



Flood and Water Management Act 2010

2010 CHAPTER 29

PART 2

MISCELLANEOUS

45 Water and sewerage charges: non-owner occupiers

- (1) After section 144B of the Water Industry Act 1991 (charges: charging by volume) insert—

“144C Non-owner occupiers

- (1) This section applies to residential premises which are occupied by one or more persons other than the owner (and not by the owner).
- (2) The owner must arrange for the undertaker to be given information about the occupiers.
- (3) If the owner fails to comply with subsection (2), the occupiers’ liability for charges under this Chapter becomes shared jointly and severally with the owner.
- (4) The Minister may make regulations—
 - (a) about the information to be given under subsection (2);
 - (b) about timing and procedure in connection with subsection (2) or (3).
- (5) The Minister may make regulations exempting owners from liability under subsection (3) where—
 - (a) information supplied by them is false or incomplete, but
 - (b) they have taken steps specified by the regulations to ensure its accuracy or completeness.
- (6) “Residential premises” means premises that are—
 - (a) occupied by one or more persons as a home (but not necessarily as their only or main home), and

Status: This is the original version (as it was originally enacted).

- (b) a “dwelling”, a “house in multiple occupation” or “accommodation for the elderly” within the meaning of paragraphs 1 to 3 of Schedule 4A.
- (7) Where a person is the “owner” of premises by virtue of being agent or trustee (see section 219(1)) the duty and liability under this section attach to the principal (and not to the agent or trustee).
- (8) “The Minister” means—
 - (a) the Secretary of State, in relation to services provided by an undertaker whose area is wholly or mainly in England, and
 - (b) the Welsh Ministers, in relation to services provided by an undertaker whose area is wholly or mainly in Wales (for which purpose section 213 applies with references to the Secretary of State and either House of Parliament being taken as references to the Welsh Ministers and the National Assembly for Wales).”
- (2) Transitional provision of an order commencing this section may, in particular, provide for application of the duty in new section 144C(2) to depend on service of a notice by an undertaker.