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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Water Industry (Prescribed Conditions) Regulations 1999 (“the 1999 Regulations”).

The 1999 Regulations prescribe additional conditions which must be satisfied:

- (a) before a consumer can revoke his election, under section 144A of the Water Industry Act 1991, opting for his water charges to be fixed in respect of water supplied to his home by reference to volume; and
- (b) before a water undertaker can be restricted from requiring such charges to be fixed by reference to volume, without the consumer’s consent or unless there has been a change in occupation, under section 144B of that Act.

Regulation 2(3) amends regulation 2 of the 1999 Regulations by inserting a new condition in relation to premises which are not in an area which has been determined by the Secretary of State to be an area of serious water stress under new regulation 4 and which are not subject to a programme for the fixing of charges by reference to volume, as specified in the water resources management plan of the relevant water undertaker published under section 37B(8)(a) of the Water Industry Act 1991. Regulation 2(4) inserts a new regulation 4 which provides that the Secretary of State may, after consulting the Environment Agency, determine a water undertaker’s area (in whole or in part) to be an area of serious water stress for the purposes of the 1999 Regulations.

The 1999 Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Water Supply & Regulation Division, Department for Environment, Food and Rural Affairs, Room 108, 55 Whitehall, London SW1A 2EY. A copy of this document has also been placed in the library of each House of Parliament.

**Changes to legislation:**

There are currently no known outstanding effects for the The Water Industry (Prescribed Conditions) (Amendment) Regulations 2007.