

SCHEDULE 3

CERTAIN PRE-EXISTING AGREEMENTS AS TO CHARGES

- 2 (1) Scottish Water must, within one month of the coming into force of this schedule, send to the Commission written details of every relevant agreement.
- (2) The Commission must, following receipt of those details, in each case—
- (a) assess the charges payable under the relevant agreement (the “relevant charges”) during any period to which a charges scheme applies; and
 - (b) having regard to—
 - (i) any costs which reasonably require to be met from the charges fixed in accordance with sub-paragraph (6)(b); and
 - (ii) such other matters as the Commission considers appropriate, determine, for the purposes of sub-paragraph (6)(a), an amount less than the relevant charges.
- (3) The Commission must, in each case—
- (a) give the relevant customer written notice of the assessment and determination under sub-paragraph (2); and
 - (b) send a copy of the notice to—
 - (i) Scottish Water; and
 - (ii) every water services and sewerage services provider,by such date as the Scottish Ministers may direct.
- (4) The Commission must publish details of every determination under sub-paragraph (2)(b).
- (5) This sub-paragraph applies in any case where a water or sewerage services provider makes arrangements for the provision of any services to which relevant charges apply and is accordingly entitled to demand and recover charges from a relevant customer for that provision.
- (6) Where sub-paragraph (5) applies—
- (a) Scottish Water may, in relation to that provision, demand and recover from the provider charges which must not exceed the amount determined under sub-paragraph (2)(b); and
 - (b) the charges which the provider may, in relation to that provision, demand and recover from the relevant customer concerned must not exceed the amount of the relevant charges.
- (7) Any financial disadvantage to Scottish Water arising as a consequence of differences between—
- (a) the amounts determined under sub-paragraph (2)(b); and
 - (b) the charges which would be recoverable by Scottish Water under a charges scheme in relation to the services to which the determinations apply,
- is to be borne by Scottish Water.
- (8) Scottish Water is—
- (a) in any case where sub-paragraph (5) does not for the time being apply; or
 - (b) in any case where that sub-paragraph ceases to apply,
- to demand and recover relevant charges from the relevant customer for services provided by it to the customer.