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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 119**

**WATER SUPPLY**

**The Provision of Water and Sewerage Services  
(Reasonable Cost) (Scotland) Regulations 2011**

*Made* - - - - 17th February 2011  
*Laid before the Scottish  
Parliament* - - - - 21st February 2011  
*Coming into force* - - 25th March 2011

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(3C) of the Sewerage (Scotland) Act 1968<sup>(1)</sup> and section 6(2D) of the Water (Scotland) Act 1980<sup>(2)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2011 and come into force on 25th March 2011.

(2) In these Regulations—

- “the 1968 Act” means the Sewerage (Scotland) Act 1968;
- “the 1980 Act” means the Water (Scotland) Act 1980;
- “the 2002 Act” means the Water Industry (Scotland) Act 2002<sup>(3)</sup>;
- “the 2005 Act” means the Water Services etc. (Scotland) Act 2005<sup>(4)</sup>;
- “charges scheme” means a charges scheme made under section 29A of the 2002 Act;
- “dwelling” has the same meaning as in Part II of the Local Government Finance Act 1992<sup>(5)</sup>;
- “price index” in relation to a month, means the general index of retail prices published by the Statistics Board for that month;
- “public sewerage system” has the same meaning as in section 29 of the 2005 Act;
- “public water supply system” has the same meaning as in section 28 of the 2005 Act;
- “relevant financial year” means the financial year in which the connection to the public sewerage system or the public water supply system is requested;

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(1) 1968. c.47. Section 1(3C) was inserted by section 29 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3).  
(2) 1980 c.45. Section 6(2D) was inserted by section 29 of the Water Environment and Water Services (Scotland) Act 2003 (asp 3).  
(3) 2002 asp 3.  
(4) 2005 asp 3.  
(5) 1992 c.14. The definition of “dwelling” was varied by S.I. 1992/1334, regulation 2; S.I. 1992/2955, regulation 3; S.I. 1993/526, regulation 2; and S.I. 1997/673, regulation 2.

“relevant percentage increase” means—

- (a) in respect of the financial year 2010–11, no increase;
- (b) in respect of the financial year 2011–12, the percentage increase between the price index for October 2009 and October 2010;
- (c) in respect of the financial year 2012–13, the percentage increase between the price index for October 2009 and October 2011;
- (d) in respect of the financial year 2013–14, the percentage increase between the price index for October 2009 and October 2012; and
- (e) in respect of the financial year 2014–15, the percentage increase between the price index for October 2009 and October 2013.

### **Determination of reasonable cost to the person seeking connection**

2.—(1) For the purposes of section 1(2)(a) of the 1968 Act (duty of Scottish Water to take its public sewers to the point at which premises may be connected at reasonable cost), premises which are to be served by the public sewerage system may be connected to that system at a reasonable cost to the owners of those premises where the connection to the public sewerage system involves only the construction of a drain.

(2) For the purposes of section 6(2) of the 1980 Act (so far as relating to the duty of Scottish Water to take its pipes to the point at which buildings may be connected at reasonable cost), buildings for which a supply of water is required for domestic purposes may be connected to the public water supply system at a reasonable cost to the person seeking the connection where the connection to the public water supply system involves only the construction of a service pipe.

### **Determination of reasonable cost to Scottish Water of providing connection**

3.—(1) For the purposes of section 1(3) of the 1968 Act (so far as excepting things which are not practicable at reasonable cost from the duty under section 1(2)(a) of that Act) the reasonable cost to Scottish Water of a connection to the public sewerage system shall be determined—

- (a) in the case of a dwelling, in accordance with regulation 4(1);
- (b) in all other cases, in accordance with regulation 4(3).

(2) For the purposes of section 6(2) of the 1980 Act (so far as excepting things which are not practicable at reasonable cost from the duty under that subsection) the reasonable cost to Scottish Water of a connection to the public water supply system shall be determined—

- (a) in the case of a dwelling, in accordance with regulation 5(1);
- (b) in all other cases, in accordance with regulation 5(3).

### **Reasonable cost of connections to the public sewerage system: the 1968 Act**

4.—(1) Subject to paragraph (2), the reasonable cost to Scottish Water of a connection to the public sewerage system in respect of a dwelling shall be the lower of—

- (a) the cost calculated in accordance with regulation 6; or
- (b) the amount specified for the relevant financial year in the Table contained in Part 1 of Schedule 1, increased by the relevant percentage increase.

(2) Where a connection to the public sewerage system will serve more than one dwelling, the reasonable cost specified in the Table contained in Part 1 of Schedule 1 shall be multiplied by the number of dwellings served by the connection.

(3) The reasonable cost to Scottish Water of a connection to the public sewerage system in respect of premises other than dwellings shall be the lower of—

- (a) the cost calculated in accordance with regulation 6; or
- (b) the amount specified in the appropriate column of the Table for the relevant financial year in Part 1 of Schedule 2, increased by the relevant percentage increase.

#### **Reasonable cost of connections to the public water supply system: the 1980 Act**

5.—(1) Subject to paragraph (2), the reasonable cost to Scottish Water of a connection to the public water supply system in respect of a dwelling shall be the lower of—

- (a) the cost calculated in accordance with regulation 7; or
- (b) the amount specified for the relevant financial year in the Table contained in Part 2 of Schedule 1, increased by the relevant percentage increase.

(2) Where a connection to the public water supply system will serve more than one dwelling, the reasonable cost specified in the Table contained in Part 2 of Schedule 1 shall be multiplied by the number of dwellings served by the connection.

(3) The reasonable cost to Scottish Water of a connection to the public water supply system in respect of buildings other than dwellings shall be the lower of—

- (a) the cost calculated in accordance with regulation 7; or
- (b) the amount specified in the appropriate column of the Table for the relevant financial year in Part 2 of Schedule 2, increased by the relevant percentage increase.

#### **Cost of connections to the public sewerage system: the 1968 Act**

6.—(1) Subject to paragraphs (2) and (3), when calculating the cost of a connection to the public sewerage system, including a connection that serves more than one dwelling, account shall be taken only of the costs reasonably and necessarily incurred in making the connection, including—

- (a) the costs of the provision of such other infrastructure as Scottish Water considers reasonable and necessary in consequence of the connection; and
- (b) such other costs as Scottish Water considers reasonable and necessary in consequence of the connection.

(2) To the extent that any costs that are reasonably and necessarily incurred in consequence of the connection relate to infrastructure which Scottish Water is required to provide by virtue of a direction made under section 56 of the 2002 Act (with reference to section 56A of that Act), account shall also be taken of the finance made available to Scottish Water in consequence of such a direction to provide that infrastructure.

(3) No account shall be taken of any charge which is payable under a charges scheme in respect of the making of a connection to the public sewerage system.

#### **Cost of connections to the public water supply system: the 1980 Act**

7.—(1) Subject to paragraphs (2) and (3), when calculating the cost of a connection to the public water supply system, including a connection that serves more than one dwelling, account shall be taken only of the costs reasonably and necessarily incurred in making the connection, including—

- (a) the costs of the provision of such other infrastructure as Scottish Water considers reasonable and necessary in consequence of the connection; and
- (b) such other costs as Scottish Water considers reasonable and necessary in consequence of the connection.

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(2) To the extent that any costs that are reasonably and necessarily incurred in consequence of the connection relate to infrastructure which Scottish Water is required to provide by virtue of a direction made under section 56 of the 2002 Act (with reference to section 56A of that Act), account shall also be taken of the finance made available to Scottish Water in consequence of such a direction to provide that infrastructure.

(3) No account shall be taken of any charge which is payable under a charges scheme in respect of the making of a connection to the public water supply system.

### **Revocation**

8. The Provision of Water and Sewerage Services (Reasonable Cost) (Scotland) Regulations 2006(6) are revoked.

St Andrew's House, Edinburgh  
17th February 2011

*KEITH BROWN*  
Authorised to sign by the Scottish Ministers

SCHEDULE 1

(Regulations 4 and 5)

DWELLINGS

PART 1

**Table in respect of connection to public sewerage system**

<b>FINANCIAL YEAR</b>	<b>REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£)</b>
2010/11	£1,624
2011/12	£1,615
2012/13	£1,606
2013/14	£1,597
2014/15	£1,588

PART 2

**Table in respect of connection to public water supply system**

<b>FINANCIAL YEAR</b>	<b>REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£)</b>
2010/11	£1,419
2011/12	£1,389
2012/13	£1,360
2013/14	£1,331
2014/15	£1,303

SCHEDULE 2

(Regulations 4 and 5)

NON-DWELLINGS

PART 1

**Table for Financial Year 2010/11**

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NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£320	£451	£645	£771
21-50	£1,125	£1,576	£2,250	£2,701
51-100	£2,409	£3,374	£4,819	£5,784
101-150	£4,014	£5,618	£8,028	£9,638
151-200	£5,618	£7,868	£11,242	£13,492
201-250	£7,228	£10,117	£14,451	£17,345
251-300	£8,833	£12,367	£17,665	£21,199
301-400	£11,242	£15,735	£22,484	£26,977
401-500	£14,451	£20,234	£28,907	£34,685
501-750	£20,075	£28,102	£40,143	£48,177
751-1000	£28,102	£39,344	£56,204	£67,446
1001-1250	£36,130	£50,580	£72,259	£86,716
1251-1500	£44,157	£61,822	£88,320	£105,985

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2011/12**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£263	£371	£530	£634
21-50	£925	£1,295	£1,849	£2,220
51-100	£1,980	£2,774	£3,961	£4,754
101-150	£3,299	£4,618	£6,598	£7,922
151-200	£4,618	£6,467	£9,241	£11,090
201-250	£5,941	£8,316	£11,878	£14,257
251-300	£7,260	£10,165	£14,520	£17,425
301-400	£9,241	£12,934	£18,481	£22,174

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
401-500	£11,878	£16,632	£23,761	£28,510
501-750	£16,501	£23,099	£32,996	£39,600
751-1000	£23,099	£32,339	£46,198	£55,438
1001-1250	£29,697	£41,575	£59,395	£71,277
1251-1500	£36,296	£50,816	£72,596	£87,116

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2012/13**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£225	£317	£453	£541
21-50	£790	£1,106	£1,580	£1,896
51-100	£1,692	£2,369	£3,384	£4,061
101-150	£2,818	£3,945	£5,637	£6,767
151-200	£3,945	£5,524	£7,894	£9,473
201-250	£5,075	£7,104	£10,147	£12,179
251-300	£6,202	£8,683	£12,404	£14,885
301-400	£7,894	£11,049	£15,787	£18,943
401-500	£10,147	£14,208	£20,298	£24,355
501-750	£14,096	£19,732	£28,187	£33,828
751-1000	£19,732	£27,626	£39,465	£47,358
1001-1250	£25,369	£35,516	£50,738	£60,889
1251-1500	£31,006	£43,409	£62,015	£74,419

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2013/14**

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NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£201	£284	£406	£485
21-50	£707	£991	£1,415	£1,699
51-100	£1,515	£2,122	£3,031	£3,638
101-150	£2,524	£3,534	£5,049	£6,062
151-200	£3,534	£4,948	£7,071	£8,486
201-250	£4,546	£6,363	£9,089	£10,909
251-300	£5,555	£7,778	£11,111	£13,333
301-400	£7,071	£9,897	£14,141	£16,967
401-500	£9,089	£12,727	£18,181	£21,815
501-750	£12,593	£17,628	£25,182	£30,221
751-1000	£17,675	£24,746	£35,350	£42,420
1001-1250	£22,724	£31,813	£45,448	£54,540
1251-1500	£27,773	£38,883	£55,549	£66,660

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2014/15**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£179	£252	£361	£431
21-50	£629	£881	£1,258	£1,510
51-100	£1,347	£1,886	£2,694	£3,233
101-150	£2,244	£3,141	£4,488	£5,388
151-200	£3,141	£4,399	£6,285	£7,543
201-250	£4,041	£5,656	£8,079	£9,697
251-300	£4,938	£6,914	£9,876	£11,852
301-400	£6,285	£8,797	£12,570	£15,082

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.



NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC SEWERAGE SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
401-500	£8,079	£11,312	£16,161	£19,391
501-750	£11,223	£15,711	£22,443	£26,934
751-1000	£15,711	£21,996	£31,422	£37,707
1001-1250	£20,199	£28,278	£40,398	£48,480
1251-1500	£24,687	£34,563	£49,377	£59,253

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

## PART 2

**Table for Financial Year 2010/11**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£230	£325	£464	£555
21-50	£810	£1,134	£1,619	£1,944
51-100	£1,734	£2,429	£3,469	£4,163
101-150	£2,889	£4,044	£5,779	£6,938
151-200	£4,044	£5,664	£8,093	£9,712
201-250	£5,203	£7,283	£10,402	£12,486
251-300	£6,358	£8,902	£12,716	£15,260
301-400	£8,093	£11,327	£16,185	£19,420
401-500	£10,402	£14,566	£20,809	£24,968
501-750	£14,451	£20,229	£28,897	£34,680
751-1000	£20,229	£28,322	£40,459	£48,551
1001-1250	£26,008	£36,410	£52,016	£62,423
1251-1500	£31,787	£44,503	£63,578	£76,294

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2011/12**

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NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£214	£302	£432	£516
21-50	£753	£1,054	£1,505	£1,807
51-100	£1,612	£2,258	£3,224	£3,870
101-150	£2,685	£3,759	£5,371	£6,448
151-200	£3,759	£5,264	£7,522	£9,027
201-250	£4,836	£6,769	£9,668	£11,605
251-300	£5,910	£8,274	£11,819	£14,184
301-400	£7,522	£10,528	£15,043	£18,050
401-500	£9,668	£13,538	£19,341	£23,207
501-750	£13,431	£18,802	£26,858	£32,233
751-1000	£18,802	£26,324	£37,604	£45,126
1001-1250	£24,173	£33,841	£48,346	£58,018
1251-1500	£29,544	£41,363	£59,092	£70,911

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2012/13**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£199	£280	£401	£479
21-50	£699	£980	£1,399	£1,679
51-100	£1,498	£2,098	£2,996	£3,596
101-150	£2,496	£3,493	£4,991	£5,992
151-200	£3,493	£4,892	£6,990	£8,389
201-250	£4,494	£6,291	£8,985	£10,785
251-300	£5,492	£7,689	£10,984	£13,181
301-400	£6,990	£9,784	£13,980	£16,774
401-500	£8,985	£12,581	£17,974	£21,566

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
501-750	£12,482	£17,473	£24,960	£29,955
751-1000	£17,473	£24,463	£34,946	£41,936
1001-1250	£22,464	£31,449	£44,929	£53,917
1251-1500	£27,456	£38,439	£54,915	£65,899

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2013/14**

NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£193	£272	£389	£464
21-50	£678	£949	£1,355	£1,627
51-100	£1,452	£2,033	£2,903	£3,485
101-150	£2,418	£3,385	£4,837	£5,807
151-200	£3,385	£4,740	£6,773	£8,129
201-250	£4,355	£6,096	£8,707	£10,451
251-300	£5,322	£7,451	£10,643	£12,773
301-400	£6,773	£9,481	£13,547	£16,254
401-500	£8,707	£12,191	£17,417	£20,898
501-750	£12,095	£16,932	£24,187	£29,027
751-1000	£16,932	£23,705	£33,863	£40,637
1001-1250	£21,768	£30,475	£43,537	£52,247
1251-1500	£26,605	£37,248	£53,213	£63,857

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

**Table for Financial Year 2014/15**

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NUMBER OF EMPLOYEES (inclusive) ◇	REASONABLE COST OF CONNECTION TO PUBLIC WATER SUPPLY SYSTEM (£) ACCORDING TO FACILITIES PROVIDED			
	Toilets	Toilets and Showers	Toilets and Canteen	Toilets and Showers and Canteen
0-20	£187	£264	£377	£451
21-50	£658	£922	£1,316	£1,580
51-100	£1,409	£1,974	£2,819	£3,383
101-150	£2,348	£3,287	£4,696	£5,638
151-200	£3,287	£4,603	£6,576	£7,892
201-250	£4,228	£5,918	£8,454	£10,147
251-300	£5,167	£7,234	£10,334	£12,401
301-400	£6,576	£9,205	£13,153	£15,782
401-500	£8,454	£11,837	£16,910	£20,291
501-750	£11,743	£16,439	£23,484	£28,183
751-1000	£16,439	£23,016	£32,879	£39,455
1001-1250	£21,136	£29,589	£42,271	£50,728
1251-1500	£25,832	£36,166	£51,666	£62,000

◇Number of full time equivalent employees who will ordinarily use the premises when it is occupied.

## EXPLANATORY NOTE

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

Section 1 of the Sewerage (Scotland) Act 1968 and section 6 of the Water (Scotland) Act 1980 respectively require Scottish Water to extend the public sewerage and water supply systems to the point or points at which premises can be connected at reasonable cost. The duties to extend the public networks are however subject to the exception that Scottish Water is not required to do anything which is not practicable at reasonable cost. Any question as to what is a reasonable cost under section 1 of the 1968 Act or section 6 of the 1980 Act is to be determined in accordance with these Regulations.

Regulation 2 makes provision for determining what is a reasonable cost of connection to the owner of the premises, in the context of identifying the point or points to which Scottish Water is under a duty to extend the network.

Regulation 3 makes provision for the determination of the reasonable cost to Scottish Water of making a connection, in the context of determining what may or may not be practicable at reasonable cost.

Regulation 4 makes provision for determining the reasonable cost to Scottish Water of new connections to the public sewerage system. In respect of dwellings, the reasonable cost is the lower of either the cost calculated in accordance with regulation 6 or the figure specified for the relevant financial year in the Table in Part 1 of Schedule 1, increased by the relevant percentage increase. The relevant percentage increase reflects changes in the annual retail price index for the month of October.

In respect of premises other than dwellings, the reasonable cost is the lower of the cost calculated in accordance with regulation 6 or the figure specified in the appropriate column of the Table for the relevant financial year in Part 1 of Schedule 2, increased by the relevant percentage increase. The Tables identify the reasonable cost by reference to the water and sewerage facilities which will be available in the premises once it is connected to the public networks and by reference to the number of employees who will be using those facilities.

Regulation 5 makes provision for determining the reasonable cost to Scottish Water of new connections to the public water supply system. In respect of dwellings, the reasonable cost is the lower of either the cost calculated in accordance with regulation 7 or the figure specified for the relevant financial year in the Table in Part 2 of Schedule 1, increased by the relevant percentage increase.

In respect of premises other than dwellings, the reasonable cost is the lower of the cost calculated in accordance with regulation 7 or the figure specified in the appropriate column of the Table for the relevant financial year in Part 2 of Schedule 2, increased by the relevant percentage increase. As in Part 1 of Schedule 2, the Tables identify the reasonable cost by reference to the number of employees and the available water and sewerage facilities.

Regulations 6 and 7 specify the matters to be taken into, or left out of, account when calculating the respective costs of a connection to the public sewerage and water supply systems.

Regulation 8 revokes the Provision of Water and Sewerage (Reasonable Cost) (Scotland) Regulations 2006.