

Statutory Instrument 1993 No. 500

The Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 1993

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STATUTORY INSTRUMENTS

1993 No. 500

WATER, ENGLAND AND WALES

The Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 1993

Made

8th March 1993

Laid before Parliament

11th March 1993

Coming into force

1st April 1993

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 and the Secretary of State for Wales a written application complying with sections 39(2) and 96(2) of that Act:

Whereas the Secretaries of State are satisfied that a copy of the application has been served by the Director on every water undertaker and sewerage undertaker specified in the application and on persons or bodies appearing to the Secretaries of State to be representative of persons likely to be affected by these Regulations:

Whereas such period as the Secretaries of State consider 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 Secretaries of State have 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and every representation or objection which has been duly made with respect to those proposals and has not been withdrawn: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 Wales, in relation to water and sewerage undertakers appointed by him, or with his consent in accordance with a general authorisation given by him and the Secretary of State for the Environment, in relation to other water undertakers and sewerage undertakers, in exercise of the powers conferred on them by sections 38(2) to (4) and

95(2) to (4) of that Act 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 Water Supply and Sewerage Services (Customer Service Standards) (Amendment) Regulations 1993 and shall come into force on 1st April 1993.

Amendment of Regulations

2. The Water Supply and Sewerage Services (Customer Service Standards) Regulations 1989[2] are amended in accordance with the provisions of the Schedule to these Regulations.

David Hunt

Secretary of State for Wales

5th March 1993

Michael Howard

Secretary of State for the Environment

8th March 1993

SCHEDULE

Regulation 2

AMENDMENT OF THE WATER SUPPLY AND SEWERAGE SERVICES (CUSTOMER SERVICE STANDARDS) REGULATIONS 1989

1. In regulation 2 (interpretation)—
 - (a) for the definition of "the 1989 Act" there shall be substituted the following—

""the 1991 Act" means the Water Industry Act 1991;"
 - (b) in the definition of "customer", in paragraph (b)—
 - (i) for the word "domestic" there shall be substituted the word "any";
 - (ii) sub-paragraph (i) shall be omitted;
 - (iii) in sub-paragraph (ii), at the end there shall be added the words "or in respect of any one act or omission relating to

- the same premises";
- (c) the definition of "domestic premises" shall be omitted.

2. In regulation 3 (keeping appointments)—

- (a) in paragraph (1), the word "domestic" shall be omitted;
- (b) after paragraph (1) there shall be inserted the following paragraph—
 - " (1A) Where this regulation applies, the notice referred to in paragraph (1) shall specify whether the visit will be made not later than 1.00p.m. or after 1.00p.m. on the appointed day." ;
- (c) for paragraph (2) there shall be substituted the following paragraph—
 - " (2) Where this regulation applies the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) the sum of £10 if—
 - (a) the notice given by the undertaker does not specify whether the visit will be made not later than or after 1.00p.m.; or
 - (b) a visit is not made on the appointed day, or is not made not later than or, as the case may be, after 1.00p.m. on that day as specified in the notice." ;
- (d) paragraph (3)(d) and the word "or" immediately preceding it shall be omitted;
- (e) in paragraph (4), after the words "on the appointed day" there shall be inserted the words "and not later than or, as the case may be, after 1.00p.m."

3. In regulation 4 (account queries and requests about payment arrangements)—

- (a) in paragraph (1), the words "to domestic premises" shall be omitted;
- (b) in paragraph (2), for "£5" there shall be substituted "£10";
- (c) paragraph (3)(f) and the word "or" immediately preceding it shall be omitted;
- (d) at the end there shall be added the following paragraph—
 - " (4) References in this regulation to the arrangements by which a customer makes payments include references to arrangements for payment by instalments, and references to a change in such arrangements include references to a change in the frequency of payments." .

4. In regulation 5 (complaints about water or sewerage services)—

- (a) for paragraph (1) there shall be substituted the following paragraph—
 - " (1) This regulation applies where a customer complains in writing—
 - (a) to a water undertaker in connection with the supply of water;
 - (b) to a sewerage undertaker in connection with the provision of sewerage services." ;
- (b) in paragraph (2), for "£5" there shall be substituted "£10";
- (c) paragraph (3)(e) shall be omitted;

(d) in paragraph (4), for the words "section 73 of the 1989 Act" there shall be substituted the words "section 97 of the 1991 Act".

5. In regulation 6 (notice of interruption of supply)—

(a) in paragraph (1)—

(i) the word "domestic" shall be omitted;

(ii) for the words "section 49(2) of the 1989 Act" there shall be substituted the words "section 60(3) of the 1991 Act";

(b) in paragraph (2)—

(i) the word "domestic" shall be omitted;

(ii) for the words "section 49(2) of the 1989 Act" there shall be substituted the words "section 60(3) of the 1991 Act";

(c) at the end there shall be added the following paragraphs—

" (3) Where the supply of water to premises is cut off as described in paragraph (1) for more than four hours and the undertaker fails to give the notice referred to in that paragraph at least 24 hours before the supply is cut off, the undertaker shall, except in the circumstances described in paragraph (4), pay to the affected customer (or credit to his account) the sum of £10.

(4) The circumstances described in this paragraph are—

(a) that industrial action by the employees of the undertaker or 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 made it impracticable to give the notice at least 24 hours before the water supply was cut off; or
(b) that the customer has not made a written claim for a payment under this regulation within 3 months following the date on which the supply was cut off." .

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

(a) in paragraph (1), the word "domestic" shall be omitted;

(b) in paragraph (2), for "£5" there shall be substituted "£10";

(c) in paragraph (2)(b), for "72 hours" there shall be substituted "48 hours";

(d) in paragraph (3), for "£5" in both places where it occurs there shall be substituted "£10".

7. After regulation 7 there shall be inserted the following regulations—

"Installation of meters

7A.—(1) Where a customer who is entitled to do so requests a water undertaker to install a meter the undertaker

shall install the meter within 15 working days of payment of the installation charge, and where the installation charge is payable by instalments the undertaker shall install the meter within 15 working days of payment of the first such instalment.

(2) If a water undertaker fails to install a meter in accordance with paragraph (1) the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) the sum of £10.

(3) The circumstances described in this paragraph are that severe weather conditions or industrial action by the employees of the undertaker or 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 made it impracticable to install the meter within the relevant period.

(4) In this regulation, "meter" means any apparatus for measuring or showing the volume of water supplied to any premises.

Flooding from sewers

7B.—(1) Effluent from a sewer which is vested in a sewerage undertaker shall not enter a customer's building.

(2) Where effluent from a sewer which is vested in a sewerage undertaker does enter a customer's building the undertaker shall, except in the circumstances described in paragraph (3), pay to the customer (or credit to his account) whichever is the lesser of—

(a) a sum equal to the sewerage charges payable by him to the undertaker for the financial year in which the incident occurs; and
(b) the sum of £1,000.

(3) The circumstances described in this paragraph are—

(a) that a payment under this regulation has already been made to the customer in respect of the same financial year; or

(b) that the entry of effluent was caused by one or more of the following, namely—

- (i) exceptional weather conditions;
- (ii) industrial action by the employees of the undertaker;

(iii) the actions of the customer or any defect, inadequacy or blockage in his drains or sewers; or
(c) that the customer has not made a written claim for a payment under this regulation within 3 months following the date on which the effluent entered his building.

(4) For the purposes of this regulation—
(a) "building" includes a space beneath a suspended floor of a building;
(b) effluent shall not be treated as entering a building while it is in a drain or sewer.

Payments and credits under regulations 3, 4, 5 and 7A

7C.—(1) Where a water or sewerage undertaker is required by regulation 3, 4, 5 or 7A to make a payment to a customer or to credit a sum to his account, the undertaker shall make the payment or, as the case may be, credit the sum to the customer's account within 10 working days of the sum becoming payable.

(2) Where an undertaker fails to make a payment or credit a sum in accordance with paragraph (1), the undertaker shall pay to the customer (or credit to his account) a further sum of £10 if the customer makes a written claim for a payment under this regulation within 3 months of the payment or credit referred to in paragraph (1) becoming payable."

8. For regulation 9 (general exclusion where customer in arrears) there shall be substituted the following regulation—

"Exclusion of entitlement to payment where customer in arrears

9.—(1) If at the material time a customer owes money to an undertaker and the debt has been outstanding for more than 6 weeks, any payment from the undertaker to which the customer is entitled under these Regulations shall, to the extent that it does not exceed the amount so owed, be made by way of a credit to his account.

(2) In this regulation, "the material time" means—

(a) in relation to any payment under regulation 3, 4, 5 or 7A, the time when the payment becomes payable;
(b) in relation to any other payment, the time when the customer makes a written claim for payment."

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 principal 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. The amendments are as follows.

The right to a payment or credit is no longer restricted to domestic customers, or to customers who are liable to pay the undertaker's charges, and the sum payable by undertakers in respect of a failure to meet the relevant standards is increased from £5 to £10.

Undertakers who make an appointment to visit a customer must specify, not only the day on which the visit will take place, but also whether or not it will take place after 1.00p.m. A failure to do so, or to keep an appointment as specified, entitles the customer to a payment or credit from the undertaker.

Regulation 4 of the principal Regulations requires undertakers to respond within a prescribed period to queries about accounts and requests to change payment arrangements. This is amended to make it clear that the regulation applies to requests to pay by instalments or to alter the frequency of payments.

Regulation 5 of the principal Regulations, which requires undertakers to respond to certain complaints within a specified period, is amended so as to apply to any complaints in connection with the supply of water and sewerage services.

A failure to give 24 hours' notice of a planned interruption of the water supply which lasts for more than four hours now entitles the customer to a payment or credit. The standard for the period within which a water undertaker should restore supply after it has been interrupted or cut off because of a leak or burst in a strategic main is reduced from 72 to 48 hours.

Where a water undertaker fails to install a meter requested by a customer within 15 working days of payment of the installation charge the customer is entitled to a payment or credit.

Where effluent from a sewerage undertaker's sewer enters a customer's building the customer is entitled, subject to certain exceptions, to a refund of the year's sewerage charges, up to a maximum of £1,000.

Under the principal Regulations, a customer is entitled to a payment or credit only if he submits a written request to the undertaker. The entitlement to a payment or credit in respect of a failure to keep an appointment, failure to respond to account queries and requests to change payment arrangements, failure to respond to complaints, or failure to install a meter is now made automatic. If the undertaker does not make the relevant payment or credit in these cases the customer may claim a further payment.

Regulation 9 of the principal Regulations provides that customers are not entitled to a payment if at the time of the claim they have a debt to the undertaker outstanding for more than 6 weeks, although they may be entitled to a credit in certain circumstances. Customers in arrears who would otherwise be entitled to a payment under the principal Regulations are now entitled to a credit in all circumstances.

References to provisions of the Water Act 1989 have been replaced by references to the corresponding provisions of the Water Industry Act 1991.