

Statutory Instrument 2000 No. 2301

The Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 2000

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STATUTORY INSTRUMENTS

2000 No. 2301

WATER INDUSTRY, ENGLAND AND WALES

The Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 2000

<i>Made</i>	<i>18th August 2000</i>
<i>Laid before Parliament</i>	<i>30th August 2000</i>
<i>Coming into force</i>	<i>20th September 2000</i>

Whereas the Director General of Water Services, acting pursuant to sections 39(1A) and 96(1A) of the Water Industry Act 1991[1], has arranged for such research as he considered appropriate with a view to discovering the views of a representative sample of persons likely to be affected by these Regulations and has considered the results;

Whereas the Director has made to the Secretary of State for the Environment, Transport and the Regions a written application complying with sections 39(2) and 96(2) of that Act;

Whereas the Secretary of State is satisfied that a copy of the application has been served by the Director on every water undertaker and sewerage undertaker specified in the

application whose area is not wholly or mainly in Wales and on persons or bodies appearing to them to be representative of persons likely to be affected by these Regulations;

Whereas such period as the Secretary of State considers appropriate has been allowed for the making, by any affected water or sewerage undertaker or person or body on whom a copy of the application has been served, of representations or objections with respect to the Director's proposals;

Whereas the Secretary of State has considered a written summary of the results of the research carried out in accordance with sections 39(1A) and 96(1A) of that Act, the Director's reasons for his proposals and every representation or objection which has been duly made with respect to those proposals and has not been withdrawn;

And whereas the only provisions of these Regulations are the provisions proposed by the Director in his application;

Now therefore, the Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred on him by sections 38(2) to (4) and 95(2) to (4) of that Act[2] and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and application

1. - (1) These Regulations may be cited as the Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 2000, and shall come into force on 20th September 2000.

(2) These Regulations apply to water undertakers and sewerage undertakers whose area is not wholly or mainly in Wales.

Amendment of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989

2. - (1) The Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989[3] shall be amended as follows.

(2) In regulation 2 (interpretation) -

(a) after the definition of "the 1991 Act" insert -

" "applicable further sum" means -

(a) in the case of a supply of water to domestic premises, £10;

(b) in any other case, £25;

"applicable penalty sum" means -

(a) in the case of a supply of water to domestic premises, £20;

(b) in any other case, £50;

"applicable sum" means -

(a) in the case of a supply of water to domestic premises, £20;

(b) in any other case, £50;" ; and

(b) after the definition of "customer" insert -

" "domestic premises" means premises used wholly or partly as a dwelling or intended for such use;".

(3) For regulation 3 (keeping appointments) substitute -

" Keeping of appointments

3. - (1) This regulation applies where a water or sewerage undertaker decides to visit premises of a customer in connection with the provision of supplies of water, or as the case may be, of sewerage services which requires access to be afforded to the representative or for which it would otherwise be reasonable to expect the customer or a person acting on his behalf to be present on the premises.

(2) Where this regulation applies, the undertaker shall, after consulting the customer in writing or orally, give notice (whether in writing or orally) to the customer that its representative will visit premises mentioned in the notice on a date so mentioned ("the appointed day"); and that notice shall specify -

(a) where the customer so requests, a period of two hours during which the visit will be made;

(b) in any other case, whether the visit will be made not later than 1pm or after 1pm on the appointed day.

(3) Where this regulation applies the undertaker shall, except in the circumstances described in paragraph (4), pay to the customer (or credit to his account) the sum of £20 if -

(a) the notice given by the undertaker does not comply with paragraph (2);

(b) a visit is not made on the appointed day;

(c) where paragraph (2)(a) applies, a visit is not made during the period of two hours specified in the notice; or

(d) where paragraph (2)(b) applies, a visit is not made not later than or, as the case may be, after 1pm on that day as specified in the notice.

(4) The circumstances described in this paragraph are -

(a) that the customer has cancelled the appointment;

(b) that the undertaker has cancelled the appointment by giving the customer not less than 24 hours' notice (whether in writing or orally) of cancellation; or

(c) that it was impractical to make the visit on the appointed day because of -

(i) severe weather conditions;

- (ii) industrial action by the undertaker's employees; or**
- (iii) the act or default of a person other than an officer, employee or agent of the undertaker or a person acting on behalf of its agent;**

and those conditions or that action, act or default could not reasonably have been foreseen by the undertaker sufficiently early to enable it to cancel the appointment in accordance with sub-paragraph (b) or to make suitable alternative arrangements to fulfil it.

(5) For the purposes of this regulation, where an undertaker holds a record signed by a representative who was instructed to make the visit that the visit was made on the appointed day -

- (a) where paragraph (2)(a) applies, during the period of two hours specified in the notice;**
- (b) where paragraph (2)(b) applies, not later than or, as the case may be, after 1pm;**

that visit shall be regarded as having been made unless the customer establishes that the record is incorrect."

(4) In regulation 4(2) (account queries and requests about payment arrangements) -

- (a) for "£10" substitute "£20";**
- (b) in sub-paragraph (a), for "20 working days" substitute "10 working days"; and**
- (c) in sub-paragraph (b), for "10 working days" substitute "five working days".**

(5) In regulation 5(2) (complaints about water or sewerage services) -

- (a) for "£10" substitute "£20";**
- (b) for the words after "the undertaker fails" substitute "to despatch a substantive reply to the customer within 10 working days from the date of the receipt of the complaint."**

(6) In regulation 6 (notice of interruption of supply) -

- (a) in paragraph (3), for "24 hours" substitute "48 hours" and for "the sum of £10" substitute "the applicable sum";**
- (b) in paragraph (4)(b) for the words before "for a payment" substitute "in the case of a customer whom it is impractical for the undertaker to identify as affected, that the customer has not made a claim (whether orally or in writing)"; and**
- (c) at the end insert -**

" (5) Where a payment or credit falls to be made under this regulation without the customer making a claim for payment, then if that payment or credit is not made before the expiry of the period of 20 working days following the date on which the supply of water is cut off as described in paragraph (1), the undertaker shall pay to the affected customer (or credit to his account) the applicable penalty sum, in addition to any other payment or credit to which the customer is entitled under these Regulations."

(7) In regulation 7 (entitlement to a payment or credit where supply not duly restored) -

(a) in paragraph (2) -

- (i) for "the sum of £10" substitute "the applicable sum"; and**
- (ii) in sub-paragraph (c) for "24 hours" substitute "12 hours";**

(b) in paragraph (3) -

- (i) for "a sum of £10" substitute "the applicable sum"; and**
- (ii) for "a further sum of £10" substitute "the applicable further sum";**

(c) in paragraph (4)(iii) for the words before "for a payment" substitute "in the case of a customer whom it is impractical for the undertaker to identify as affected, that the customer has not made a claim (whether orally or in writing)"; and

(d) after paragraph (4) insert -

" (4A) Where a payment or credit falls to be made under this regulation without the customer making a claim for payment, then if that payment or credit is not made before the expiry of the period of 20 working days following the date on which the supply of water is interrupted or cut off, the undertaker shall pay to the affected customer (or credit to his account) the applicable penalty sum."

(8) In regulation 7AA (pressure standard), in paragraph (3)(b) for the words before "for a payment" substitute "in the case of a customer whom it is impractical for the undertaker to identify as affected, that the customer has not made a claim (whether orally or in writing)".

(9) In regulation 7B (flooding from sewers) -

- (a) in paragraph (2), after "(or credit to his account)" insert "in respect of each such incident";**
- (b) delete paragraph (3)(a);**
- (c) in paragraph (3)(c) for the words before "for a payment" substitute "in the case of a customer whom it is impractical for the undertaker to identify as**

affected, that the customer has not made a claim (whether orally or in writing)";
and

(d) after paragraph (4) insert -

" (5) Where a payment or credit falls to be made under this regulation without the customer making a claim for payment, then if that payment or credit is not made before the expiry of the period of 20 working days following the date of the incident, the undertaker shall pay to the affected customer (or credit to his account) the applicable penalty sum, in addition to any other payment or credit to which the customer is entitled under these Regulations."

Revocation

3. Regulation 7A (installation of meters) of the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989 is revoked.

Signed by authority of the Secretary of State

Chris Mullin

Parliamentary Under Secretary of State, Department of the Environment, Transport and the Regions

18th August 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989 ("the 1989 Regulations"), which provide for customers of water and sewerage undertakers to be entitled to a payment or credit where the undertaker fails to maintain certain minimum standards of service in connection with the supply of water or sewerage services to domestic premises.

Regulation 2 makes the following amendments -

(a) it makes regulation 3 of the 1989 Regulations (keeping appointments) apply to appointments made over the telephone, and allows customers to specify a two-hour time-band for an appointment;

(b) it reduces the time limit for responding to requests under regulation 4 (account queries and requests about payment arrangements) to 5 working days (formerly 10) for requests to change payment methods, and to 10 working days (formerly 20) for written queries about the correctness of an account;

(c) it reduces the time limit for responding fully to all written complaints under regulation 5 (complaints about water or sewerage services) to 10 working days (formerly 20);

(d) it increases the notice undertakers are required to give of planned interruptions of supply under regulation 6 (notice of interruption of supply) to 48 hours (formerly 24);

(e) it reduces the period for restoring the supply under regulation 7 (entitlement to a payment or credit where supply not duly restored) to 12 hours (formerly 24);

(f) it increases the payments for household customers for standards relating to appointments, billing queries, complaints, warning notices and interruptions of supply to £20 for the first 24 hours and £10 for subsequent periods. The corresponding payments for business customers are raised to £50 and £25 respectively; and

(g) it requires companies to make payments automatically to customers affected by standards relating to interruptions of supply, warning notices and sewer flooding (regulations 6, 7 and 7B), including an additional penalty payment in the event of a claim of £20 for household customers and £50 for business customers.

Regulation 3 revokes regulation 7A (installation of meters) in consequence of amendments made by the Water Industry Act 1999 (c. 9).

Notes:

[1] 1991 c. 56; sections 38, 39, 95 and 96 were amended by the Competition and Service Utilities Act 1992 (c. 43), section 26 and Schedule 1, paragraphs 18, 19, 24 and 25.[back](#)

[2] The functions of the Secretary of State are, so far as exercisable in relation to any water or sewerage undertaker whose area is wholly or mainly in Wales, transferred to the National Assembly for Wales: *see* article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and the entry in Schedule 1 to that Order relating to the Water Industry Act 1991, as substituted by S.I. 2000/253 (W5), article 4 and Schedule 3, paragraph (e).[back](#)

[3] S.I. 1989/1159, amended by 1989/1383, 1993/500 and 1996/3065. By virtue of paragraph 1 of Schedule 2 to the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), those Regulations have effect as if made under sections 38 and 95 of the Water Industry Act 1991.[back](#)

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