

1999 No. 3442

WATER INDUSTRY, ENGLAND AND WALES

**The Water Industry (Prescribed Conditions) Regulations
1999**

Made - - - 22nd December 1999

Laid before Parliament 22nd December 1999

Coming into force 1st April 2000

The Secretary of State, in exercise of his powers under sections 144A(5)(b), 144B(1)(c) and 213(2) of the Water Industry Act 1991(a), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Water Industry (Prescribed Conditions) Regulations 1999 and shall come into force on 1st April 2000.

(2) These Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales(b).

Prescribed conditions

2. The conditions prescribed under sections 144A(5)(b) (additional conditions for revoking a measured charges notice) and 144B(1)(c) (additional conditions for changes in the basis of charging) of the Water Industry Act 1991 are that—

- (a) in the case of premises which are not used solely as a person's home, that other use is not the principal use of the premises;
- (b) the water supplied to the premises is not used—
 - (i) for watering a garden, other than by hand, by means of any apparatus;
 - (ii) for automatically replenishing a pond, or a swimming pool, with a capacity greater than 10,000 litres;
 - (iii) in a bath with a capacity (measured to the centre line of overflow) greater than 230 litres;
 - (iv) in a shower unit of a type specified under paragraph 4(c) of the Table to regulation 5 of the Water Supply (Water Fittings) Regulations 1999(c);
 - (v) in a unit which incorporates reverse osmosis; and
- (c) the premises are not in an area which has been determined by the Secretary of State to be an area of water scarcity for the purposes of these Regulations under regulation 3 below.

Areas of water scarcity

3.—(1) The Secretary of State may, on the application of a water undertaker, determine an area to be an area of water scarcity for the purposes of these Regulations if he considers it appropriate to do so having regard to—

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- (a) 1991 c. 56; sections 144A and 144B were inserted by sections 6 and 7 of the Water Industry Act 1999 (c. 9); and *see* section 219(1) of the Water Industry Act 1991 for the definition of "prescribed".
 - (b) The functions under section 143A of the Water Industry Act 1991 are transferred to the National Assembly for Wales in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales: *see* the National Assembly for Wales (Transfer of Functions) (No. 2) Order 1999 (S.I. 1999/2787).
 - (c) S.I. 1999/1148, amended by S.I. 1999/1506.

- (a) the likely demand for water in that area over the period of 10 years following the application;
 - (b) the water resources which are, or could be made, available for meeting that demand; and
 - (c) the measures that the undertaker could take for meeting or managing that demand.
- (2) A determination under this regulation shall have effect for such period as may be specified by the Secretary of State and may be revoked by him.
- (3) Before making or revoking a determination under this regulation, the Secretary of State shall consult—
- (a) the Director;
 - (b) the Environment Agency; and
 - (c) bodies appearing to him to be representative of the customers of water and sewerage services in the relevant area.

Signed by authority of the Secretary of State

Michael Meacher
Minister of State,

22nd December 1999

Department of the Environment, Transport and the Regions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 144A of the Water Industry Act 1991 enables a consumer to serve notice electing for charging for the water supply to his home by reference to volume. Section 144B of the Act restricts a water or sewerage undertaker from beginning to fix such charges by volume without the consumer's consent or unless there has been a change of occupation.

These Regulations prescribe additional conditions which must be satisfied before a consumer may revoke his election, and before a relevant undertaker can be restricted from requiring a change in the basis of charging under section 144B.

A Regulatory Appraisal has been prepared in connection with these Regulations. It has been placed in the library of each House of Parliament, and copies may be obtained from WSR4 Division, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 6DE (telephone 0171-890-5375).

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