S C O T T I S H  S T A T U T O R Y  I N S T R U M E N T S

# 2005 No. 53

# WATER SUPPLY

## The Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2005

| | |
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| *Made - - - -* | *2nd February 2005* |
| *Laid before the Scottish Parliament* | *3rd February 2005* |
| *Coming into force - -* | *1st April 2005* |

The Scottish Ministers, in exercise of the powers conferred by section 40 of the Water Industry (Scotland) Act 2002(**a**) and of all other powers enabling them in that behalf, hereby make the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Domestic Water and Sewerage Charges (Reduction) (Scotland) Regulations 2005 and shall come into force on 1st April 2005.

### Interpretation

**2.** In these Regulations–

"charges scheme" means a charges scheme made under section 31 of the Water Industry (Scotland) Act 2002 for the relevant year;

"council tax" has the same meaning as in Part II of the Local Government Finance Act 1992(**b**);

"council tax benefit" has the same meaning as in Part VII of the Social Security Contributions and Benefits Act 1992(**c**);

"dwelling" has the same meaning as in Part II of the Local Government Finance Act 1992;

"Scottish Water" means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002;

"sewerage charges" means charges payable under a charges scheme in respect of the provision of sewerage services to a dwelling in the relevant year;

"the relevant year" means the period of 12 months beginning on 1st April 2005;

"water charges" means charges payable under a charges scheme in respect of the provision of water supply services to a dwelling in the relevant year.

(**a**) 2002 asp 3, to which there are amendments not relevant to this Order.
(**b**) 1992 c.14, as relevantly amended by 1994 c.39 (Schedule 13, paragraph 176), and S.S.I. 2005/51.
(**c**) 1992 c.4.

**Reduction of Charges**

**3.** Where a person is, under a charges scheme, liable to pay an amount–

(a) in respect of the provision of water supply services or sewerage services, or both, by Scottish Water to a dwelling in the relevant year; and

(b) the amount is payable to a local authority by virtue of the Water Services Charges (Billing and Collection) (Scotland) Order 2005(**a**),

the amount payable in respect of the relevant year shall be reduced by the amount calculated in accordance with regulation 4 below, where that amount is greater than zero.

**Amount of Charges**

**4.**—(1) Where regulation 3 above applies, the amount of the reduction shall be calculated in accordance with the following formula:–

$$R = \frac{A}{B} \; x \; (C - ( \frac{D}{E} \; x \; F \; x \; \frac{G}{365} ))$$

(2) In paragraph (1) above–

"A" is the amount of council tax benefit which that person receives in respect of that dwelling in respect of the relevant year;

"B" is the council tax for which that person is liable in respect of that dwelling in respect of the relevant year;

"C" is the amount which that person is liable to pay in respect of that dwelling in respect of the relevant year under a charges scheme, net of any discounts, exemptions and reliefs applicable under that scheme, for water charges or sewerage charges or both in respect of services actually received;

"D" is the amount which that person would be liable to pay in respect of that dwelling in respect of the relevant year under a charges scheme, if none of the discounts, exemptions and reliefs under that scheme were applicable, for water charges or sewerage charges or both in respect of services actually received;

"E" is the maximum potential water and sewerage charges which could be made by Scottish Water in respect of that dwelling;

"F" is £255;

"G" is the number of days in the relevant year for which that person is liable for council tax in respect of that dwelling; and

"R" is the amount of the reduction.

(3) In any case where R is zero or less, it shall be treated as zero.

*LEWIS MACDONALD*
Authorised to sign by the Scottish Ministers

St Andrews House,
Edinburgh
2nd February 2005

(**a**) S.S.I. 2005/54.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 40 of the Water Industry (Scotland) Act 2002 provides for the Scottish Ministers to make Regulations to reduce the amount of charges which would otherwise be payable by a person to a local authority in respect of services provided by Scottish Water. In accordance with this provision, these Regulations provide for such reductions in water and sewerage charges in Scotland from 1st April 2005 until 31st March 2006 ("the relevant year").

Regulation 3 provides that only those persons who are liable to pay local authorities for the provision of water and sewerage services, by virtue of the Water Services Charges (Billing and Collection) (Scotland) Order 2005, are eligible for a reduction under the Regulations as calculated in accordance with regulation 4.

Regulation 4 provides that a reduction is to be available to eligible persons where these persons are in receipt of council tax benefit and where the amount in charges that they are liable to pay in 2005-06 is in excess of £255 (for the year 2004-05, this amount was £240). It provides for the part of the charges in excess of £255 to be reduced in direct proportion to the council tax benefit received by virtue of the Social Security Contributions and Benefits Act 1992.

SCOTTISH STATUTORY INSTRUMENTS

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