

SCHEDULE 1

APPLICATION OF THE ACT AND RELATED PROVISIONS

Charges

- 11.—(1) Section 142 ^{M1} (powers of undertakers to charge) applies as if—
- (a) in the title, after “undertakers”, there were inserted “ and licensed infrastructure providers ”;
 - (b) in subsection (1) (powers of undertakers to fix and demand charges)—
 - (i) in the words before paragraph (a), after “relevant undertaker”, there were inserted “ and every licensed infrastructure provider ”;
 - (ii) in paragraph (b), after “undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (c) in subsection (4) (matters etc. by reference to which charges may be fixed)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (d) in subsection (6) (power of a relevant undertaker to fix charges otherwise than by virtue of Chapter 1 of Part 5 of the Act), after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”.
- (2) Section 143 ^{M2} (charges schemes) applies as if—
- (a) in subsection (1) (power of a relevant undertaker to make a charges scheme)—
 - (i) after “A relevant undertaker”, there were inserted “ or a licensed infrastructure provider ”; and
 - (ii) in paragraph (a), after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”;
 - (b) in subsection (5) (power of a relevant undertaker to enter into agreements for payment of charges), in paragraph (a)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; ^{F1}...
- [^{F2}(ba) in subsection (6) (power of Authority to direct in relation to compliance of a charges scheme)—
- (i) in the words before paragraph (a), after “relevant undertaker’s”, there were inserted “or a licensed infrastructure provider’s”;
 - (ii) in the words after paragraph (d), after “the undertaker”, there were inserted “or the licensed infrastructure provider”;
- (bb) in subsection (6B) (consultation with the Council about a charges scheme), after “relevant undertaker”, there were inserted “or a licensed infrastructure provider”;
- (bc) in subsection (6C) (power of Authority to direct in relation to compliance of a charges scheme with rules), after “relevant undertaker”, there were inserted “or a licensed infrastructure provider”;

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(bd) in subsection (6D) (duty to comply with a direction), after “relevant undertaker”, there were inserted “or a licensed infrastructure provider”;

(be) after subsection (6D), there were inserted—

“(6E) Rules (and revised rules) issued by the Authority under this section in relation to relevant undertakers have effect as if they were issued in relation to licensed infrastructure providers and apply to licensed infrastructure providers as they apply to relevant undertakers, unless otherwise stated.”;]

^{F3}(c)

[^{F4}(2A) Section 143B (rules about charges schemes) applies as if—

(a) in subsection (7), after “relevant undertakers”, there were inserted “or licensed infrastructure providers”;

(b) after subsection (10), there were inserted—

“(11) Rules (and revised rules) issued by the Authority under this section in relation to relevant undertakers have effect as if they were issued in relation to licensed infrastructure providers and apply to licensed infrastructure providers as they apply to undertakers, unless otherwise stated.””

(2B) Section 143C (rules under section 143B: procedure) applies as if in subsection (6)(a), after “England”, there were inserted “or licensed infrastructure providers”.

(2C) Section 143D (rules under section 143B: minor or urgent revisions) applies without modification.

(2D) Section 143E (rules under section 143B: guidance) applies as if in subsection (7)(a), after “England”, there were inserted “or licensed infrastructure providers;”]

(3) Section 144 (liability of occupiers etc for charges) applies as if—

(a) after subsection (1) (liability of occupiers), there were inserted—

“(1A) Subject to the following provisions of this section, a licensed infrastructure provider shall be treated for the purposes of this Chapter as providing services to—

(a) the occupiers for the time being of any premises which—

(i) are supplied with water, either directly or indirectly, by infrastructure which is owned or operated by the licensed infrastructure provider;

(ii) are drained by a sewer or drain connecting, either directly or indirectly, with infrastructure which is owned or operated by the licensed infrastructure provider; or

(iii) 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;

(b) any relevant undertaker or [^{F5}water supply licensee or sewerage licensee] which—

(i) has an agreement with the licensed infrastructure provider for the supply of water, sewerage services or works; or

(ii) has the use of any infrastructure which is owned or operated by the licensed infrastructure provider;

and references in this Chapter to services provided by a licensed infrastructure provider in the course of carrying out its functions are to be read accordingly.

(1B) Subsection (1A)(a) does not apply to the extent that provision to the contrary is made by any agreement to which the licensed infrastructure provider is a party.”;

- (b) in subsection (2) (liability of former occupiers where charges fixed by reference to volume), after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”;
 - (c) in subsection (3) (circumstances in which former occupiers may be made liable for charges)—
 - (i) after “any relevant undertaker”, there were inserted “or licensed infrastructure provider; and
 - (ii) in paragraph (a), after “the undertaker”, there were inserted “ or the licensed infrastructure provider (as the case may be) ”;
 - (d) in subsection (4) (meaning of “the first relevant day”)—
 - (i) after “a relevant undertaker”, there were inserted “ or licensed infrastructure provider ”; and
 - (ii) in paragraphs (a) and (c), after “the undertaker”, in each place it occurs, there were inserted “ or the licensed infrastructure provider (as the case may be) ”; and
 - (e) in subsection (5), after “water to those premises”, there were inserted “ , or liable to any licensed infrastructure provider for any charges in respect of any services provided by that licensed infrastructure provider to those premises, ”.
- [^{F6}(3A) Section 144ZE (general guidance on charges) applies as if—
- (a) in subsection (13)(a), after “England”, there were inserted “or licensed infrastructure providers”;
 - (b) after subsection (13), there were inserted—

“(14) Guidance (and revised guidance) issued by the Secretary of State under this section which applies to the Authority in relation to relevant undertakers whose areas are wholly or mainly in England has effect as if it was issued in relation to licensed infrastructure providers and applies to licensed infrastructure providers as it applies to the Authority in relation to relevant undertakers whose areas are wholly or mainly in England, unless otherwise stated.”
- (3B) Section 144ZF (guidance under section 144ZE: procedure) applies without modification.]
- (4) Section 144A ^{M3} (right of consumers to elect for charging by reference to volume) applies as if—
- (a) in subsection (5) (right of consumer to revoke a measured charges notice)—
 - (i) the “and” following paragraph (a) were repealed; and
 - (ii) paragraph (b) were repealed;
 - (b) for subsection (9) (duty of sewerage undertaker to fix charges by reference to volume), there is substituted—

“(9) If and so long as a water undertaker is obliged under subsection (2) above to fix charges for the supply of water in respect of any premises by reference to the volume of water supplied—

 - (a) 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; and
 - (b) a licensed infrastructure provider is under a corresponding obligation to fix charges in respect of foul water drainage provided by the licensed infrastructure provider in respect of those premises by reference to that volume.”; and

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(c) in subsection (10) (duty of sewerage undertaker to fix charges without reference to volume) for “a sewerage undertaker is”, there were substituted “ a sewerage undertaker and a licensed infrastructure provider are ”.

(5) Section 150B ^{M4} (meaning of “consumer” in Chapter 1), applies as if, after paragraph (a), there were inserted—

“(aa) in relation to the provision of services by a licensed infrastructure provider in respect of any premises, means a person who is for the time being the person on whom liability to pay charges to the licensed infrastructure provider in respect of those services would fall, and”.

- F1** Word in Sch. 1 para. 11(2)(b)(ii) omitted (31.3.2017) by virtue of [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(a)**
- F2** Sch. 1 para. 11(2)(ba)-(be) inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(b)**
- F3** Sch. 1 para. 11(2)(c) omitted (31.3.2017) by virtue of [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(c)**
- F4** Sch. 1 para. 11(2A)-(2D) inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(d)**
- F5** Words in Sch. 1 para. 11(3)(a) substituted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(e)**
- F6** Sch. 1 para. 11(3A)(3B) inserted (31.3.2017) by [The Water Act 2014 \(Consequential Amendments etc.\) Order 2017 \(S.I. 2017/506\)](#), arts. 1(1), **30(12)(f)**

Marginal Citations

- M1** Section 142 was amended by section 120 of, and Schedule 22 to, the Environment Act 1995, and by section 3 of the [Water Industry Act 1999 \(c. 9\)](#).
- M2** Section 143 was amended by section 120 of, and Schedule 22 to, the Environment Act 1995, and by sections 3 and 4 of the [Water Industry Act 1999](#).
- M3** Section 144A was inserted by section 6 of the [Water Industry Act 1999](#).
- M4** Section 150B was inserted by section 15 of, and Schedule 3 to, the [Water Industry Act 1999](#).

Changes to legislation:

There are currently no known outstanding effects for the The Water Industry (Specified Infrastructure Projects) (English Undertakers) Regulations 2013, Paragraph 11.