Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Water Industry (Charges) (Vulnerable Groups) (Consolidation) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 365

WATER INDUSTRY, ENGLAND AND WALES

The Water Industry (Charges) (Vulnerable Groups) (Consolidation) Regulations 2015

Made - - - - 23rd February 2015

Laid before Parliament 26th February 2015

Coming into force in accordance with regulation 1(1).

The Secretary of State, in exercise of the powers conferred by sections 143A and 213(2) of the Water Industry Act 1991(**1**), makes the following Regulations.

Citation, commencement, application, and interpretation

1.—(1) These Regulations may be cited as the Water Industry (Charges) (Vulnerable Groups) (Consolidation) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales(**2**).

(3) In these Regulations—

"the 1992 Act" means the Social Security Contributions and Benefits Act 1992(**3**);

"charges scheme" means a charges scheme under section 143 of the Water Industry Act 1991;

"qualifying person" has the meaning given in regulation 2(2);

"relevant sewerage undertaker" means, in relation to the premises, the undertaker to which the consumer is liable to pay charges in respect of sewerage services for the premises; and

"relevant water undertaker" means, in relation to the premises, the undertaker to which the consumer is liable to pay charges in respect of the supply of water for the premises.

(**1**) 1991 c.56; section 143A was inserted by section 5 of the Water Industry Act 1999 (c.9).

(**2**) The functions of the Secretary of State under section 143A of the Water Industry Act 1991 were transferred to the National Assembly for Wales in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I 1999/672), art 2(a), Sch 1, as amended by the National Assembly for Wales (Transfer of Functions) Order 2000 (SI 2000/253), art 4, Sch 3(e). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

(**3**) 1992 c.4.

Special provision to be included in charges schemes

2.—(1) Subject to regulation 5, any charges scheme must include special provision for providing assistance in accordance with these Regulations in relation to any premises for any consumer if—

(a) a qualifying person resides in the premises; and

(b) the conditions in paragraph (6) are satisfied.

(2) A qualifying person is a person (including the consumer) residing in the premises who is entitled to receive any of the benefits or tax credits listed in paragraph (3) providing—

(a) that person is also entitled to receive child benefit under Part 9 of the 1992 Act for three or more children under the age of 19 who reside in the premises; or

(b) any person residing in the premises is–

(i) diagnosed as suffering from any of the medical conditions listed in paragraph (4) and as a result of that condition obliged to use a significant additional volume of water; or

(ii) subject to regulation 4(7), diagnosed as suffering from a medical condition other than one listed in paragraph (4) and as a result of that condition obliged to use a significant additional volume of water.

(3) The benefits and tax credits referred to in paragraph (2) are—

(a) under Part 7 of the 1992 Act–

(i) housing benefit(**4**); and

(ii) income support(**5**);

(b) income-based job-seeker's allowance under section 1(4) of the Jobseekers Act 1995(**6**);

(c) state pension credit under the State Pension Credit Act 2002(**7**);

(d) under Part 1 of the Tax Credits Act 2002(**8**)–

(i) child tax credit, if it includes an amount in respect of the individual element of child tax credit(**9**); and

(ii) working tax credit(**10**);

(e) income-related employment and support allowance payable under Part 1 of the Welfare Reform Act 2007(**11**); and

(f) universal credit under Part 1 of the Welfare Reform Act 2012(**12**).

(4) The medical conditions referred to in paragraph (2)(b)(i) are–

(a) desquamation;

(b) weeping skin disease;

(c) incontinence;

(d) abdominal stoma;

(e) Crohn's disease;

(f) ulcerative colitis; and

(g) renal failure requiring dialysis at home.

(**4**) see section 123(1)(d) of the 1992 Act.
(**5**) see section 123(1)(a) of the 1992 Act.
(**6**) 1995 c.18.
(**7**) 2002 c.16; see section 1(1) of this Act.
(**8**) 2002 c.21.
(**9**) see sections 1(1)(a),8,9(2)(b) and (3) of the Tax Credits Act 2002.
(**10**) see sections 1(1)(b) and 10 of that Act.
(**11**) 2007 c.5; see section 1 of this Act.
(**12**) 2012 c.5; see section 3 of this Act.

(5) Paragraph (4)(g) does not apply where a contribution to the cost of the water consumed in the process of dialysis during the billing period is made by the health authority.

(6) For the purposes of paragraph (1)(b), the conditions are that—

(a) charges for water supplied to the premises are fixed by reference to volume or would be so fixed if the consumer had not been receiving assistance under these Regulations;

(b) the consumer and other qualifying persons (if any) occupy the whole or part of the premises as their only or principal home;

(c) in the case of premises which are not used solely as a person's home, the other use is not the principal use of the premises;

(d) water supplied to the premises is not used for—

(i) watering a garden, other than by hand, by means of any apparatus; or

(ii) automatically replenishing a pond, or a swimming pool, with a capacity greater than 10,000 litres; and

(e) the consumer has applied for assistance and established their entitlement to it in accordance with regulation 4.

Assistance to be provided

3.—(1) Subject to regulation 5, a water or sewerage undertaker's charges scheme must ensure that the charges of any consumer who has established their entitlement to assistance in accordance with regulation 4 in relation to any premises—

(a) are initially based, during the period of their entitlement to assistance, on the water or sewerage undertaker's average charges for household consumers for water supplies or sewerage services; and

(b) are, if necessary, adjusted at the end of that period, so that the total charge for such supplies or services in relation to those premises for that period does not exceed the amount the consumer would have paid if the consumer had not applied for assistance.

(2) The method of arriving at a water or sewerage undertaker's average charges included in a charges scheme by virtue of paragraph (1)(a) must follow such principles as the Authority(**13**) may from time to time determine.

(3) The Authority must give water and sewerage undertakers notice of any determination under paragraph (2).

(4) Subject to paragraph (5), the period of a consumer's entitlement to assistance begins when the consumer applies for assistance and ends 12 months later unless that is part way through a billing period, in which case it ends at the end of that billing period.

(5) Where a consumer ceases to be eligible for assistance part way through the period of entitlement which would otherwise apply under paragraph (4), the consumer's period of entitlement ends at the end of the billing period in which the consumer ceases to be eligible for assistance.

Method of establishing entitlement to assistance

4.—(1) An application for assistance under these Regulations must be made by the consumer to the relevant water undertaker, except that where the area of that water undertaker is wholly or mainly in Wales the application must be made to the relevant sewerage undertaker.

(**13**) i.e. the Water Services Regulation Authority: see section 1A(1) of the Water Industry Act 1991, as inserted by section 34(1) of the Water Act 2003 (c.37).

(2) When the consumer makes an application for assistance, the consumer must provide the water or sewerage undertaker with such information as the undertaker reasonably requires to establish the consumer's entitlement to assistance in accordance with regulation 2.

(3) The water or sewerage undertaker must take reasonable steps to verify the consumer's entitlement to assistance.

(4) The water or sewerage undertaker may refuse the application for assistance if—

(a) it is not supported by a copy of the latest notice of entitlement, confirming a qualifying person's entitlement to receive one of the benefits or tax credits listed in regulation 2(3); or

(b) the copy of the latest notice of entitlement, supporting the application–

(i) in the case of benefits, is dated more than 12 months before the date of the application for assistance;

(ii) in the case of tax credits, is dated more than 6 months before the date of the application for assistance.

(5) In the case of an application for assistance made in reliance upon regulation 2(2)(a) (child benefit), the water or sewerage undertaker may refuse the application if it is not supported by a copy of the latest notice of entitlement, confirming a qualifying person's entitlement to receive child benefit under Part 9 of the 1992 Act for three or more children under the age of 19 who reside in the premises in question.

(6) In the case of an application for assistance made in reliance upon regulation 2(2)(b)(i) (listed medical conditions), the water or sewerage undertaker may refuse the application if it is not supported by relevant information on—

(a) the medical condition; and

(b) its impact on increased water consumption at the premises.

(7) In the case of an application for assistance made in reliance upon regulation 2(2)(b)(ii) (other medical conditions), the water or sewerage undertaker may refuse the application if it is not supported by a certificate given by a registered medical practitioner in accordance with paragraph (8).

(8) A certificate under paragraph (7) must be in the form of a statement in writing bearing the signature of the registered medical practitioner, and containing the following particulars—

(a) the name of the person in respect of whom the diagnosis is made ("the patient");

(b) the diagnosis of the patient's medical condition which obliges the patient to use a significant additional volume of water;

(c) the date on which the certificate is given; and

(d) the name and address of the registered medical practitioner.

(9) Where a consumer's entitlement to assistance in relation to any premises is established in an application to the relevant water undertaker, and the water undertaker and sewerage undertaker for those premises are different, the water undertaker must inform the sewerage undertaker providing details of—

(a) the consumer's name;

(b) the address of the premises; and

(c) the starting date of the consumer's entitlement to assistance,

and if during the year the water undertaker becomes aware that the consumer has ceased to be entitled to assistance, the water undertaker must inform the sewerage undertaker of the consumer's loss of entitlement.

(10) Except in a case falling within regulation 3(5), the relevant undertaker must give adequate notice in advance to any consumer in receipt of assistance under these Regulations—