in bulk to centres of population which have no other supply that can fully meet normal demand;

“working day” means any day which is not a public holiday or Saturday or Sunday.

Keeping appointments

3.—(1) This regulation applies where a water or sewerage undertaker gives notice to a customer that its representative will visit domestic premises mentioned in the notice on a date so mentioned (“the appointed day”), being a visit which requires access to be afforded to the representative or for which it would otherwise be reasonable to expect the customer or a person acting on his behalf to be present on the premises.

(2) Where this regulation applies and a visit is not made on the appointed day, the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) the sum of £5.

(3) The circumstances described in this paragraph are—

- (a) that the customer has cancelled the appointment; or
- (b) that the undertaker has cancelled the appointment by giving the customer not less than 24 hours’ notice of cancellation; or
- (c) that it was impractical to make the visit on the appointed day because of severe weather conditions or industrial action by the undertaker’s employees or the act or default of a person other than an officer, employee or agent of the undertaker or a person acting on behalf of its agent and those conditions or that action, act or default could not reasonably have been foreseen by the undertaker sufficiently early to enable it to cancel the appointment in accordance with subparagraph (b) or to make suitable alternative arrangements to fulfil it; or
- (d) that the customer has not made a written claim for a payment under this regulation within 3 months of the appointed day.

(4) For the purposes of this regulation, where an undertaker holds a record signed by a representative who was instructed to make the visit that the visit was made on the appointed day that visit shall be regarded as having been made unless the customer establishes that the record is incorrect.

Account queries and requests about payment arrangements

4.—(1) This regulation applies where a customer queries in writing the correctness of an account presented to him by a water or sewerage undertaker for the supply of water or sewerage services to domestic premises (“a query”) or where a customer asks in writing to change the arrangements by which he makes payments to the undertaker.

(2) Where this regulation applies the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) the sum of £5 if the undertaker fails—

- (a) in the case of a query, to despatch a substantive reply to the customer within 20 working days from the date of receipt of the query; or
- (b) where the customer asks to change the arrangements by which he makes payments and that request cannot be met, to despatch a substantive reply to the customer within 10 working days from the date of the receipt of the request.

(3) The circumstances described in this paragraph are—

- (a) that the customer has informed the undertaker that he does not wish to pursue his query or request; or
- (b) in the case of a query, that severe weather conditions made it impracticable to make any necessary visit to the customer’s premises in sufficient time to enable the undertaker to comply with paragraph (2)(a); or
- (c) that industrial action by the undertaker’s employees or the act or default of a person other than an officer, employee or agent of the undertaker or a person acting on behalf of its agent made it impracticable to dispatch such a reply within the relevant period; or

- (d) that the query or request was not sent to an address notified in writing by the undertaker to its customers as the appropriate address for queries or requests of that nature; or
- (e) in the case of a query, that the query is frivolous or vexatious; or
- (f) that the customer has not made a written claim for a payment under this regulation within 3 months of the date of the receipt of the query or request by the undertaker.

Complaints about water or sewerage services

5.—(1) This regulation applies where a customer complains in writing—

- (a) to a water undertaker about the quality of water supplied by the undertaker to domestic premises, the pressure at which it is supplied or the adequacy of the supply;
- (b) to a sewerage undertaker about the services supplied by or on behalf of the undertaker to such premises.

(2) Where this regulation applies the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) the sum of £5 if the undertaker fails—

- (a) in the case of a complaint which, in the undertaker's opinion necessitates a visit to the premises or the making of inquiries of persons who are not officers or employees of the undertaker, to despatch to the customer within 10 working days from the date of receipt of the complaint an initial reply—
 - (i) explaining why a substantive reply cannot be despatched immediately;
 - (ii) giving the name and telephone number and address of a responsible employee whom the customer can contact about the complaint; and
 - (iii) stating that a substantive reply will be despatched within 20 working days from the date of receipt of the complaint;
- (b) in the case of a complaint in relation to which sub-paragraph (a) does not apply, to despatch a substantive reply to the customer within 10 working days from the date of the receipt of the complaint.

(3) The circumstances described in this paragraph are—

- (a) that the customer has informed the undertaker that he does not wish to pursue his complaint; or
- (b) that industrial action by the undertaker's employees or the act or default of a person other than an officer, employee or agent of the undertaker or a person acting on behalf of its agent made it impracticable to despatch a reply within the relevant period mentioned in paragraph (2); or
- (c) that the complaint was not sent to an address notified in writing by the undertaker to its customers as the appropriate address for complaints of that nature; or
- (d) that the complaint is frivolous or vexatious; or
- (e) that the customer has not made a written claim for a payment under this regulation within 3 months of the date of the receipt of the complaint.

(4) In paragraph (1)(b) "sewerage undertaker" includes an authority which is carrying out sewerage functions on behalf of the undertaker under arrangements entered into (or to be treated as entered into) for the purposes of section 73 of the 1989 Act; but where a customer complains to such an authority the complaint shall be deemed for the purposes of paragraph (2) of this regulation to have been received by the sewerage undertaker on the date on which the undertaker received it from the authority.

Notice of interruption of supply

6.—(1) Where the supply of water to domestic premises is to be cut off to carry out necessary works in circumstances in which the undertaker is required by section 49(2) of the 1989 Act to give the consumer notice of the proposal for carrying out the works, the undertaker shall, before the supply is cut off, notify the affected consumer in writing of the time by which the supply will be restored.

(2) Where the supply of water to domestic premises has been interrupted or has been cut off to carry out necessary works in an emergency (and notice is not given in accordance with section 49(2) of the 1989 Act), a water undertaker shall take all reasonable steps to notify affected customers—

- (a) of the fact that the supply has been interrupted or cut off; and
- (b) where any alternative supply may be obtained; and
- (c) of the time by which it is proposed the supply should be restored; and
- (d) of the telephone number of an office from which further information may be obtained,

and shall take those steps as soon as is reasonably practicable.

Entitlement to a payment or credit where supply not duly restored

7.—(1) This regulation applies where the supply of water to domestic premises is interrupted or cut off by the undertaker as described in regulation 6.

(2) Where this regulation applies the undertaker shall, except in the circumstances described in paragraph (4), pay to the customer (or credit to his account) the sum of £5—

- (a) if the supply of water to the premises is not restored by the time specified for the restoration of that supply in a notice given in accordance with regulation 6(1);
- (b) where the supply is interrupted or cut off in such circumstances as are mentioned in regulation 6(2) because of a leak or burst in a strategic main, if the supply is not restored within 72 hours from the time when the undertaker first became aware of the interruption or the supply was cut off;
- (c) where the supply is interrupted or cut off as mentioned in sub-paragraph (b) and there is no such leak or burst as is so mentioned, if the supply is not restored within 24 hours from the time when the undertaker first became aware of the interruption or the supply was cut off.

(3) When a sum of £5 falls to be paid or credited to a customer by virtue of paragraph (2), the undertaker shall, except in the circumstances described in paragraph (4), pay to that customer a further sum of £5 in respect of each further complete period of 24 hours during which the supply remains unrestored.

(4) The circumstances described in this paragraph are—

- (i) that severe weather conditions or industrial action by the employees of the undertaker or the act or default of a person other than an officer, employee or agent of the undertaker or a person acting on behalf of its agent precluded the restoration of the supply within the relevant period; or
- (ii) in a case described in paragraph (2)(b) or (c), circumstances which were so exceptional that it would be unreasonable to have expected the supply to be restored within the relevant period; or
- (iii) that the customer has not made a written claim for a payment under this regulation within 3 months following the date on which the supply was cut off.

(5) This regulation does not apply where a supply is interrupted or cut off because of drought.

Notice of rights to be given to customers

8.—(1) Every water or sewerage undertaker shall at least once in every financial year provide every customer to whom it presents an account in that year with a detailed statement of the rights provided by these Regulations.

(2) Where an undertaker is aware that accounts presented to a customer cover the supply of water or sewerage services to other customers, it shall supply the customer with sufficient further copies of the statement referred to in paragraph (1) to enable him to give a copy to each of those other customers or send a copy of the statement to those other customers directly.

General exclusion where customer in arrears

9.—(1) Subject to paragraph (2), a customer is not entitled to any payment or credit under these Regulations if at the time he submits a claim he owes money to the undertaker and the debt has been outstanding for more than 6 weeks.

(2) Notwithstanding paragraph (1), a customer shall be entitled to a credit under these Regulations if—

- (a) an agreement or arrangement exists between the customer and the undertaker regarding the payment of the money owed; or
- (b) a court order is in force relating to the money owed and providing for payment by a specified date or by instalments; and

the customer is not in breach of that agreement or arrangement or that order, as the case may be.

Payments not to affect other legal liabilities

10. The making of a payment by an undertaker to a customer in consequence of a claim or potential claim for a payment under these Regulations shall not constitute an admission by the undertaker of any liability other than an obligation to comply with these Regulations; and the acceptance by a customer of a payment or credit made in consequence of these Regulations shall not affect any liability of the undertaker to the customer other than its liability under these Regulations.

Reference of disputes to the Director General of Water Services

11.—(1) Where a dispute arises between an undertaker and a customer as to the right of the customer to a payment or credit under these Regulations, the matter may be referred to the Director by either party for determination.

(2) The parties to a dispute which is referred to the Director shall furnish him with such evidence or information as he may reasonably require to enable him to determine the dispute.

(3) Where following a determination by the Director under this regulation, the undertaker fails to give effect to the determination, the customer may set-off the amount in question against any liability which he has to the undertaker.

Signed by authority of the Secretary of State.

6th July 1989

Michael Howard
Minister for Water and Planning,
Department of the Environment

6th July 1989

Peter Walker
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for customers of water and sewerage undertakers to be entitled to a payment or credit where the undertaker fails to maintain certain minimum standards of service in connection with the supply of water or sewerage services to domestic premises.

Regulation 3 provides for a payment or credit of £5 where an undertaker gives notice of a proposed visit by its representative to domestic premises on a particular day and no visit is made on that day. The right to a payment is subject to the exceptions set out in paragraph (3) of the regulation.

Regulation 4 provides for a payment or credit of £5 if an undertaker fails within a specified period to respond to a query concerning the correctness of an account or a request to change the arrangements by which a customer pays his accounts to which the undertaker is not prepared to accede.

Regulation 5 makes similar provision where an undertaker fails to deal within a specified period with a written complaint about the quality, pressure or adequacy of the water supply to domestic premises or about the sewerage services supplied to such premises by or on behalf of an undertaker.

Regulation 6 requires the undertaker to notify the customer of the time by which the supply will be restored where it has been cut off in circumstances in which the undertaker is required to give notice under section 49(2) of the 1989 Act. Where the water supply to domestic premises has been interrupted or cut off to allow emergency works to be carried out the regulation also requires the undertaker to take all reasonable steps to notify affected customers of that fact, where any alternative supply may be obtained, of the time by which it is proposed the supply should be restored and of the telephone number of an office from which further information may be obtained.

Regulation 7 provides for a payment or credit of £5 or a multiple of £5 in certain circumstances where the water supply to domestic premises is not restored within the specified period.

The Regulations require that customers be given details of the rights conferred upon them by the Regulations (regulation 8); and also provide for the reference of disputes about payments or credits under the Regulations to the Director General of Water Services (regulation 11).

Customers who are in default for more than 6 weeks in paying their bills are not normally entitled to payments or credits under the Regulations but credits against indebtedness may be made in certain circumstances (regulation 9). Payment under the Regulations is not to affect the other legal rights or liabilities of the undertaker or of the customer (regulation 10).

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