
DRAFT STATUTORY INSTRUMENTS

2006 No.

The Water and Sewerage Services
(Northern Ireland) Order 2006

PART VII

FINANCIAL PROVISIONS

CHAPTER I

CHARGES

Metering

Restriction on charging for metering works

208.—(1) Subject to paragraphs (2) to (4) and Article 239, where any meter capable of being used in determining the amount of any charges is installed by or at the request of any relevant undertaker then, notwithstanding the provisions of any statutory provision or of any agreement to the contrary between the undertaker and any other person, the undertaker shall bear—

- (a) the expenses of installing and connecting the meter;
- (b) any expenses incurred in maintaining, repairing, disconnecting or removing the meter in accordance with any requirements of the undertaker; and
- (c) any expenses incurred in carrying out any works for purposes connected with the installation and connection of the meter or with the maintenance, repair, disconnection or removal of the meter in accordance with any such requirements.

(2) References in paragraph (1) to expenses include references to expenses incurred in meeting the needs of a disabled person.

(3) Subject to paragraph (4), paragraph (1) shall not require any relevant undertaker to bear, or prevent any such undertaker from recovering from any other person—

- (a) any expenses incurred for the purpose of enabling a condition imposed by virtue of paragraph (2) of Article 81 to be satisfied;
- (b) any sums which it is entitled to recover in pursuance of any terms or conditions determined under Article 95;
- (c) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any sums which it is entitled to recover from that person by virtue of Article 104(4)(b);
- (d) any expenses incurred in relation to a meter which is or is to be used in determining the amount of—
 - (i) any charges which are to be paid in connection with the carrying out of a sewerage undertaker's trade effluent functions; or

- (ii) any charges provision for which is contained in an agreement entered into in accordance with Article 187;
 - (e) in the case of premises which do not consist of or include any building or part of a building which is occupied as a private dwelling-house, any expenses incurred in consequence of the exercise by the consumer of any option to be charged by the undertaker in relation to those premises by reference to volume rather than by reference to other matters.
- (4) For the purposes of paragraph (3) the expenses which an undertaker may require someone else to bear, or may recover from another, by virtue of that paragraph shall not include any expenses incurred for the purpose of enabling conditions such as are mentioned in sub-paragraph (a) of that paragraph to be satisfied in a case in which the conditions could not have been imposed but for the exercise by the undertaker of its power by virtue of sub-paragraph (a), (b), (d) or (e) of Article 104(2) to require the provision of a separate service pipe to any premises.
- (5) The occupier of any premises where any relevant undertaker installs or has installed a meter shall in all cases bear so much of the expenses referred to in paragraph (1) as is attributable to compliance with a request made by him in accordance with any regulations under Article 209 for the positioning, in a place other than that reasonably proposed by the undertaker, either of the meter or of any pipe or apparatus installed for the purpose of facilitating the use of the meter.
- (6) Paragraph (4) is subject to any regulations made by virtue of Article 209(2)(b).
- (7) Any dispute between a relevant undertaker and any other person (including another such undertaker)—
- (a) as to whether the undertaker or that other person should bear any expenses under this Article; or
 - (b) as to the amount of any expenses to be borne by any person under this Article,
- may be referred to the Authority for determination under Article 61 by either party to the dispute.

Further provisions relating to charging by volume

209.—(1) The Department may by regulations make such provision, supplementing—

- (a) the provisions of this Chapter; and
- (b) so far as they relate to works for purposes connected with the fixing of charges in relation to any premises by reference to volume, the provisions of Part VIII,

as it considers appropriate with respect to the installation of meters, with respect to the connection, disconnection, use, maintenance, authentication and testing of meters and with respect to any related matters.

- (2) Without prejudice to the generality of paragraph (1), regulations under that paragraph may—
 - (a) regulate the positioning, whether inside or outside the building or other premises in relation to which the meter is to be used, of any meter or of any pipes or apparatus appearing to any relevant undertaker to be required for the purpose of facilitating the use of any meter;
 - (b) require a relevant undertaker who, for the purpose of meeting the needs of a disabled person—
 - (i) alters the position of any meter;
 - (ii) installs an additional meter; or
 - (iii) does any other work in connection with any meter,
 to bear any expenses incurred by the undertaker in doing so;
 - (c) make any other provision which appears to the Department to be appropriate with respect to any such pipes or apparatus;

- (d) provide for a reading from a meter to be proved in such manner as may be prescribed and for a reading from a meter to be such evidence as may be prescribed of the volume of water supplied to, or of effluent discharged from, any premises;
- (e) fix the method of determining the amount of the charges to be paid where it appears that a meter has given, or may have given, an incorrect reading;
- (f) require a person who is not a relevant undertaker to pay the expenses incurred by such an undertaker in doing anything under the regulations or to pay contributions towards those expenses;
- (g) provide for the payment of compensation in respect of anything done by a relevant undertaker under the regulations;
- (h) require disputes arising under the regulations to be referred to arbitration.