



Water Industry Act 1991

1991 CHAPTER 56

PART V

FINANCIAL PROVISIONS

CHAPTER I

CHARGES

Charging for services provided with the help of an undertaker

150 Fixing maximum charges for services provided with the help of undertakers' services.

- (1) The Director 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.
- [^{F1}(1A) This section does not apply to water supplies provided by a licensed water supplier to premises of customers in accordance with Chapter 1A of Part 2 of this Act.]
- (2) For the purposes of this section 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.

Status: Point in time view as at 14/07/2014. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Water Industry Act 1991, Cross Heading: Charging for services provided with the help of an undertaker is up to date with all changes known to be in force on or before 23 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- [^{F2}(2A) An order under this section 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.
- (2B) 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.]
- (3) It shall be the duty of the Director to publish any order under this section in such manner as he considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by it.
- (4) An order under this section may make different provision for different cases, including different provision in relation to different persons, circumstances or localities, and may fix a maximum charge either by specifying the maximum amount of the charge or by specifying a method of calculating that amount.
- (5) Where a person pays a charge in respect of anything to which an order under this section relates and
- [^{F3}(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.]

Textual Amendments

- F1** S. 150(1A) inserted (1.12.2005) by [Water Act 2003 \(c. 37\)](#), ss. 101(1), 105(3), [Sch. 8 para. 34](#); S.I. 2005/2714, [art. 3\(c\)](#) (with [Sch. para. 8](#))
- F2** S. 150(2A)(2B) inserted (1.10.2004) by [Water Act 2003 \(c. 37\)](#), ss. 59(2), 105(3); S.I. 2004/2528, [art. 2\(i\)](#)
- F3** S. 150(5)(a)(b) substituted (1.10.2004) for words by [Water Act 2003 \(c. 37\)](#), ss. 59(3), 105(3); S.I. 2004/2528, [art. 2\(i\)](#)

PROSPECTIVE

[150A ^{F4}Billing disputes.

- (1) The Secretary of State may by regulations make provision for billing disputes to be referred to the Director for determination in accordance with the regulations.
- (2) In this section “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 section may only be made after consulting—
- (a) the Director; and

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- (b) persons or bodies appearing to the Secretary of State to be representative of persons likely to be affected by the regulations.
- (4) Regulations under this section may provide that, where a billing dispute is referred to the Director, he 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 section 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 section may provide—
 - (a) that disputes may be referred to the Director under this section only by prescribed persons; and
 - (b) for any determination to be final and enforceable as if it were a judgment of [F5the county court] .
- (7) Except in such circumstances (if any) as may be prescribed—
 - (a) the Director or an arbitrator appointed by him 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 Director for determination in accordance with regulations under this section 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 section; and
 - (c) such other matters (if any) as may be prescribed.
- (9) Where a dispute is referred to the Director in accordance with regulations made under this section, it shall be the duty of the undertaker concerned to give him such information as he may reasonably require for the purpose of assisting him in determining the dispute.
- (10) Section 202 below shall have effect, with the necessary modifications, in relation to information which the Director requires for that purpose as it has effect in relation to information which the Secretary of State requires for purposes mentioned in subsection (1) of that section.
- (11) For the purposes of this section—
 - “charge” means any charge fixed by a scheme made under section 143 above;
 - “customer” means any person to whom the relevant undertaker provides services;and references to a sewerage undertaker’s trade effluent functions are references to its functions under Chapter III of Part IV of this Act.]

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Textual Amendments

- F4** S. 150A inserted (prosp.) by [Competition and Service \(Utilities\) Act 1992 \(c. 43\)](#), [ss.36](#), [56\(2\)](#)
- F5** Words in [s. 150A\(6\)](#) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 9 para. 52](#); [S.I. 2014/954](#), [art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), [arts. 3-11](#))

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