

## POLICY NOTE

### THE WATER RESOURCES (SCOTLAND) ACT 2013 (COMMENCEMENT NO. 3) ORDER 2016

SSI 2016/14 (C. 3)

#### 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(a). The instrument is subject to negative procedure.

#### Policy Objectives

The Water Resources (Scotland) Act 2013 (Commencement No. 3) Order 2016 commences section 32 (deemed contracts) of the of the Water Resources (Scotland) Act 2013 for all remaining purposes, enabling the Water Industry Commission for Scotland to bring into contract customers receiving services without a contract being in place by enforcing the Water & Sewerage Deemed Contract scheme.

Section 32 inserts new sections 20A and 20B into the Water Services etc. Scotland Act 2005. Section 20A makes provision for parties to be deemed to have made arrangements with each other. Section 20B provides for the Commission to make a scheme setting out the terms and conditions to be incorporated into any such deemed arrangement. Section 32 was commenced (by the Water Resources (Scotland) Act 2013 (Commencement No. 1) Order 2013 (SSI 2013/163) for the purposes of making such a scheme.

WICS have prepared a scheme for the purposes of section 20B. The scheme makes provision in respect of any arrangements (a **Deemed Contract**) deemed by section 20A(4) of the Water Services etc. (Scotland) Act 2005 Act to have been made between (i) a water services or (as the case may be) sewerage services provider (a **Licensed Provider**), and (ii) the occupier of particular eligible premises, or if the premises are unoccupied, the owner of the premises (the **Customer**), for the provision to the premises of the services to which subsection 20A(2) or (as the case may be) 20A(3) relates.

#### Consultation and financial implications

This is a technical set of regulations which add clarity of who the 'Licensed Provider' and the 'Customer' are in enforcing a 'Deemed Contract' for services where no contract is in place.

They do not introduce any new obligations on customers applying for water services or sewerage services, serving only to bring into contract those customers receiving services without a contract being in place. We have therefore not produced a BRIA, however, the Water Industry Commission for Scotland did consult widely, between 21 September 2015 and 30 October 2015, on the scheme they will enforce.

Water Industry Team  
January 2016