Part V
FINANCIAL PROVISIONS

CHAPTER I
CHARGES

Manner of fixing charges

144 Liability of occupiers etc. for charges.

(1) Subject to the following provisions of this section and except in so far as provision to the contrary is made by any agreement to which the undertaker is a party—
   (a) supplies of water provided by a water undertaker shall be treated for the purposes of this Chapter as services provided to the occupiers for the time being of any premises supplied; and
   (b) sewerage services provided by a sewerage undertaker shall be treated for the purposes of this Chapter as provided to the occupiers for the time being of any premises which—
      (i) are drained by a sewer or drain connecting, either directly or through an intermediate sewer or drain, with such a public sewer of the undertaker as is provided for foul water or surface water or both; or
      (ii) are premises the occupiers of which have, in respect of the premises, the benefit of facilities which drain to a sewer or drain so connecting.

(2) Subject to subsection (3) below, charges which, under the preceding provisions of this Chapter, are fixed in relation to any premises by reference to volume may be imposed so that a person is made liable in relation to those premises to pay charges for services provided by a relevant undertaker after that person has ceased to be the occupier of the premises.
(3) A person shall not be made liable by virtue of subsection (2) above for any charges fixed in relation to any premises by any relevant undertaker, except where—

(a) he fails to inform the undertaker of the ending of his occupation of the premises at least two working days before he ceases to occupy them; and

(b) the charges are in respect of a period ending no later than with the first relevant day.

(4) For the purposes of subsection (3) above, “the first relevant day”, in relation to a case in which a person has ceased to be the occupier of any premises in relation to which charges are fixed by a relevant undertaker, means whichever of the following first occurs after he ceases to occupy the premises, that is to say—

(a) where that person informs the undertaker of the ending of his occupation of the premises less than two working days before, or at any time after, he ceases to occupy them, the twenty-eighth day after he so informs the undertaker;

(b) any day on which any meter would normally have been read in order for the amount of the charges to be determined;

(c) any day on which any other person informs the undertaker that he has become the new occupier of the premises.

(5) Where—

(a) any person who is the occupier of any premises to which a supply of water is provided by a water undertaker has served notice on the undertaker for the purposes of section 62 above; and

(b) that notice is given otherwise than in connection with that person’s ceasing to be the occupier of the premises in a case in which provision is made by virtue of subsection (2) above for a person who has ceased to be the occupier of the premises to be made liable for any charges,

then, notwithstanding that that person continues to be the occupier of those premises, he shall not be liable to the undertaker (otherwise than in pursuance of a demand for a supply made since the service of the notice) for any charges in respect of any supply of water to those premises after the appropriate time.

(6) In subsection (5) above “the appropriate time”, in relation to a case in which a notice has been served for the purposes of section 62 above, means whichever is the later of—

(a) the expiry of the notice; and

(b) the end of the period of two working days beginning with the service of the notice.

(7) In this section any reference to two working days is a reference to a period of forty-eight hours calculated after disregarding any time falling on—

(a) a Saturday or Sunday; or

(b) Christmas Day, Good Friday or any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

(8) Where, in the case of any premises—

(a) the person who was liable, immediately before 1st September 1989, to pay charges in respect of a supply of water to those premises was the owner of those premises, rather than the occupier;

(b) that person was so liable (under section 54 of Schedule 3 to the Water Act 1945 or any other local statutory provision) otherwise than by virtue of an agreement; and
(c) the person who was in fact the occupier of the premises on that date has not ceased to be the occupier before the coming into force of this Act, then the person who is the owner from time to time of those premises shall continue, until the person mentioned in paragraph (c) above does cease to be the occupier of the premises, to be the person liable and, accordingly, shall be treated for the purposes of this section as if he were the occupier of the premises.

Marginal Citations

M1 1971 c. 80.
M2 1945 c. 42.
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Water Industry Act 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to:
- s. 144 applied (with modifications) by S.I. 2013/1582 Sch. 1 para. 11(3)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act applied by S.I. 2017/766 Sch. 9 para. 34
- Act applied (with modifications) by S.I. 2019/1259 art. 4
- Blanket amendment words substituted by S.I. 2011/1043 art. 34
- Blanket amendment words substituted by S.I. 2011/1043 art. 36

Whole provisions yet to be inserted into this Act (including any effects on those provisions):
- Pt. 3 Ch. 2B inserted by 2014 c. 21 s. 12
- Pt. 4 Ch. 2A applied (with modifications) by S.I. 2016/744 reg. 53
- Pt. 4 Ch. 2A inserted by 2014 c. 21 Sch. 4
- Pt. 7A inserted by 2014 c. 21 s. 37(2)
- s. 2(2A)(e) and word inserted by 2014 c. 21 s. 22(2)(b)
- s. 2(2C)(f) and word inserted by 2014 c. 21 Sch. 7 para. 3(4)(c)
- s. 2(2C)(f) and word repealed by 2014 c. 21 Sch. 5 para. 2(a)(ii)
- s. 2(2DA)(2DB) inserted by 2014 c. 21 s. 22(3)
- s. 2(2DB)(b) words substituted by 2014 c. 21 Sch. 7 para. 3(6)
- s. (3)(ba) inserted by 2014 c. 21 s. 23
- s. 2(5A)(a) words substituted by 2014 c. 21 Sch. 7 para. 3(7)(a)
- s. 2(5A)(b) words substituted by 2014 c. 21 Sch. 7 para. 3(7)(b)
- s. 2A2B substituted for s. 2A by 2014 c. 21 s. 24(1)
- s. 2B(4)(d) words inserted by 2014 c. 21 Sch. 5 para. 3
- s. 2B(4)(d) words substituted by 2014 c. 21 Sch. 7 para. 5
- s. 2B(9) words substituted by S.I. 2017/506 art. 6(2)
- s. 3(4)(aa) inserted by S.I. 2013/755 Sch. 2 para. 224(3)
- s. 8(6A) inserted by 2014 c. 21 s. 13(5)
- s. 10(3A) inserted by 2014 c. 21 Sch. 7 para. 7(3)
- s. 10(3A) transitional provisions for effects of 2014 c. 21, Sch. 7 para. 7 by S.I. 2017/462 art. 14
- s. 12(3D) inserted by 2013 c. 24 Sch. 6 para. 53(6)
- s. 12(3D) word substituted by 2014 c. 21 Sch. 7 para. 8(b)
- s. 14(6A) inserted by 2013 c. 24 Sch. 6 para. 54(7)
- s. 14B(1A) inserted by S.I. 2014/892 Sch. 1 para. 75(3)
- s. 14B(1A)(b) words substituted by S.I. 2019/93, Sch. 1 para. 4(2) (as substituted) by S.I. 2019/1245 reg. 21
- s. 14B(2)(aa) inserted by S.I. 2014/892 Sch. 1 para. 75(4)(b)
- s. 16B(6A) inserted by S.I. 2014/892 Sch. 1 para. 76(3)
- s. 16B(6A)(b) words substituted by S.I. 2019/93, Sch. 1 para. 4(3) (as substituted) by S.I. 2019/1245 reg. 21
- s. 17(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 4(4)(b) (as substituted) by S.I. 2019/1245 reg. 21
- s. 17A17AA substituted for s. 17A by 2014 c. 21 s. 1(1)
- s. 17A(c) repealed by 2014 c. 21 Sch. 5 para. 4(2)(c)
- s. 17A(d) repealed by 2014 c. 21 Sch. 5 para. 4(2)(c)
- s. 17A(2)(ba) and word inserted by 2014 c. 21 Sch. 5 para. 4(2)(b)
- s. 17B(4A) inserted by 2014 c. 21 s. 2(2)
- s. 17B(4A) words repealed by 2014 c. 21 Sch. 5 para. 6(a)
– s. 31(4ZA) inserted by S.I. 2014/892 Sch. 1 para. 84(6)

– s. 31(7A) inserted by S.I. 2014/892 Sch. 1 para. 84(10)

– s. 33(6A) inserted by 2014 c. 21 s. 15

– s. 33A-33C inserted by 2014 c. 21 s. 14(2)

– s. 33D inserted by 2014 c. 21 s. 14(3)

– s. 36A-36G inserted by 2010 c. 29 s. 35(1)

– s. 37A(8)(aa) inserted by S.I. 2013/755 Sch. 2 para. 229(2)(b)

– s. 37A(9)(9A) substituted for s. 37A(9) by S.I. 2013/755 Sch. 2 para. 229(3)

– s. 37D(4)-(9) inserted by 2014 c. 21 s. 28(3)

– s. 37AA inserted by 2014 c. 21 s. 27(3)

– s. 38A(b) words inserted by 2014 c. 21 s. 29(3)(c)

– s. 38A(aa) inserted by 2014 c. 21 s. 29(3)(b)

– s. 38A(2A) inserted by 2014 c. 21 s. 29(4)

– s. 38ZA inserted by 2014 c. 21 s. 29(1)

– s. 38ZA(1) words repealed by 2014 c. 21 Sch. 5 para. 26(2)

– s. 38ZA(6) words substituted by 2014 c. 21 Sch. 5 para. 26(3)

– s. 39A(1A)(1B) inserted by 2014 c. 21 Sch. 7 para. 51(3)

– s. 39B(7)(aa) inserted by S.I. 2013/755 Sch. 2 para. 230(2)(b)

– s. 39B(11)(11A) substituted for s. 37B(11) by S.I. 2013/755 Sch. 2 para. 230(3)

– s. 39D inserted by 2014 c. 21 s. 28(5)

– s. 39ZA inserted by 2014 c. 21 s. 29(7)

– s. 39ZA(2)(a) modified (temp.) by S.I. 2015/1469 art. 5(1)(5)

– s. 40-40J substituted for s. 40 40A by 2014 c. 21 s. 8(1)

– s. 41(2)(ca) inserted by 2011 c. 20 Sch. 22 para. 40

– s. 41(2A) inserted by S.I. 2016/744 Sch. 2 para. 2

– s. 45(1ZA) inserted by S.I. 2016/744 Sch. 2 para. 3

– s. 48A(1) applied by S.I. 2017/830 art. 15(4)

– s. 48A(1) excluded by S.I. 2017/830 art. 15(2)

– s. 48A(5) excluded by S.I. 2017/830 art. 15(5)

– s. 51A(9A) inserted by 2014 c. 21 s. 10(2)(c)

– s. 51B-51CG substituted for s. 51B 51C by 2014 c. 21 s. 10(3)

– s. 55(1B) inserted by S.I. 2016/744 Sch. 2 para. 5

– s. 61(1ZB)(1ZC) inserted by 2014 c. 21 Sch. 7 para. 60(3)

– s. 61(2A) inserted by 2014 c. 21 Sch. 7 para. 60(5)

– s. 61(4)(a)(b) inserted by 2014 c. 21 Sch. 7 para. 60(7)(b)

– s. 61(6) inserted by 2014 c. 21 Sch. 7 para. 60(9)

– s. 61A repealed by 2014 c. 21 s. 58(3)

– s. 63(3A) inserted by 2014 c. 21 Sch. 7 para. 61

– s. 63AC-63AF substituted for s. 63AC by 2014 c. 21 s. 31

– s. 63AC(3A) inserted by S.I. 2016/744 Sch. 2 para. 6

– s. 66A(9)(c) words repealed by 2014 c. 21 Sch. 5 para. 30(5)

– s. 66B(4)(a) words repealed by 2014 c. 21 Sch. 5 para. 32(3)(a)

– s. 66B(4)(b) repealed by 2014 c. 21 Sch. 5 para. 32(3)(b)

– s. 66B(4)(c) repealed by 2014 c. 21 Sch. 5 para. 32(3)(b)

– s. 66B(4)(d) words substituted by 2014 c. 21 Sch. 5 para. 32(3)(c)

– s. 66B(10)(b) repealed by 2014 c. 21 Sch. 5 para. 32(7)

– s. 66C(11) words repealed by 2014 c. 21 Sch. 5 para. 33(7)

– s. 66E-66ED substituted by 2014 c. 21 Sch. 2 para. 5

– s. 66F(2A) inserted by S.I. 2013/755 Sch. 2 para. 233(3)

– s. 66G(4)(ca) inserted by S.I. 2013/755 Sch. 2 para. 234(3)

– s. 66G(11) inserted by 2014 c. 21 Sch. 2 para. 7(5)

– s. 66G(11)(b) and word repealed by 2014 c. 21 Sch. 5 para. 36

– s. 66H(4)(ca) inserted by S.I. 2013/755 Sch. 2 para. 235(3)

– s. 66H(11) inserted by 2014 c. 21 Sch. 2 para. 8(5)

– s. 66H(11)(b) and word repealed by 2014 c. 21 Sch. 5 para. 37

– s. 66I(8A) inserted by 2014 c. 21 Sch. 2 para. 9(4)

– s. 66AA(2) repealed by 2014 c. 21 Sch. 5 para. 31(2)
– s. 66AA(3)(a) words repealed by 2014 c. 21 Sch. 5 para. 31(3)
– s. 66AA(5)(a) words repealed by 2014 c. 21 Sch. 5 para. 31(4)(a)
– s. 66AA(5)(b) words repealed by 2014 c. 21 Sch. 5 para. 31(4)(b)
– s. 66CA inserted by 2014 c. 21 Sch. 2 para. 2
– s. 66DA-66DC inserted by 2014 c. 21 Sch. 2 para. 4
– s. 66EA(1)(a) words repealed by 2014 c. 21 Sch. 5 para. 35
– s. 68(6)(7) inserted by 2014 c. 21 Sch. 7 para. 67(7)
– s. 68(6) words repealed by 2014 c. 21 Sch. 5 para. 38(3)
– s. 71(9) inserted by S.I. 2013/755 Sch. 2 para. 236(4)
– s. 76-76C substituted for s. 76 by 2010 c. 29 s. 36
– s. 76(8) inserted by 2014 c. 21 Sch. 7 para. 73(b)
– s. 86ZA inserted by 2014 c. 21 s. 40(1)
– s. 87(3A) inserted by 2012 c. 7 s. 35(3)
– s. 87(7A)(7B) inserted by 2012 c. 7 s. 35(5)
– s. 87(7C)-(7F) inserted by 2012 c. 7 s. 35(6)
– s. 87A(3A) inserted by 2012 c. 7 s. 35(9)
– s. 88B-88O inserted by 2012 c. 7 s. 36
– s. 88H modified by 2012 c. 7 s. 37(3)
– s. 88I(2) excluded by S.I. 2013/301 reg. 16
– s. 90A(5A) inserted by 2012 c. 7 s. 35(14)
– s. 95A(b) words inserted by 2014 c. 21 s. 30(3)(c)
– s. 95A(1)(aa) inserted by 2014 c. 21 s. 30(3)(b)
– s. 95A(2A) inserted by 2014 c. 21 s. 30(4)
– s. 95ZA inserted by 2014 c. 21 s. 30(1)
– s. 95ZA(1) word substituted by 2014 c. 21 Sch. 5 para. 39(2)(a)
– s. 95ZA(1)(b)(i) word substituted by 2014 c. 21 Sch. 5 para. 39(2)(b)
– s. 95ZA(2) word substituted by 2014 c. 21 Sch. 5 para. 39(2)(c)
– s. 95ZA(2) word substituted by 2014 c. 21 Sch. 5 para. 39(3)
– s. 95ZA(6) inserted by 2014 c. 21 Sch. 5 para. 39(4)
– s. 96A(1A)(1B) inserted by 2014 c. 21 Sch. 7 para. 86(3)
– s. 96A(2A)(2B) inserted by 2014 c. 21 Sch. 7 para. 86(5)
– s. 96ZA inserted by 2014 c. 21 s. 30(7)
– s. 96ZA(2) modified (temp.) by S.I. 2015/1469 art. 5(2)(5)
– s. 96ZA(2)-(5) substituted for s. 96ZA(2) by 2014 c. 21 Sch. 5 para. 40
– s. 98(2)(ca) inserted by 2011 c. 20 Sch. 22 para. 42
– s. 98(2B) inserted by S.I. 2016/744 Sch. 2 para. 7
– s. 101A(5)(aa) inserted by S.I. 2013/755 Sch. 2 para. 237(2)(b)
– s. 101A(7A)-(7C) inserted by 2014 c. 21 s. 41(3)
– s. 101A(11) inserted by S.I. 2013/755 Sch. 2 para. 237(4)
– s. 101A(11) words substituted by 2014 c. 21 s. 41(5)
– s. 101A(11)(b) words inserted by 2014 c. 21 s. 41(6)(b)
– s. 101A(11)(b) words substituted by 2014 c. 21 s. 41(6)(a)
– s. 101A(12)(13) inserted by 2014 c. 21 s. 41(7)
– s. 101B(3A) inserted by 2014 c. 21 s. 19(3)(b)
– s. 101B(4)(c) and word inserted by 2014 c. 21 s. 19(3)(d)
– s. 102(4)(za) inserted by 2014 c. 21 Sch. 7 para. 90
– s. 104(5A) inserted by 2014 c. 21 s. 11(2)(c)
– s. 104(9) added by 2010 c. 29 s. 42(3)
– s. 104(9) repealed by 2014 c. 21 Sch. 7 para. 91
– s. 105C(2)(aa) inserted by 2014 c. 21 Sch. 7 para. 93
– s. 105ZA-105ZI inserted by 2014 c. 21 s. 11(3)
– s. 106(1B) inserted by 2010 c. 29 Sch. 3 para. 16(1)
– s. 106A inserted by 2010 c. 29 Sch. 3 para. 16(2)
– s. 106B inserted by 2010 c. 29 s. 42(1)
– s. 106B(3A) inserted by 2014 c. 21 Sch. 7 para. 94
– s. 107(1A) inserted by 2014 c. 21 s. 11(4)
– s. 107(7) inserted by 2014 c. 21 Sch. 7 para. 95
– s. 110A-110J substituted for s. 110A by 2014 c. 21 s. 9(1)
– Sch. 4A para. 9A inserted by S.I. 2019/772 reg. 6
– Sch. 4A para. 8(2)(d)(ii) omitted by S.I. 2018/195 reg. 16(2)(d)
– Sch. 4A para. 8(2)(d)(i) word omitted by S.I. 2018/195 reg. 16(2)(c)
– Sch. 4A para. 8(2)(a) words inserted by S.I. 2018/195 reg. 16(2)(a)
– Sch. 4ZA para. 2A inserted by S.I. 2014/892 Sch. 1 para. 93(3)
– Sch. 8 para. 2(3A) inserted by 2014 c. 21 Sch. 7 para. 123
– Sch. 11 para. 1(3)(aa) inserted by S.I. 2013/755 Sch. 2 para. 262(3)
– Sch. 16 inserted by 2014 c. 21 Sch. 6

Commencement Orders yet to be applied to the Water Industry Act 1991

Commencement Orders bringing legislation that affects this Act into force:
– S.I. 2011/694 art. 34 commences (2010 c. 29)
– S.I. 2011/2329 art. 23 commences (2011 c. 5)