
DRAFT STATUTORY INSTRUMENTS

2006 No.

**The Water and Sewerage Services
(Northern Ireland) Order 2006**

PART VII

FINANCIAL PROVISIONS

CHAPTER I

CHARGES

Manner of fixing charges

Powers of undertakers to charge

200.—(1) Subject to the following provisions of this Chapter, the powers of every relevant undertaker shall include power—

- (a) to fix charges for any services provided or other things done in the course of carrying out its functions and, in the case of a sewerage undertaker, charges to be paid in connection with the carrying out of its trade effluent functions; and
 - (b) to demand and recover charges fixed under this Article from any persons to whom the undertaker provides services or in relation to whom it carries out trade effluent functions.
- (2) Subject to paragraphs (3) to (6), the powers conferred by paragraph (1) shall be exercisable—
- (a) by or in accordance with a charges scheme under Article 201; or
 - (b) by or in accordance with agreements with the persons to be charged.
- (3) Sub-paragraph (b) of paragraph (2) shall not have effect in relation to—
- (a) charges for the supply of water to a dwelling, or
 - (b) charges for the provision of sewerage services in respect of a dwelling.
- (4) In paragraph (3) “dwelling” means —
- (a) a private dwelling-house (which may be a building or part of a building);
 - (b) a caravan within the meaning of the Caravans Act (Northern Ireland) 1963 (c. 17);
 - (c) a boat or similar structure designed or adapted for use as a place of permanent habitation.

(5) Sub-paragraph (b) of paragraph (2) shall have effect in relation to the exercise of powers with respect to charges in connection with the carrying out of a sewerage undertaker’s trade effluent functions only in so far as provision for the fixing, demanding or recovery of such charges may be contained in an agreement entered into in accordance with Article 187.

(6) The power of a sewerage undertaker to charge, by virtue of paragraph (1), for any services provided in the course of carrying out its duty under Article 157(1) shall be exercisable only by or in accordance with a charges scheme under Article 201.

(7) Except in so far as this Chapter otherwise provides, a relevant undertaker may fix charges under this Article by reference to such matters, and may adopt such methods and principles for the calculation and imposition of the charges, as appear to the undertaker to be appropriate.

(8) The powers in relation to which this Article has effect shall be exercisable notwithstanding any local statutory provision which provides that no charge shall be made for a particular service.

(9) Nothing in paragraphs (1) to (8) or in any charges scheme under Article 201 shall affect any power of a relevant undertaker to fix charges under any power conferred otherwise than by virtue of this Chapter.

Charges schemes

201.—(1) A relevant undertaker may make a scheme (“a charges scheme”) which has effect in relation to a specified period of 12 months and does any one or more of the following, that is to say—

- (a) fixes the charges to be paid for any services provided or other things done by the undertaker in the course of carrying out its functions;
- (b) in the case of a sewerage undertaker, requires such charges as may be fixed by the scheme to be paid to the undertaker where, in the circumstances set out in the scheme—
 - (i) a notice containing an application for a consent is served on the undertaker under Article 176;
 - (ii) such a consent as is necessary for the purposes of Chapter III of Part VI is given by the undertaker; or
 - (iii) a discharge is made in pursuance of such a consent; and
- (c) makes provision with respect to the times and methods of payment of the charges fixed by the scheme.

(2) The persons who may be required by a charges scheme to pay any charge fixed by virtue of paragraph (1)(b) shall be the person who serves the notice, the person to whom the consent is given or, as the case may be, any person who makes a discharge in pursuance of the consent at any time during the period to which, in accordance with the scheme, the charge relates.

(3) A charges scheme which requires the payment of charges where a discharge has been made in pursuance of such a consent as is mentioned in paragraph (1)(b) may impose—

- (a) a single charge in respect of the whole period for which the consent is in force;
- (b) separate charges in respect of different parts of that period; or
- (c) both such a single charge and such separate charges.

(4) A sewerage undertaker is under a duty to ensure that any charges scheme made by the undertaker, so far as having effect to recover the undertaker’s costs of providing a sewer by virtue of its duty under Article 157(1), causes those costs to be borne by the undertaker’s customers generally; and a sewerage undertaker’s duty under this paragraph shall be enforceable under Article 30—

- (a) by the Department; or
- (b) with the consent of or in accordance with a general authorisation given by the Department, by the Authority.

(5) A charges scheme may contain supplemental, consequential and transitional provision for the purposes of the scheme.

(6) Nothing in any charges scheme shall affect—

- (a) any power of a relevant undertaker in a case not falling within Article 200(3) to enter into such an agreement with any person in any particular case as determines the charges to be made for the services provided to that person by the undertaker; or

- (b) the power of a sewerage undertaker to enter into any agreement under Article 187 on terms that provide for the making of payments to the undertaker.
- (7) A charges scheme shall not take effect unless it has been approved by the Authority.
- (8) The Department may give guidance to the Authority on the exercise of its power under paragraph (7); and the Authority shall have regard to that guidance in the exercise of that power.
- (9) The Department shall arrange for any guidance given by it under paragraph (8) to be published in such manner as it considers appropriate.
- (10) The Authority may not exercise its power under paragraph (7) for the purpose of limiting the total revenues of relevant undertakers from charges fixed by or in accordance with charges schemes.
- (11) The Department may, in relation to any relevant undertaker, make a scheme (“an initial scheme”) having effect in relation to a period of 12 months from the day appointed for the coming into operation of Article 200.
- (12) Subject to paragraph (13), an initial scheme—
 - (a) shall comply with the provisions of this Chapter relating to the contents of a charges scheme; and
 - (b) shall have effect for the purposes of this Order as if it were a charges scheme duly made by the undertaker under this Article.
- (13) Paragraphs (7) to (10) do not apply to an initial scheme.

Regulations as to provisions to be included in charges schemes

- 202.**—(1) The provisions of any charges scheme under Article 201 must comply with any requirements prescribed by the Department by regulations.
- (2) Without prejudice to the generality of paragraph (1), regulations under this Article may—
 - (a) prescribe items with respect to which a consumer is, or is not, to be liable to pay a charge;
 - (b) make provision as to the matters by reference to which charges may or must be fixed and as to methods and principles to be adopted in calculating and imposing charges;
 - (c) require alternative bases of charging to be made available to consumers;
 - (d) require special provision, including exemption from specified charges, to be made for the purpose of—
 - (i) assisting individuals who are or would be liable to pay any charges and who fall within any class of individuals appearing to the Department to require special provision; or
 - (ii) promoting the efficient use of water.
 - (3) Regulations under this Article imposing requirements for the purpose mentioned in paragraph (2)(d)(i) may—
 - (a) prescribe the classes of persons for whom special provision is to be made in relation to any premises by reference to matters such as financial circumstances, age or ill-health;
 - (b) make provision as to the method of identifying those entitled to assistance under the regulations.
 - (4) The power to make regulations under this Article may not be exercised for the purpose of limiting the total revenues of relevant undertakers from charges fixed by or in accordance with charges schemes.

Liability for charges

203.—(1) Subject to the following provisions of this Article and except in so far as provision to the contrary is made by any agreement to which the undertaker is a party—

- (a) supplies of water provided by a water undertaker shall be treated for the purposes of this Chapter as services provided to the occupiers for the time being of any premises supplied; and
- (b) sewerage services provided by a sewerage undertaker shall be treated for the purposes of this Chapter as provided to the occupiers for the time being of any premises which—
 - (i) are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with such a public sewer of the undertaker as is provided for foul water or surface water or both; or
 - (ii) are premises the occupiers of which have, in respect of the premises, the benefit of facilities which drain to a sewer or drain so connecting.

(2) Subject to paragraph (3), charges which, under the preceding provisions of this Chapter, are fixed in relation to any premises may be imposed so that a person is made liable in relation to those premises to pay charges for services provided by a relevant undertaker after that person has ceased to be the occupier of the premises.

(3) A person shall not be made liable by virtue of paragraph (2) for any charges fixed in relation to any premises by any relevant undertaker, except where—

- (a) he fails to inform the undertaker of the ending of his occupation of the premises at least two working days before he ceases to occupy them; and
- (b) the charges are in respect of a period ending no later than with the first relevant day.

(4) For the purposes of paragraph (3), “the first relevant day”, in relation to a case in which a person has ceased to be the occupier of any premises in relation to which charges are fixed by a relevant undertaker, means whichever of the following first occurs after he ceases to occupy the premises, that is to say—

- (a) where that person informs the undertaker of the ending of his occupation of the premises less than two working days before, or at any time after, he ceases to occupy them, the twenty-eighth day after he so informs the undertaker;
- (b) any day on which any meter would normally have been read in order for the amount of the charges to be determined;
- (c) any day on which any other person informs the undertaker that he has become the new occupier of the premises.

(5) Where—

- (a) any person who is the occupier of any premises to which a supply of water is provided by a water undertaker has served notice on the undertaker for the purposes of Article 101; and
- (b) that notice is given otherwise than in connection with that person’s ceasing to be the occupier of the premises in a case in which provision is made by virtue of paragraph (2) for a person who has ceased to be the occupier of the premises to be made liable for any charges,

then, notwithstanding that that person continues to be the occupier of those premises, he shall not be liable to the undertaker (otherwise than in pursuance of a demand for a supply made since the service of the notice) for any charges in respect of any supply of water to those premises after the appropriate time.

(6) In paragraph (5) “the appropriate time”, in relation to a case in which a notice has been served for the purposes of Article 101, means whichever is the later of—

- (a) the expiry of the notice; and
- (b) the end of the period of two working days beginning with the service of the notice.

(7) In this Article any reference to two working days is a reference to a period of 48 hours calculated after disregarding any time falling on—

- (a) a Saturday or Sunday; or
- (b) Christmas Day, Good Friday or any day which is a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971 (c. 80).

Right of consumer to elect for charging by reference to volume

204.—(1) Where—

- (a) water is supplied by a water undertaker to premises in which, or in any part of which, a person has his home; and
- (b) charges in respect of those premises are fixed by virtue of any charges scheme under Article 201 without reference to the volume of water supplied; and
- (c) the consumer falls within any description prescribed for the purposes of this Article,

the consumer may at any time give the undertaker a notice (in this Article referred to as a “measured charges notice”) requiring the undertaker to fix charges in respect of the supply by reference to the volume of water supplied.

(2) Subject to paragraph (3), a water undertaker must give effect to a measured charges notice before the end of a period determined in accordance with the undertaker’s charges scheme.

(3) A water undertaker is not obliged to give effect to a measured charges notice if—

- (a) it is not reasonably practicable to fix charges in respect of the premises by reference to the volume of water supplied; or
- (b) to do so would involve the incurring by the undertaker of unreasonable expense.

(4) Any dispute between a water undertaker and a consumer as to the application of sub-paragraph (a) or (b) of paragraph (3) may be referred to the Authority for determination under Article 61 by either party to the dispute.

(5) Where—

- (a) either the conditions in paragraph (6) or the conditions in paragraph (7) are satisfied in relation to premises in respect of which a measured charges notice has been given; and
- (b) such other conditions as may be prescribed are also satisfied in relation to the premises,

the consumer may at any time before the end of the period of 12 months beginning with the day on which the supply began to be measured by volume for charging purposes, revoke the measured charges notice by notice to the water undertaker.

(6) The conditions in this paragraph are—

- (a) that the person who gave the measured charges notice had not given any previous measured charges notice in relation to the premises; and
- (b) that he remains the consumer in respect of the premises.

(7) The conditions in this paragraph are—

- (a) that the person who gave the measured charges notice has, since the notice was given, ceased to be the consumer in respect of the premises,
- (b) that neither he nor the person who has become the consumer had given any previous measured charges notice in respect of the premises, and

- (c) that any person who was in occupation of the premises when the measured charges notice was given remains in occupation.
- (8) Where a measured charges notice has been revoked under paragraph (5), the water undertaker must—
- (a) if reasonably practicable, before the end of the period of 12 months referred to in that paragraph, or
 - (b) in any other case, as soon as reasonably practicable after the end of that period,
- revert to fixing the charges for the supply in respect of the premises without reference to the volume of water supplied.
- (9) If and so long as a water undertaker is obliged under paragraph (2) to fix charges for the supply of water in respect of any premises by reference to the volume of water supplied, a sewerage undertaker is under a corresponding obligation to fix charges in respect of foul water drainage provided by the sewerage undertaker in respect of those premises by reference to that volume.
- (10) If a water undertaker is obliged under paragraph (8) to fix charges without reference to volume, a sewerage undertaker is under a corresponding obligation in respect of charges for services provided by it.
- (11) Any charges scheme under Article 201—
- (a) must contain provision for determining the period mentioned in paragraph (2); and
 - (b) shall have effect subject to the preceding provisions of this Article.

Restriction on undertakers' power to require fixing of charges by reference to volume

- 205.**—(1) Paragraph (2) applies where—
- (a) water is supplied to any premises in which, or in any part of which, a person has his home;
 - (b) charges in respect of those premises have previously been fixed without reference to volume; and
 - (c) such conditions as may be prescribed are satisfied in relation to the premises.
- (2) Where this paragraph applies, a relevant undertaker may not by virtue of any charges scheme under Article 201 begin to fix the charges in respect of those premises by reference to volume unless either—
- (a) the consumer—
 - (i) has given the undertaker a measured charges notice under Article 204 which has not been revoked under that Article; or
 - (ii) has consented to the charges in respect of the premises being so fixed and has not revoked that consent under Article 204; or
 - (b) there has been a change in the occupation of the premises and no charges have yet been demanded from the person who has become the consumer.
- (3) A change in the persons occupying any premises does not constitute a change in the occupation of the premises for the purposes of paragraph (2)(b) if any person who was in occupation of the premises before the change remains in occupation after the change.
- (4) Where a consumer gives consent for the purposes of paragraph (2)(a)(ii) in relation to premises in which, or in any part of which, a person has his home, he shall be treated for the purposes of paragraphs (5) to (8) of Article 204 as having given a measured charges notice under that Article.

Connection charges

206.—(1) Subject to paragraph (2), nothing in this Chapter or in any other statutory provision shall entitle any relevant undertaker to fix, demand or recover an initial charge for its becoming, or for its taking steps for the purpose of becoming—

- (a) the person who provides a supply of water for domestic purposes to any premises; or
- (b) the person who provides sewerage services for the purposes of the drainage for domestic sewerage purposes of any premises.

(2) Subject to paragraph (3), nothing in paragraph (1) or in any other statutory provision shall be construed as prohibiting the fixing, demand or recovery by a relevant undertaker of—

- (a) a charge for the connection to a water supply of premises which have never at any previous time (whether before or after the coming into operation of the restriction contained in this Article) been connected to a supply of water provided for domestic purposes by a water undertaker or by any other authority or body which at that time provided supplies of water in the course of carrying out functions under any statutory provision; or
- (b) a charge for the connection to a public sewer of premises which have never at any previous time (whether before or after the coming into operation of the restriction contained in this Article) been connected to a sewer used for the drainage for domestic sewerage purposes of those premises by a sewerage undertaker or by any other authority or body which at that time provided sewerage services in the course of carrying out functions under any statutory provision.

(3) Nothing in this Chapter or in any other statutory provision or in the terms of any agreement under Article 161 shall authorise a sewerage undertaker to require any payment to be made to the undertaker in respect of the making by the undertaker of any declaration of vesting under Chapter II of Part VI or in respect of any agreement to make such a declaration.

(4) The preceding provisions of this Article, so far as they restrict the making of certain charges, shall be without prejudice—

- (a) to statutory provisions by virtue of which a relevant undertaker may recover expenses incurred by it in carrying out works; and
- (b) to the power of any such undertaker, by virtue of Article 200(7), to fix the amount of any of its other charges by reference to such matters as it thinks appropriate.

(5) In this Article “domestic sewerage purposes” has the same meaning as in Chapter II of Part VI.

Charging for emergency use of water

207.—(1) Notwithstanding anything in Article 200 or in any charges scheme under Article 201 or in any agreement as to charges in respect of any supply of water, no charge may be made by any water undertaker in respect of—

- (a) water taken for the purpose of extinguishing fires or taken by the Northern Ireland Fire and Rescue Service Board for any other emergency purposes;
- (b) water taken for the purpose of testing apparatus installed or equipment used for extinguishing fires or for the purpose of training persons for fire-fighting; or
- (c) the availability of water for any purpose mentioned in sub-paragraph (a) or (b).

(2) This Article shall not prevent the making of charges in respect of work carried out at the request of or for the benefit of any person receiving a supply of water for the purposes mentioned in sub-paragraph (a) or (b) of paragraph (1).

(3) This Article shall not have the effect, where any water is used or made available for any of the purposes mentioned in sub-paragraph (a) or (b) of paragraph (1), of requiring a reduction in

the charges imposed in respect of the provision for other purposes of the supply from which that water is taken.

Metering

Restriction on charging for metering works

208.—(1) Subject to paragraphs (2) to (4) and Article 239, where any meter capable of being used in determining the amount of any charges is installed by or at the request of any relevant undertaker then, notwithstanding the provisions of any statutory provision or of any agreement to the contrary between the undertaker and any other person, the undertaker shall bear—

- (a) the expenses of installing and connecting the meter;
- (b) any expenses incurred in maintaining, repairing, disconnecting or removing the meter in accordance with any requirements of the undertaker; and
- (c) any expenses incurred in carrying out any works for purposes connected with the installation and connection of the meter or with the maintenance, repair, disconnection or removal of the meter in accordance with any such requirements.

(2) References in paragraph (1) to expenses include references to expenses incurred in meeting the needs of a disabled person.

(3) Subject to paragraph (4), paragraph (1) shall not require any relevant undertaker to bear, or prevent any such undertaker from recovering from any other person—

- (a) any expenses incurred for the purpose of enabling a condition imposed by virtue of paragraph (2) of Article 81 to be satisfied;
- (b) any sums which it is entitled to recover in pursuance of any terms or conditions determined under Article 95;
- (c) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any sums which it is entitled to recover from that person by virtue of Article 104(4)(b);
- (d) any expenses incurred in relation to a meter which is or is to be used in determining the amount of—
 - (i) any charges which are to be paid in connection with the carrying out of a sewerage undertaker's trade effluent functions; or
 - (ii) any charges provision for which is contained in an agreement entered into in accordance with Article 187;
- (e) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any expenses incurred in consequence of the exercise by the consumer of any option to be charged by the undertaker in relation to those premises by reference to volume rather than by reference to other matters.

(4) For the purposes of paragraph (3) the expenses which an undertaker may require someone else to bear, or may recover from another, by virtue of that paragraph shall not include any expenses incurred for the purpose of enabling conditions such as are mentioned in sub-paragraph (a) of that paragraph to be satisfied in a case in which the conditions could not have been imposed but for the exercise by the undertaker of its power by virtue of sub-paragraph (a), (b), (d) or (e) of Article 104(2) to require the provision of a separate service pipe to any premises.

(5) The occupier of any premises where any relevant undertaker installs or has installed a meter shall in all cases bear so much of the expenses referred to in paragraph (1) as is attributable to compliance with a request made by him in accordance with any regulations under Article 209 for

the positioning, in a place other than that reasonably proposed by the undertaker, either of the meter or of any pipe or apparatus installed for the purpose of facilitating the use of the meter.

(6) Paragraph (4) is subject to any regulations made by virtue of Article 209(2)(b).

(7) Any dispute between a relevant undertaker and any other person (including another such undertaker)—

(a) as to whether the undertaker or that other person should bear any expenses under this Article; or

(b) as to the amount of any expenses to be borne by any person under this Article,

may be referred to the Authority for determination under Article 61 by either party to the dispute.

Further provisions relating to charging by volume

209.—(1) The Department may by regulations make such provision, supplementing—

(a) the provisions of this Chapter; and

(b) so far as they relate to works for purposes connected with the fixing of charges in relation to any premises by reference to volume, the provisions of Part VIII,

as it considers appropriate with respect to the installation of meters, with respect to the connection, disconnection, use, maintenance, authentication and testing of meters and with respect to any related matters.

(2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may—

(a) regulate the positioning, whether inside or outside the building or other premises in relation to which the meter is to be used, of any meter or of any pipes or apparatus appearing to any relevant undertaker to be required for the purpose of facilitating the use of any meter;

(b) require a relevant undertaker who, for the purpose of meeting the needs of a disabled person—

(i) alters the position of any meter;

(ii) installs an additional meter; or

(iii) does any other work in connection with any meter,

to bear any expenses incurred by the undertaker in doing so;

(c) make any other provision which appears to the Department to be appropriate with respect to any such pipes or apparatus;

(d) provide for a reading from a meter to be proved in such manner as may be prescribed and for a reading from a meter to be such evidence as may be prescribed of the volume of water supplied to, or of effluent discharged from, any premises;

(e) fix the method of determining the amount of the charges to be paid where it appears that a meter has given, or may have given, an incorrect reading;

(f) require a person who is not a relevant undertaker to pay the expenses incurred by such an undertaker in doing anything under the regulations or to pay contributions towards those expenses;

(g) provide for the payment of compensation in respect of anything done by a relevant undertaker under the regulations;

(h) require disputes arising under the regulations to be referred to arbitration.

Charging for services provided with the help of an undertaker

Fixing maximum charges for services provided with the help of undertakers' services

210.—(1) The Authority may from time to time by order fix maximum charges which a person who is not a relevant undertaker may recover from another such person in respect of water supplies or sewerage services provided to that other person with the help of services provided by a relevant undertaker.

(2) For the purposes of this Article water supplies or sewerage services are provided to a person with the help of services provided by a relevant undertaker if—

- (a) a facility for that person to have access to a supply of water provided by a water undertaker in pipes, or to make use of sewerage services provided by a sewerage undertaker, is made available to that person otherwise than by the undertaker;
- (b) that person is provided with a supply of water in pipes by a person to whom the water is supplied, directly or indirectly, by a water undertaker; or
- (c) that person is provided with sewerage services by a person who, for the purpose of providing those services, makes use of sewerage services provided, directly or indirectly, by a sewerage undertaker.

(3) An order under this Article may require the person providing the supplies or services to furnish the person who is provided with them with such information as may be specified or described in the order.

(4) An order containing such a requirement may also provide that, in the event of the failure of the person providing the supplies or services to furnish that information, the maximum charges he is entitled to recover from the person provided with them in respect of those supplies or services shall be such as may be fixed by the order.

(5) It shall be the duty of the Authority to publish any order under this Article in such manner as it considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.

(6) An order under this Article may fix a maximum charge either by specifying the maximum amount of the charge or by specifying a method of calculating that amount.

(7) Where a person pays a charge in respect of anything to which an order under this Article relates and the amount paid exceeds the maximum charge fixed by the order—

- (a) the amount of the excess; and
 - (b) if the order so provides, interest on that amount at a rate specified or described in the order,
- shall be recoverable by that person from the person to whom he paid the charge.

Billing disputes

211.—(1) The Department may by regulations make provision for billing disputes to be referred to the Authority for determination in accordance with the regulations.

(2) In this Article “billing dispute” means a dispute between a relevant undertaker and a customer concerning the amount of the charge which the undertaker is entitled to recover from the customer in connection with—

- (a) the supply of water for domestic purposes, in the case of a water undertaker; and
- (b) the provision of sewerage services other than by the carrying out of trade effluent functions, in the case of a sewerage undertaker.

(3) Regulations under this Article may only be made after consulting—

- (a) the Authority, and
 - (b) persons or bodies appearing to the Department to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this Article may provide that, where a billing dispute is referred to the Authority, it may either—
- (a) determine the dispute; or
 - (b) appoint an arbitrator to determine it.
- (5) Any person determining any billing dispute in accordance with regulations under this Article shall, in such manner as may be specified in the regulations, give his reasons for reaching his decision with respect to the dispute.
- (6) Regulations under this Article may provide—
- (a) that disputes may be referred to the Authority under this Article only by prescribed persons; and
 - (b) for any determination to be final and enforceable as if it were a judgment of a county court.
- (7) Except in such circumstances (if any) as may be prescribed—
- (a) the Authority or an arbitrator appointed by it shall not determine any billing dispute which is the subject of proceedings before, or with respect to which judgment has been given by, any court; and
 - (b) neither party to any billing dispute which has been referred to the Authority for determination in accordance with regulations under this Article shall commence proceedings before any court in respect of that dispute pending its determination in accordance with the regulations.
- (8) No relevant undertaker may commence proceedings before any court in respect of any charge in connection with the supply of water for domestic purposes or (as the case may be) the provision of sewerage services other than by the carrying out of trade effluent functions unless, not less than 28 days before doing so, the customer concerned was informed by it, in such form and manner as may be prescribed, of—
- (a) its intention to commence proceedings;
 - (b) the customer's rights by virtue of this Article; and
 - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Authority in accordance with regulations made under this Article, it shall be the duty of the undertaker concerned to give the Authority such information as it may reasonably require for the purpose of assisting it in determining the dispute.
- (10) Article 260 shall have effect, with the necessary modifications, in relation to information which the Authority requires for that purpose as it has effect in relation to information which the Department requires for purposes mentioned in paragraph (1) of that Article.
- (11) For the purposes of this Article—
- “charge” means any charge fixed by a scheme made under Article 201;
 - “customer” means any person to whom the relevant undertaker provides services.

Interpretation of Chapter I

212. In this Chapter—

“consumer”—

- (a) in relation to the supply of water by a water undertaker to any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of that supply of water would fall, and
 - (b) in relation to the provision of sewerage services in respect of any premises, means a person who is for the time being the person on whom liability to pay charges to the undertaker in respect of those services would fall;
- “trade effluent functions”, in relation to a sewerage undertaker, means its functions under Chapter III of Part VI.

CHAPTER II

FINANCIAL ASSISTANCE FOR UNDERTAKERS

Grants by the Department to relevant undertakers

213.—(1) The Department may make grants to relevant undertakers for the purpose of defraying or contributing towards—

- (a) any costs they may incur; or
- (b) any losses they may sustain,

by reason of compliance with requirements imposed by regulations under Article 202.

(2) A grant under paragraph (1)—

- (a) shall be of such amount;
- (b) shall be payable at such time or times; and
- (c) shall be paid subject to such conditions,

as the Department, with the approval of DFP, may determine.

(3) The Department shall make grants to relevant undertakers of amounts appearing to the Department to be equal to discounts provided by undertakers in respect of any charges payable to them in, or in respect of, the initial period.

(4) In paragraph (3) “the initial period” means the period of three years from the day appointed for the coming into operation of Article 200.

(5) Grants under paragraph (3)—

- (a) shall be payable at such time or times; and
- (b) shall be paid subject to such conditions,

as the Department, with the approval of DFP, may determine.

Financial assistance where special administration orders made

214.—(1) Where a special administration order is for the time being in force in relation to a company, the Department, may—

- (a) make to the company grants or loans of such sums as appear to it to be appropriate for the purpose of facilitating the achievement of the purposes of the order;
- (b) agree to indemnify the person appointed to achieve the purposes of the order in respect of liabilities incurred and loss or damage sustained by that person in connection with the carrying out of his functions under the order.

(2) The Department may guarantee, in such manner and on such conditions as it may think fit, the repayment of the principal of, the payment of interest on and the discharge of any other financial

obligation in connection with any sum which is borrowed from any person by a company in relation to which a special administration order is in force at the time when the guarantee is given.

- (3) Without prejudice to any provision of regulations under Article 41(3)—
 - (a) the terms and conditions on which a grant is made to any company under this Article may require the whole or a part of the grant to be repaid to the Department if there is a contravention of the other terms and conditions on which the grant is made; and
 - (b) any loans which the Department makes to a company under this Article shall be repaid to it at such times and by such methods, and interest on the loans shall be paid to it at such rates and at such times, as it may from time to time direct.
- (4) Where any guarantee is given by the Department under this Article—
 - (a) the Department shall immediately lay a statement of the guarantee before the Assembly; and
 - (b) if any sum is paid out for fulfilling the guarantee, the Department shall, as soon as possible after the end of each financial year (beginning with that in which the sum is paid out and ending with that in which all liability in respect of the principal of the sum and in respect of the interest thereon is finally discharged), lay before the Assembly a statement relating to that sum.
- (5) Without prejudice to any provision of regulations under Article 41(3), if any sums are paid out in fulfilment of a guarantee given under this Article, the company which borrowed the sums in respect of which the guarantee was given shall make to the Department, at such times and in such manner as the Department may from time to time direct—
 - (a) payments of such amounts as the Department may so direct in or towards repayment of the sums so paid out; and
 - (b) payments of interest, at such rate as the Department may so direct, on what is outstanding for the time being in respect of sums so paid out.
- (6) Any sums received under paragraph (3) or (5) by the Department shall be paid into the Consolidated Fund.
- (7) There shall be paid out of money appropriated by Act of the Assembly—
 - (a) any grant or loan made under this Article;
 - (b) any sum required to be paid by the Department in respect of an indemnity given under this Article;
 - (c) any sums required by the Department for fulfilling a guarantee given under this Article.
- (8) The powers of the Department under paragraphs (1) and (2) are exercisable only with the approval of DFP; and directions under paragraph (3) or (5) also require that approval.