

---

DRAFT STATUTORY INSTRUMENTS

---

**2006 No.**

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

**PART VII**

**FINANCIAL PROVISIONS**

**CHAPTER I**

**CHARGES**

*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.