
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

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 subparagraph (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.