

POLICY NOTE

THE WATER RESOURCES (SCOTLAND) ACT 2013 (COMMENCEMENT No. 4) ORDER 2016

SSI 2016/327 (C. 4)

Introduction

The above instrument is made by the Scottish Ministers in exercise of the powers conferred by section 56(2) of the Water Resources (Scotland) Act 2013. The instrument is subject to negative procedure.

Policy Objectives

The Water Resources (Scotland) Act 2013 (Commencement No. 4) Order 2016 commences section 33 (notification of occupancy) of the of the Water Resources (Scotland) Act 2013 for all remaining purposes.

This order brings into force, from 1 January 2017 onwards, section 20C and 20D of the Water Services etc. (Scotland) Act 2005, as inserted by section 33 of the 2013 Act.

Section 20C of the 2005 Act requires the owner of premises to which water or sewerage services are provided by a licensed provider (i.e. a provider licensed under section 6 of the 2005 Act) to provide information to the provider in respect of any change in occupancy. The Scottish Ministers may by regulations add to the information to be provided, and make rules on the timing of and procedure for the provision of information.

Section 20D of the 2005 Act provides that if the owner fails without reasonable excuse to advise the provider that a new occupier has taken occupancy, then the owner becomes jointly and severally liable with the new occupier for relevant charges. The Scottish Ministers may by regulations make rules on the timing of when joint liability arises and associated procedures, and for exempting from liability owners who have taken prescribed steps to ensure the accuracy and completeness of information provided by them.

Consultation and financial implications

This is a commencement order. The 2013 Act was the subject of a consultation in 2012. The summary of the consultation is available at: <http://www.gov.scot/Resource/0039/00397543.pdf>

These sections are intended to assist water and sewerage service licence providers to identify the person responsible for service charges.

Water Industry Team

October 2016