

SCHEDULE 1

APPLICATION OF THE ACT AND RELATED PROVISIONS

Charges

- 11.**—(1) Section 142 ^{M1} (powers of undertakers to charge) applies as if—
- (a) in the title, after “undertakers”, there were inserted “ and licensed infrastructure providers ”;
 - (b) in subsection (1) (powers of undertakers to fix and demand charges)—
 - (i) in the words before paragraph (a), after “relevant undertaker”, there were inserted “ and every licensed infrastructure provider ”;
 - (ii) in paragraph (b), after “undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (c) in subsection (4) (matters etc. by reference to which charges may be fixed)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (d) in subsection (6) (power of a relevant undertaker to fix charges otherwise than by virtue of Chapter 1 of Part 5 of the Act), after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”.
- (2) Section 143 ^{M2} (charges schemes) applies as if—
- (a) in subsection (1) (power of a relevant undertaker to make a charges scheme)—
 - (i) after “A relevant undertaker”, there were inserted “ or a licensed infrastructure provider ”; and
 - (ii) in paragraph (a), after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”;
 - (b) in subsection (5) (power of a relevant undertaker to enter into agreements for payment of charges), in paragraph (a)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (c) in subsection (9) (limit on the power of the Authority as to the exercise of its power to approve charges schemes), after “relevant undertakers”, there were inserted “ or licensed infrastructure providers ”.
- (3) Section 144 (liability of occupiers etc for charges) applies as if—
- (a) after subsection (1) (liability of occupiers), there were inserted—
 - “(1A) Subject to the following provisions of this section, a licensed infrastructure provider shall be treated for the purposes of this Chapter as providing services to—
 - (a) the occupiers for the time being of any premises which—
 - (i) are supplied with water, either directly or indirectly, by infrastructure which is owned or operated by the licensed infrastructure provider;

Status: Point in time view as at 28/06/2013. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Paragraph 11. (See end of Document for details)

- (ii) are drained by a sewer or drain connecting, either directly or indirectly, with infrastructure which is owned or operated by the licensed infrastructure provider; or
 - (iii) 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;
- (b) any relevant undertaker or licensed water supplier which—
- (i) has an agreement with the licensed infrastructure provider for the supply of water, sewerage services or works; or
 - (ii) has the use of any infrastructure which is owned or operated by the licensed infrastructure provider;

and references in this Chapter to services provided by a licensed infrastructure provider in the course of carrying out its functions are to be read accordingly.

(1B) Subsection (1A)(a) does not apply to the extent that provision to the contrary is made by any agreement to which the licensed infrastructure provider is a party.”;

- (b) in subsection (2) (liability of former occupiers where charges fixed by reference to volume), after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”;
 - (c) in subsection (3) (circumstances in which former occupiers may be made liable for charges)—
 - (i) after “any relevant undertaker”, there were inserted “or licensed infrastructure provider; and
 - (ii) in paragraph (a), after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”;
 - (d) in subsection (4) (meaning of “the first relevant day”)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) in paragraphs (a) and (c), after “the undertaker”, in each place it occurs, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (e) in subsection (5), after “water to those premises”, there were inserted “ , or liable to any licensed infrastructure provider for any charges in respect of any services provided by that licensed infrastructure provider to those premises, ”.
- (4) Section 144A ^{M3} (right of consumers to elect for charging by reference to volume) applies as if—
- (a) in subsection (5) (right of consumer to revoke a measured charges notice)—
 - (i) the “and” following paragraph (a) were repealed; and
 - (ii) paragraph (b) were repealed;
 - (b) for subsection (9) (duty of sewerage undertaker to fix charges by reference to volume), there is substituted—

“(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) 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; and

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- (b) a licensed infrastructure provider is under a corresponding obligation to fix charges in respect of foul water drainage provided by the licensed infrastructure provider in respect of those premises by reference to that volume.”; and
- (c) in subsection (10) (duty of sewerage undertaker to fix charges without reference to volume) for “a sewerage undertaker is”, there were substituted “ a sewerage undertaker and a licensed infrastructure provider are ”.
- (5) Section 150B ^{M4} (meaning of “consumer” in Chapter 1), applies as if, after paragraph (a), there were inserted—
- “(aa) in relation to the provision of services by a licensed infrastructure provider in respect of any premises, means a person who is for the time being the person on whom liability to pay charges to the licensed infrastructure provider in respect of those services would fall, and”.

Marginal Citations

- M1** Section 142 was amended by section 120 of, and Schedule 22 to, the Environment Act 1995, and by section 3 of the [Water Industry Act 1999 \(c. 9\)](#).
- M2** Section 143 was amended by section 120 of, and Schedule 22 to, the Environment Act 1995, and by sections 3 and 4 of the Water Industry Act 1999.
- M3** Section 144A was inserted by section 6 of the Water Industry Act 1999.
- M4** Section 150B was inserted by section 15 of, and Schedule 3 to, the Water Industry Act 1999.

Status:

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Changes to legislation:

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