SCOTTISH STATUTORY INSTRUMENTS

2002 No. 167

WATER SUPPLY

The Water and Sewerage Charges (Exemption) (Scotland) Regulations 2002

Made - - - -	*27th March 2002*
Laid before the Scottish Parliament - - - -	*28th March 2002*
Coming into force - -	*1st April 2002*

The Scottish Ministers, in exercise of the powers conferred 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 Water and Sewerage Charges (Exemption) (Scotland) Regulations 2002 and shall come into force on 1st April 2002.

Interpretation

2.—(1) In these Regulations–

"an authority" means a new water and sewerage authority;

"net annual income" means any income received by a person liable to pay charges for services provided by Scottish Water in exercise of its core functions in respect of premises which fulfils the conditions in regulation 6 during a financial year, less–

(i) any funds raised and paid over by that person as a donation to a Scottish charity as defined in section 1(7) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(**2**) or to a body registered as a charity in England and Wales under section 3 of the Charities Act 1993(**3**) during that year;

(ii) any funds raised and paid over by that person as a subscription to, or contribution towards the costs of, a parent organisation during that year; and

(iii) any grant paid to that person under any enactment for purposes specified as being in connection with capital expenditure on the relevant premises during that year;

(**1**) 2002 asp 3.
(**2**) 1990 c. 40.
(**3**) 1993 c. 10.

"the relevant period" means the period of 4 years beginning with 1st April 2002.

(2) In these Regulations, a reference to a numbered regulation is the regulation in these Regulations bearing that number.

Exemption from charges

3. Subject to regulations 4 and 5, where a person is liable to pay an amount to Scottish Water during the relevant period under a charges scheme for services provided by Scottish Water in exercise of its core functions in respect of premises, and the conditions in regulations 6 to 8 are fulfilled, that person shall be exempt from those charges in respect of those premises.

Period of exemption

4. The exemption referred to in regulation 3 shall have effect from the beginning of the financial year during which the statement and information provided for in regulation 8 are received by Scottish Water, and shall apply for that financial year and for the remainder of the relevant period.

Loss of exemption

5. If the statement or information provided in terms of regulation 8 is inaccurate or misleading in any respect, the exemption under these Regulations shall not apply to that person in respect of the premises concerned.

Conditions

6.—(1) The premises in respect of which an amount is due by the person under a charges scheme–

(a) was, on 31st March 1999, premises in respect of which payment of part or all of the charges due to an authority for any services provided to those premises in the course of carrying out their functions was not demanded; and

(b) is not at any time during the relevant period–

(i) a retail outlet;

(ii) except under an occasional permission granted under section 34 of the Licensing (Scotland) Act 1976(**4**), licensed under that Act; or

(iii) occupied by a council within the meaning of section 2 of the Local Government etc. (Scotland) Act 1994(**5**).

7. The person, in the financial year immediately preceding the year in which the statement and information provided for in regulation 8 are received by Scottish Water, has a net annual income of less than £50,000 in respect of the relevant premises.

8. That person submits to Scottish Water–

(a) a statement, signed by that person, that the conditions set out in these Regulations are fulfilled and certifying that they are eligible for exemption in terms of these regulations; and

(b) such information as Scottish Water may reasonably require to enable it to decide whether the conditions set out in these regulations have been fulfilled.

(**4**) 1976 c. 66.
(**5**) 1994 c. 39.