
WELSH STATUTORY INSTRUMENTS

2014 No. 3156 (W. 318)

WATER INDUSTRY, ENGLAND AND WALES

**The Water Industry (Undertakers Wholly or Mainly in Wales)
(Information about Non-owner Occupiers) Regulations 2014**

<i>Made</i>	- - - -	<i>2 December 2014</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>3 December 2014</i>
<i>Coming into force</i>	- -	<i>1 January 2015</i>

The Welsh Ministers, in exercise of the powers conferred by section 144C(4) and (8)(b) and section 213(2)(f) of the Water Industry Act 1991(1) make the following Regulations:

Title, application and commencement

1.—(1) The title of these Regulations is the Water Industry (Undertakers Wholly or Mainly in Wales) (Information about Non-owner Occupiers) Regulations 2014.

(2) These Regulations apply in relation to services provided by an undertaker whose area is wholly or mainly in Wales.

(3) These Regulations come into force on 1 January 2015.

Interpretation

2. In these Regulations—

“the commencement day” (“*y diwrnod cychwyn*”) means the date when the duty applies as a result of article 2 of the Flood and Water Management Act 2010 (Commencement No.9) Order 2014(2);

“the duty” (“*y ddyletswydd*”) means the duty imposed by virtue of section 144C(2) of the Water Industry Act 1991.

(1) 1991 c.56. Section 144C of the Water Industry Act 1991 (“the 1991 Act”) was inserted by section 45 of the Flood and Water Management Act 2010 (c.29). The power is conferred by section 144C(4) on “the Minister”, which is defined for these purposes by section 144C(8)(b) of the 1991 Act. Section 144C(8)(b) of the 1991 Act also specifies that for the purpose of section 144C, section 213 is to apply 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 respectively.

(2) S.I. 2014/3155 (W.317) (C.137)

Information to be provided about non-owner occupiers

3.—(1) The information to be given to an undertaker by the owner about the occupiers is as follows—

- (a) their full names;
- (b) their dates of birth (where such information has been provided to the owner);
- (c) the date or dates on which the occupiers began to occupy the premises (if that date is after the commencement day).

(2) The information to be given under paragraph (1) does not include information relating to any child that occupies the premises.

(3) For the purpose of this regulation “child” means a person under the age of 18.

Notifying the non-owner occupier

4. Before an owner provides information to an undertaker they must notify the occupier that such information will be provided.

Timing

5.—(1) An owner fails to comply with the duty if the information required by regulation 3(1) is not given within 21 days of—

- (a) the commencement day;
- (b) the date on which an occupier begins to occupy the premises.

(2) An owner’s failure ceases when the information required by regulation 3(1) is given to the undertaker (regardless of whether the information is given by the owner or someone else).

Procedure

6. The information required by regulation 3(1) must be provided to an undertaker by post, telephone, email or via the Landlord and Tenant Address Portal at www.landlordtap.com.

2 December 2014

Carl Sargeant
Minister for Natural Resources, one of the Welsh
Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to services provided by an undertaker whose area is wholly or mainly in Wales.

Under section 144C(2) of the Water Industry Act 1991 (c.56), an owner of residential premises who does not live in those premises is under a duty to arrange for the undertaker to be given information about the occupiers of the premises. Section 144C(3) of that Act provides that a failure by the owner to provide the information will result in the owner becoming jointly and severally liable with the occupiers for water and sewerage charges.

These Regulations make provision about the information that is to be given about the occupiers and about timing and procedure in connection with the provision of that information.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.