STATUTORY RULES OF NORTHERN IRELAND

2007 No. 280

WATER AND SEWERAGE

The Water and Sewerage Charges Scheme (No. 2) Regulations (Northern Ireland) 2007

Made - - - -	*4th May 2007*
Coming into operation	*25th May 2007*

The Department for Regional Development, in exercise of the powers conferred by Articles 202, 204(5) and 300(2) of the Water and Sewerage Services (Northern Ireland) Order 2006(**1**) makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Water and Sewerage Charges Scheme (No. 2) Regulations (Northern Ireland) 2007 and shall come into operation on 25th May 2007.

Interpretation

2. In these Regulations—

"capital value" in relation to a dwelling means the capital value published under Part II of the Rates (Capital Values, etc.) (Northern Ireland) Order 2006(**2**);

"housing benefit" means housing benefit provided by virtue of a scheme under section 122 of the Social Security Contributions and Benefits Act (Northern Ireland) 1992 (c. 7);

"NIHE" means the Northern Ireland Housing Executive;

"the Order" means the Water and Sewerage Services (Northern Ireland) Order 2006;

"qualifying consumer" means a consumer who:

(a) is in receipt of housing benefit or rate relief under Article 30A of the Rates (Northern Ireland) Order 1997; or

(b) qualifies for rate relief under regulations made under Article 30B of the Rates (Northern Ireland) Order 1977; or

(c) is a former relevant child within the meaning of Article 34D of the Children (Northern Ireland) Order 1995 and who is under 21 years of age(**3**);

(**1**) S.I. 2006/3336 (N.I. 21)
(**2**) S.I 2006/611 (N.I. 4)
(**3**) S.I. 1995/775 (N.I 2) as amended by Article 2(3) S.R. 2002 c.11

"rate relief" means rate relief provided by virtue of a scheme under Article 30A or by regulations made under Article 30B of the Rates (Northern Ireland) Order 1977(**4**);

"sewerage affordability tariff" means the charge for the provision of sewerage services payable by a qualifying consumer under a relevant undertaker's charges scheme; and

"water affordability tariff" means the charge for the supply of water payable by a qualifying consumer under a relevant undertaker's charges scheme.

Special provision to be included in charges schemes

3. Any charges scheme made under Article 201 of the Order shall include special provision for providing assistance:

(a) in relation to a qualifying consumer; and

(b) in accordance with regulation 7.

Assistance to be provided to qualifying consumers

4.—(1) Subject to paragraphs (2) and (5), a relevant undertaker's charges scheme shall provide that a qualifying consumer shall be charged—

(a) a water affordability tariff for the supply of water; and

(b) a sewerage affordability tariff for the provision of sewerage services,

in respect of a dwelling which a qualifying consumer occupies as his only or principal home.

(2) Where a qualifying consumer receives either a supply of water or is provided with sewerage services, but not both, the relevant undertaker's charges scheme shall provide that the qualifying consumer shall be charged either the water or sewerage affordability tariff but not both.

(3) Each affordability tariff is equal to the guaranteed figure x 52 x 0.03 x 0.5.

(4) The "guaranteed figure" is the figure, for the time being, set out in Regulation 6(1)(b) of the State Pension Credit Regulations 2003 (Northern Ireland)(**5**) on 1st December in the year before any charges scheme takes effect.

(5) Where a qualifying consumer occupies a dwelling that has a capital value of £100,000 or less the relevant undertaker's charges scheme shall provide that the affordability tariffs are adjusted as follows—

(a) where the capital value of the dwelling is between £70,000 and £100,000, the affordability tariffs shall be multiplied by 0.75; and

(b) where the capital value of the dwelling is £70,000 or less, the affordability tariffs shall be multiplied by 0.5;

and the qualifying consumer shall be charged the relevant adjusted affordability tariffs instead of the affordability tariffs.

Calculation of period for payment of affordability tariff

5.—(1) A qualifying consumer shall be charged an affordability tariff from the first day of that month in which he became a qualifying consumer and shall cease to be charged an affordability tariff on the last day of the month in which he ceased to be a qualifying consumer.

(2) The date on which a consumer becomes a qualifying consumer is the date specified by NIHE or DFP as the date on which he is in receipt of housing benefit, or DFP as the date on which he is in

(**4**) S.I. 1977/2157 (N.I. 28)
(**5**) S.R. 2003/28

receipt of rate relief under Article 30A of the Rates (Northern Ireland) Order 1977 or qualifies for rate relief under regulations made under Article 30B of that Order.

Charging by reference to volume

6.—(1) Subject to paragraph (2), an undertaker shall not charge a qualifying consumer by reference to volume where a water undertaker is required, as a condition of making a connection, to install a meter under Article 81(2) of the Order.

(2) An undertaker shall fix charges for which a qualifying consumer is liable by reference to volume where the measured charges payable by the qualifying consumer are lower than the affordability tariffs.

(3) Where an undertaker is obliged to fix charges by reference to volume under Article 204 of the Order (right of consumer to elect for charging by reference to volume) and the period of 12 months mentioned in paragraph 204(5) has elapsed without the consumer exercising their right to revoke a measured charges notice under Article 205(5), the undertaker shall cease to fix charges by reference to volume if—

(a) the consumer (not being a qualifying consumer) who gave the measured charges notice in respect of the premises concerned becomes a qualifying consumer and the charges payable by the consumer would be lower if they were charged the relevant affordability tariffs; or

(b) a consumer who has not previously given a measured charges notice in respect of the premises concerned becomes the consumer in respect of those premises and is, or becomes, a qualifying consumer and the charges payable by the consumer would be lower if they were charged the relevant affordability tariffs.

Requisitions and adoptions of water mains or sewers for existing dwellings

7.—(1) — Where a notice under Article 76 (Duty to comply with water main requisition) of the Order is served on a water undertaker in respect of an existing dwelling, the cost of complying with that water main requisition shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(2) Where an agreement is made under Article 86 of the Order (Agreements to adopt water main or service pipe at a future date) in respect of an existing dwelling, such costs as may be agreed in relation to the adoption shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(3) Where a notice under Article 154 (Duty to comply with sewer and lateral drain requisition) of the Order is served on a sewerage undertaker in respect of an existing dwelling, the cost of complying with sewer or lateral drain requisition shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(4) Where an agreement is made under Article 161 of the Order (Agreements to adopt sewer, drain or waste water treatment works at future date) in respect of an existing dwelling, such costs as may be agreed in relation to the adoption shall be subject to an allowance for assistance of such an amount as is set out in a charges scheme.

(5) "existing dwelling" means a dwelling constructed prior to 1st January 2000 never having been previously connected to the water mains or public sewer, as appropriate.

(6) Paragraphs (3) and (4) shall cease to have effect on the day appointed for the coming into operation of Article 157 of the Order (Further duty to provide sewers).