SCOTTISH STATUTORY INSTRUMENTS

2004 No. 68

WATER SUPPLY

The Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2004

Made - - - -	*23rd February 2004*
Laid before the Scottish Parliament - - - -	*26th February 2004*
Coming into force - -	*1st April 2004*

The Scottish Ministers, in exercise of the powers conferred on them by section 40 of the Water Industry (Scotland) Act 2002(**1**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2004 and shall come into force on 1st April 2004.

Interpretation

2. In these Regulations–

"charges scheme" means a charges scheme made under section 31 of the Water Industry (Scotland) Act 2002 for the period beginning 1st April 2004;

"council tax" has the same meaning as in Part II of the Local Government Finance Act 1992(**2**);

"council tax benefit" has the same meaning as in Part VII of the Social Security Contributions and Benefits Act 1992(**3**);

"dwelling" has the same meaning as in Part II of the Local Government Finance Act 1992;

"Scottish Water" means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002;

"sewerage charges" means charges payable under a charges scheme in respect of the provision of sewerage services to a dwelling in the relevant year;

"the relevant year" means the period of 12 months beginning on 1st April 2004;

(**1**) 2002 asp 3.
(**2**) 1992 c. 14.
(**3**) 1992 c. 4.

"water charges" means charges payable under a charges scheme in respect of the provision of water supply services to a dwelling in the relevant year.

Reduction of Charges

3. Where a person is, under a charges scheme, liable to pay an amount–

(a) in respect of the provision of water supply services or sewerage services, or both, by Scottish Water to a dwelling in the relevant year; and

(b) the amount is payable to a local authority by virtue of the Water Services Charges (Billing and Collection) (Scotland) Order 2002(**4**),

the amount payable in respect of the relevant year shall be reduced by the amount calculated in accordance with regulation 4 below, where that amount is greater than zero.

Amount of Charges

4.—(1) Where regulation 3 above applies, the amount of the reduction shall be calculated in accordance with the following formula:–

$$R = \frac{A}{B} \times (C - (\frac{D}{E} \times F \times \frac{G}{365}))$$

(2) In paragraph (1) above–

"A" is the amount of council tax benefit which that person receives in respect of that dwelling in respect of the relevant year;

"B" is the council tax for which that person is liable in respect of that dwelling in respect of the relevant year;

"C" is the amount which that person is liable to pay in respect of that dwelling in respect of the relevant year under a charges scheme, net of any discounts, exemptions and reliefs applicable under that scheme, for water charges or sewerage charges or both in respect of services actually received;

"D" is the amount which that person would be liable to pay in respect of that dwelling in respect of the relevant year under a charges scheme, if none of the discounts, exemptions and reliefs under that scheme were applicable, for water charges or sewerage charges or both in respect of services actually received;

"E" is the maximum potential charge which could be made by Scottish Water in respect of that dwelling in respect of the relevant year for water supply and sewerage services which could be received in respect of that dwelling;

"F" is £240;

"G" is the number of days in the relevant year for which that person is liable for council tax in respect of that dwelling; and

"R" is the amount of the reduction.

(3) In any case where R is zero or less, it shall be treated as zero.

(**4**) S.S.I. 2002/33, amended by S.S.I. 2002/166 (article 6).