
STATUTORY INSTRUMENTS

2016 No. 744

**The Water and Sewerage Undertakers (Exit from
Non-household Retail Market) Regulations 2016**

PART 3

Transfer of undertaking

Transfer schemes

16.—(1) A relevant undertaker that has permission to withdraw from the non-household retail market may make one or more schemes for the transfer of property, rights or liabilities from it to an acquiring licensee.

(2) A relevant undertaker that has permission to withdraw from the non-household retail market must ensure that its rights and liabilities under agreements with transferred customers in relation to the supply of water or the provision of sewerage services are transferred to an acquiring licensee in accordance with a transfer scheme.

(3) Schedule 1 contains further provision about transfer schemes.

Transfer of outstanding complaints

17.—(1) This regulation applies where a relevant undertaker withdraws from the non-household retail market and a transferred customer has an outstanding complaint against the undertaker in respect of the supply of water or the provision of sewerage services to the customer's premises.

(2) The complaint is to be dealt with, on and after the exit date, by the acquiring licensee that takes over the supply of water or the provision of sewerage services to those premises.

(3) Anything done by or in relation to the relevant undertaker in connection with the complaint is to be treated, on and after the exit date, as having been done by or in relation to the acquiring licensee.

Transfer of information

18.—(1) A relevant undertaker that has made an exit application may disclose any specified information to an acquiring licensee that is providing or is proposing to provide services in relation to any transferred premises in the retail exit area.

(2) In this regulation, “specified information” means—

- (a) information needed to determine whether premises are, or are not, transferred premises;
- (b) other information in relation to transferred premises;
- (c) information in relation to agreements entered into with transferred customers;
- (d) information in relation to billing arrangements for transferred customers;
- (e) information in relation to charges payable by transferred customers.

Determinations by the WSRA

19.—(1) Where a relevant undertaker has withdrawn from the non-household retail market, the WSRA may determine—

- (a) whether premises in the retail exit area are transferred premises for the purpose of these Regulations;
- (b) whether a person who was a customer of the relevant undertaker immediately before the exit date is a transferred customer for the purpose of these Regulations.

(2) The WSRA may make a determination under paragraph (1) only on the application of—

- (a) a relevant undertaker,
- (b) a water supply licensee or sewerage licensee, or
- (c) the owner or occupier of the premises.

(3) The WSRA may require a relevant undertaker, a water supply licensee or a sewerage licensee to provide information or other assistance for the purpose of enabling the WSRA to make a determination in accordance with paragraph (1).

(4) A requirement imposed under paragraph (3) is enforceable under section 18 of the 1991 Act.

(5) Section 195A of the 1991 Act (reasons for decisions) applies as if the making of a determination under paragraph (1) were included in the list of decisions in subsection (1) of that section.