STATUTORY RULES OF NORTHERN IRELAND

# 2007 No. 151

# WATER AND SEWERAGE

## The Water and Sewerage Charges Scheme Regulations (Northern Ireland) 2007

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| *Made - - - -* | *9th March 2007* |
| *Coming into operation* | *1st April 2007* |

The Department for Regional Development, in exercise of the powers conferred by Articles 202(4), 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 Regulations (Northern Ireland) 2007 and shall come into operation on 1st April 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