

FLOOD AND WATER MANAGEMENT ACT 2010

EXPLANATORY NOTES

COMMENTARY

Part 2: Miscellaneous

Section 45: Water and sewerage charges: non owner occupiers

417. This section inserts a new section 144C into the Water Industry Act 1991 regarding liability of payment for water and sewerage charges.
418. Subsection (1) of new section 144C provides that the new section applies to residential premises which are occupied by someone other than the owner of the property, i.e. tenants of a property, but also people who live in the property without paying rent.
419. Subsection (2) provides that the owner of such properties must arrange for water and sewerage companies to be given information about the occupiers of their property.
420. Under subsection (3) the occupiers' liability for payment of water and sewerage charges becomes shared (jointly and severally) with the owner if the required information is not provided to the water and sewerage company. In this case the company may choose to pursue either the occupier or owner of the property or both.
421. Subsection (4) enables Ministers to make regulations about: (a) the information that the water and sewerage company may ask for (such as name or address); and (b) the timescale within which the information must be provided, and the procedure. Subsection (8) defines the Minister as the Welsh Ministers in relation to services provided by an undertaker whose area is wholly or mainly in Wales and the Secretary of State in relation to services provided by an undertaker whose area is wholly or mainly in England.
422. Subsection (5) allows for the Minister to make further regulations exempting owners from assuming liability for water and sewerage charges, where the owner has provided information that is either inaccurate or incomplete but the owner has taken necessary steps identified in regulations to ensure that those details are accurate and complete.
423. Subsection (6) provides that within this section, "residential premises" means premises that are: (a) occupied by one or more people as a home but not necessarily as their only or main home (for example, a second home); and (b) a "dwelling", a "house in multiple occupation" or "accommodation for the elderly" in Schedule 4A to the Water Industry Act 1991.
424. Subsection (7) provides that a person who is "the "owner" of a premises by virtue of being an agent or a trustee in terms of section 219(1) of the Water Industry Act 1991 (for example someone to whom the management of a property has been assigned, such as a lettings agent) is not the owner for the purposes of this section and cannot be liable for an occupier's water bills.