
STATUTORY INSTRUMENTS

1999 No. 3441

WATER INDUSTRY, ENGLAND AND WALES

**The Water Industry (Charges)
(Vulnerable Groups) Regulations 1999**

<i>Made</i>	- - - -	<i>22nd December</i> <i>1999</i>
<i>Laid before Parliament</i>		<i>22nd December</i> <i>1999</i>
<i>Coming into force</i>	- -	<i>12th January 2000</i>

The Secretary of State, in exercise of his powers under sections 143A and 213(2) of the Water Industry Act 1991(1), hereby makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Water Industry (Charges) (Vulnerable Groups) Regulations 1999 and shall come into force on 12th January 2000.

(2) These Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales(2).

Special provision to be included in charges schemes

2.—(1) Any charges scheme under section 143 of the Water Industry Act 1991 for a period beginning on or after 1st April 2000 must include special provision for providing assistance in accordance with these Regulations in relation to any premises for any consumer who—

- (a) falls within any class of persons specified in paragraph (2); and
- (b) satisfies the conditions in paragraph (3).

(2) A consumer falls within a class of persons mentioned in paragraph (1)(a) if he or another person residing with him in the premises (“the qualifying person”) is entitled to receive any of the benefits or tax credits listed in paragraph (4) and either—

(1) 1991 c. 56; section 143A was inserted by section 5 of the Water Industry Act 1999 (c. 9). See section 150B of that Act for the definition of “consumer”.
(2) The functions under section 143A of the Water Industry Act 1991 are transferred to the National Assembly for Wales in relation to water and sewerage undertakers whose areas are wholly or mainly in Wales: see the National Assembly for Wales (Transfer of Functions) (No. 2) Regulations 1999 (S.I.1999/2787).

- (a) is entitled to receive child benefit under Part IX of the Social Security Contributions and Benefits Act 1992⁽³⁾ for three or more dependent children under the age of 16 who reside in the premises; or
 - (b) is diagnosed as suffering from, and is receiving treatment for, any of the medical conditions listed in paragraph (5) and as a result of that condition is obliged to use a significant additional volume of water.
- (3) The conditions in this paragraph are that—
- (a) charges for water supplied to the premises are fixed by reference to volume or would be so fixed if the consumer had not been receiving assistance under these Regulations;
 - (b) the consumer and any other qualifying person each occupies the whole or part of the premises as his only or principal home;
 - (c) in the case of premises which are not used solely as a person's home, the other use is not the principal use of the premises;
 - (d) water supplied to the premises is not used for—
 - (i) watering a garden, other than by hand, by means of any apparatus; or
 - (ii) automatically replenishing a pond, or a swimming pool, with a capacity greater than 10,000 litres; and
 - (e) the consumer has applied for assistance and established his entitlement to it in accordance with regulation 4.
- (4) The benefits and tax credits mentioned in paragraph (2) are—
- (a) under Part VII of the Social Security Contributions and Benefits Act 1992⁽⁴⁾—
 - (i) council tax benefit;
 - (ii) housing benefit;
 - (iii) income support;
 - (iv) disabled person's tax credit⁽⁵⁾;
 - (v) working families tax credit⁽⁵⁾; and
 - (b) income-based job-seeker's allowance under section 1(4) of the Jobseekers Act 1995⁽⁶⁾.
- (5) The medical conditions mentioned in paragraph (2)(b) are—
- (a) desquamation;
 - (b) weeping skin disease;
 - (c) incontinence;
 - (d) abdominal stoma; and
 - (e) renal failure requiring dialysis at home.

Assistance to be provided

3.—(1) A water or sewerage undertaker's charges scheme must ensure that the charges of any consumer who has established his entitlement to assistance in accordance with regulation 4 in relation to any premises—

(3) 1992 c. 4.

(4) 1992 c. 4.

(5) See section 1 of and Schedule 1 to the Tax Credits Act 1999 (c. 10).

(5) See section 1 of and Schedule 1 to the Tax Credits Act 1999 (c. 10).

(6) 1995 c. 18; see section 1(4) for the definition of income-based job-seeker's allowance.

- (a) are initially based, during the period of his entitlement to assistance, on the undertaker's average charges for household consumers for water supplies or sewerage services; and
- (b) are, if necessary, adjusted at the end of that period, so that his total charge for such supplies or services in relation to those premises for that year does not exceed the amount he would have paid if he had not applied for assistance.

(2) The method of arriving at an undertaker's average charges included in a charges scheme by virtue of paragraph (1)(a) shall follow such principles as the Director(7) may from time to time determine.

(3) The Director shall give water and sewerage undertakers notice of any determination under paragraph (2).

(4) Subject to paragraph (6), the period of a consumer's entitlement to assistance shall begin with the starting date and shall end 12 months later unless that is part way through a billing period, in which case it shall end at the end of that billing period.

(5) The starting date is 1st April 2000 or, if later, the start of the billing period in which he applies for assistance.

(6) Where a person ceases to be eligible for assistance part way through the period of entitlement which would otherwise apply under paragraph (4), his period of entitlement shall end at the end of the billing period in which he ceases to be eligible for assistance.

Method of establishing entitlement to assistance

4.—(1) An application for assistance under these Regulations shall be made by the consumer to the relevant water undertaker, except that where the area of that water undertaker is wholly or mainly in Wales the application shall be made to the relevant sewerage undertaker.

(2) When the consumer makes his application for assistance, he shall provide the undertaker with such information as the undertaker reasonably requires to establish the consumer's entitlement to assistance.

(3) The undertaker shall take reasonable steps to verify the consumer's entitlement to assistance.

(4) The undertaker may refuse the application for assistance if—

- (a) it is not supported by the order book, or a copy of the latest notice of entitlement, confirming the qualifying person's entitlement to receive one of the benefits or tax credits listed in regulation 2(4); or
- (b) the order book, or the copy of the latest notice of entitlement, supporting the application—
 - (i) in the case of benefits, is dated more than 12 months before the date of the application for assistance;
 - (ii) in the case of tax credits, is dated more than 6 months before the date of the application for assistance.

(5) In the case of an application for assistance made in reliance upon regulation 2(2)(a) (dependent children), the undertaker may refuse the application if it is not supported by the order book, or a copy of the latest notice on entitlement, confirming the qualifying person's entitlement to receive child benefit under Part IX of the Social Security Contributions and Benefits Act 1992 for three or more dependent children under the age of 16 who reside in the premises in question.

(6) In the case of an application for assistance made in reliance upon regulation 2(2)(b) (medical condition), the undertaker may refuse the application if it is not supported by relevant information on—

- (a) the medical condition;

(7) i.e. the Director General of Water Services: *see* section 1(1) of the Water Industry Act 1991.

- (b) its impact on increased water consumption at the premises;
- (c) the nature of any treatment for the condition; and
- (d) the name and address of the medical practitioner prescribing that treatment.

(7) Where a consumer's entitlement to assistance in relation to any premises is established in an application to the relevant water undertaker, and the water undertaker and sewerage undertaker for those premises are different, the water undertaker shall inform the sewerage undertaker providing details of—

- (a) the consumer's name;
- (b) the address of the premises; and
- (c) the starting date of his entitlement to assistance;

and if during the year the water undertaker becomes aware that the consumer has ceased to be entitled to assistance, the water undertaker shall inform the sewerage undertaker of his loss of entitlement.

(8) Except in a case falling within regulation 3(6), the relevant undertaker shall give adequate notice in advance to any consumer in receipt of assistance under these regulations—

- (a) reminding him of the need to renew his application for assistance if he wants it to continue beyond the period mentioned in regulation 3(4); and
- (b) telling him how to do so.

(9) Where a medical practitioner verifies the medical condition of any person to whom regulation 2(2)(b) applies for the purposes of an application for assistance under this regulation, he shall be entitled to be paid a fee by the undertaker to whom the application is made equal to the amount for the time being determined, and notified to the undertaker, by the Secretary of State.

(10) In this regulation—

- “qualifying person” has the same meaning as in regulation 2; and
- “relevant sewerage undertaker” and “relevant water undertaker” mean, in relation to premises, the undertaker to which the consumer is liable to pay charges in respect of, respectively, sewerage services and the supply of water for the premises.

Signed by authority of the Secretary of State

Michael Meacher
Minister of State,
Department of the Environment, Transport and
the Regions

22nd December 1999

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations define vulnerable groups who are to be given assistance with water and sewerage charges by water and sewerage undertakers. Regulation 2 requires undertakers' charges schemes to reflect provision for these groups and prescribes classes of persons who are eligible to apply for assistance. Regulation 3 states the nature of the assistance to be provided. Regulation 4 governs the method by which claimants are to establish their eligibility to assistance.

A Regulatory Appraisal has been prepared in connection with these Regulations. It has been placed in the library of each House of Parliament, and copies may be obtained from WSR4 Division, Department of the Environment, Transport and the Regions, Ashdown House, 123 Victoria Street, London SW1E 6DE (telephone 0171-890-5375).