STATUTORY INSTRUMENTS

2007 No. 2457

WATER INDUSTRY, ENGLAND AND WALES

The Water Industry (Prescribed Conditions) (Amendment) Regulations 2007

Made - - - -	*16th August 2007*
Laid before Parliament	*23rd August 2007*
Coming into force - -	*1st October 2007*

The Secretary of State, in exercise of his powers under sections 144A(5)(b), 144B(1)(c) and 213(2) of the Water Industry Act 1991(**a**), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Water Industry (Prescribed Conditions) (Amendment) Regulations 2007 and come into force on 1st October 2007.

Amendment of the Water Industry (Prescribed Conditions) Regulations 1999

2.—(1) The Water Industry (Prescribed Conditions) Regulations 1999(**b**) are amended as follows.

(2) In regulation 2, omit the word "and" after the semi-colon at the end of paragraph (b).

(3) At the end of regulation 2, add—

"; and

(d) the premises are not—

(i) in an area which has been determined by the Secretary of State to be an area of serious water stress for the purposes of these Regulations under regulation 4; and

(ii) subject to a programme for the fixing of charges by reference to volume, as specified in the water resources management plan of the relevant water undertaker published under section 37B(8)(a) of the Water Industry Act 1991(**c**)".

(4) After regulation 3, insert—

(**a**) 1991 c.56; sections 144A and 144B were inserted by sections 6 and 7 of the Water Industry Act 1999 (c.9). For the definition of "prescribed", see section 219(1) of the Water Industry Act 1991.
(**b**) S.I. 1999/3442, as amended by S.I. 2005/2035.
(**c**) 1991 c.56; section 37B was inserted by section 62 of the Water Act 2003 (c.37).

"Areas of serious water stress

4.—(1) The Secretary of State may, after consulting the Environment Agency, determine the whole or any part of a water undertaker's area to be an area of serious water stress for the purposes of these Regulations, where the Secretary of State considers that—

(a) the current household demand for water in that area is a high proportion of the current effective rainfall which is available to meet that demand; or

(b) the future household demand for water in that area is likely to be a high proportion of the effective rainfall which is likely to be available to meet that demand.

(2) The Secretary of State may revoke or modify any determination under paragraph (1) at any time.

(3) But any revocation or modification under paragraph (2) shall not have the effect that the condition in regulation 2(d) is satisfied in relation to premises that previously fell outside the scope of that condition.".

Phil Woolas
Minister of State,
16th August 2007 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Industry (Prescribed Conditions) Regulations 1999 ("the 1999 Regulations").

The 1999 Regulations prescribe additional conditions which must be satisfied:

(a) before a consumer can revoke his election, under section 144A of the Water Industry Act 1991, opting for his water charges to be fixed in respect of water supplied to his home by reference to volume; and

(b) before a water undertaker can be restricted from requiring such charges to be fixed by reference to volume, without the consumer's consent or unless there has been a change in occupation, under section 144B of that Act.

Regulation 2(3) amends regulation 2 of the 1999 Regulations by inserting a new condition in relation to premises which are not in an area which has been determined by the Secretary of State to be an area of serious water stress under new regulation 4 and which are not subject to a programme for the fixing of charges by reference to volume, as specified in the water resources management plan of the relevant water undertaker published under section 37B(8)(a) of the Water Industry Act 1991. Regulation 2(4) inserts a new regulation 4 which provides that the Secretary of State may, after consulting the Environment Agency, determine a water undertaker's area (in whole or in part) to be an area of serious water stress for the purposes of the 1999 Regulations.

The 1999 Regulations do not apply to any water or sewerage undertaker whose area is wholly or mainly in Wales.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Water Supply & Regulation Division, Department for Environment, Food and Rural Affairs, Room 108, 55 Whitehall, London SW1A 2EY. A copy of this document has also been placed in the library of each House of Parliament.

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