

L.N. 243 of 2022

**REGULATOR FOR ENERGY AND WATER SERVICES ACT
(CAP. 545)**

Water Supply (Amendment) Regulations, 2022

IN EXERCISE of the powers conferred by article 37(1) of the Regulator for Energy and Water Services Act, the Minister responsible for energy and water services, after consultation with the Regulator for Energy and Water Services, has made the following regulations:-

Citation,
commencement
and
applicability.
S.L. 545.03.

1. (1) The title of these regulations is the Water Supply (Amendment) Regulations, 2022 and these regulations shall be read and construed as one with the Water Supply Regulations, hereinafter referred to as "the principal regulations".

(2) These regulations shall be deemed to have come into force with effect from the 1st January 2022.

Amends
regulation 2 of
the principal
regulations.

2. In regulation 2 of the principal regulations the definition "period of one year" shall be deleted.

Amends
regulation 12 of
the principal
regulations.

3. Regulation 12 of the principal regulations shall be amended by the following:

(a) sub-regulations (1), (2) and (3) thereof shall be substituted by the following new sub-regulations:

"(1) For the purposes of these regulations the tariff for a Residential Premises Service shall not exceed the maximum tariff established in the First Schedule and shall be calculated in accordance with the methodology as outlined in the First Schedule.

(2) For the purposes of these regulations the tariff for a Non-Residential Premises Service shall not exceed the maximum tariff established in the Second Schedule and shall be calculated in accordance with the methodology as outlined in the Second Schedule.

(3) For the purposes of these regulations a Domestic Premises Service shall not exceed the maximum tariff established in the Third Schedule and shall be calculated in accordance with the methodology as outlined

in the Third Schedule."; and

(b) immediately after sub-regulation (8) thereof there shall be added the following new sub-regulation:

"(9) For the purposes of the First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule, "calendar year" and any other reference to a year (including "annum" or "annual") means a calendar year commencing on the 1st January and expiring on the 31st December of each respective calendar year."

4. In regulation 16 of the principal regulations, the words "The Corporation shall charge for the supply of highly polished reclaimed water, the charges and tariffs established in the Fourth Schedule:" shall be substituted by the words "For the purposes of these regulations, the tariff for the supply of highly polished reclaimed water shall not exceed the maximum tariff established in the Fourth Schedule, and shall be calculated in accordance with the methodology as outlined in the Fourth Schedule:".

Amends regulation 16 of the principal regulations.

5. The First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule to the principal regulations shall be substituted by the following new schedules:

Substitutes the First Schedule, the Second Schedule, the Third Schedule and the Fourth Schedule to the principal regulations.

"FIRST SCHEDULE
Regulation 12

1. Maximum Tariff for a Residential Premises Service

A Residential Premises Service shall be billed, for any period or periods as the Corporation may, from time to time determine, such fees and tariffs which shall not exceed the following fees and tariffs:

(a) the service fee in respect of every tenement, for every service installed in the tenement, shall not exceed fifty-nine Euro (€59) per annum;

(b) the tariff for water consumption shall not exceed:

(i) for any quantity not exceeding thirty-three cubic meter (33 m³) per person per annum residing in the tenement.....one point three nine six five Euro (€1.3965) per one cubic meter (1 m³);

(ii) for any quantity exceeding the said quantity of thirty-three cubic meter (33 m³) per person per annum residing in the tenement.....five point one three nine

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five Euro (€5.1395) per one cubic meter (1 m³).

2. Methodology for the Calculation of Tariffs for the Provision of a Residential Premises Service

(1) The Corporation shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the consumption tariff in item (1)(b) on a *pro rata* basis:

Provided that:

(a) the amount which is billed by the Corporation for a calendar year shall not exceed the amounts derived from the application of the Maximum Tariff established by the Regulator in accordance with article 27 of the Water Services Corporation Act and within the limits prescribed in item 1; and

(b) the Corporation shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariff on a *pro rata* basis.

(2) Notwithstanding the provisions of item 2(1)(a) and that the Corporation may adopt an adjustment mechanism to ensure compliance with the provisions of item 2(1)(a), any bill issued by the Corporation, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the Corporation, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item 2(1), the Corporation shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the consumer. Where the Corporation is unable to obtain such a reading of the actual annual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the consumer.

(4) Where a Residential Premises Service is only provided for a part of a calendar year, the Maximum Consumption Tariff shall be computed by applying the cumulative thresholds referred to in item (1)(b) proportionately to the days during which a Residential Premises Service is actually provided by the Corporation, such that the units (cubic meter) (m³) referred to in item 1(b) shall be divided by the number of days in a calendar year and applied accordingly to the days during which a Residential Premises Service is actually provided.

SECOND SCHEDULE
Regulation 12

1. Maximum Tariff for a Non-Residential Premises Service

A Non-Residential Premises Service shall be billed, for any period or periods as the Corporation may, from time to time determine, such fees and tariffs which shall not exceed the following fees and tariffs:

(a) the service fee for every tenement, for every service installed in the tenement, shall not exceed one hundred thirty Euro (€130) per annum;

(b) the tariff for the consumption of water shall not exceed:

(i) for any quantity not exceeding one hundred sixty-eight cubic meter (168 m^3) per annum..... one point nine nine five zero Euro (€1.9950) per one cubic meter (1 m^3);

(ii) for any quantity from one hundred sixty-eight cubic meter (168 m^3) per annum up to forty thousand cubic meter ($40,000 \text{ m}^3$).....two point three seven five zero Euro (€2.3750) per one cubic meter (1 m^3);

(iii) for any quantity exceeding the said quantity of forty thousand cubic meter ($40,000 \text{ m}^3$) per annum..... one point six six two five Euro (€1.6625) per one cubic meter (1 m^3).

2. Methodology for the Calculation of Tariffs for the Provision of a Non-Residential Premises Service

(1) The Corporation shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the consumption tariff for a Non-Residential Premises Service in item 1 on a *pro rata* basis, such that the Corporation shall also be entitled to apportion the relative thresholds in each of the consumption tariffs referred to in item 1 to specific billing periods throughout a calendar year at its discretion, and apply such thresholds accordingly, on a *pro rata* basis:

Provided that the Corporation shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariffs on a *pro rata* basis.

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(2) Any bill issued by the Corporation for a Non-Residential Premises Service, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the Corporation, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item 2(1), the Corporation shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the consumer. Where the Corporation is unable to obtain such a reading of the actual annual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the consumer.

(4) Where a Non-Residential Premises Service is only provided for a part of a calendar year, the maximum consumption tariffs shall be computed by applying the cumulative thresholds referred to in item 1(b) proportionately to the days during which a Non-Residential Premises Service is actually provided by the Corporation, such that each of the units (cubic meter) (m³) referred to in item 1(b) shall be divided by the number of days in a calendar year and applied accordingly to the applicable billing period during which a Non-Residential Premises Service is actually provided.

THIRD SCHEDULE

Regulation 12

1. Maximum Tariff for a Domestic Premises Service

A Domestic Premises Service shall be billed, for any period or periods as the Corporation may, from time to time determine, such fees and tariffs which shall not exceed the following fees and tariffs:

(a) the service fee in respect of every tenement, for every service installed in the tenement, shall not exceed fifty-nine Euro (€59) per annum;

(b) the tariff for water consumption shall not exceed:

(i) for any quantity not exceeding thirty-three cubic meter (33 m³) per annum..... two point one eight five zero Euro (€2.1850) per one cubic meter (1 m³);

(ii) for any quantity exceeding the said quantity of thirty-three cubic meter (33 m³) per annum..... five point one three nine five Euro (€5.1395) per one cubic meter (1 m³).

2. Methodology for the Calculation of Tariffs for the Provision of a Domestic Premises Service

(1) The Corporation shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the Consumption Tariff in item 1(b) on a *pro rata* basis:

Provided that:

(a) the amount which is billed by the Corporation for a period of a calendar year shall not exceed the amounts derived from the application of the Maximum Tariff as established by the Regulator in accordance with article 12 of the Water Services Corporation Act and within the limits prescribed in item 1; and

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(b) the Corporation shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariff on a *pro rata* basis.

(2) Notwithstanding the provisions of item 2(1)(a) and that the Corporation may adopt an adjustment mechanism to ensure compliance with the provisions of item 2(1)(a), any bill issued by the Corporation, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the Corporation, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item 2(1), the Corporation shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the consumer. Where the Corporation is unable to obtain such a reading of the actual annual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the consumer.

(4) Where a Domestic Premises Service is only provided for a part of a calendar year, the maximum consumption tariff shall be computed by applying the cumulative thresholds referred to in item 1(b) proportionately to the days during which a Domestic Premises Service is actually provided by the Corporation, such that the units (cubic meter) (m^3) referred to in item 1(b) shall be divided by the number of days in a calendar year and applied accordingly to the days during which a Domestic Premises Service is actually provided.

FOURTH SCHEDULE
Regulation 16

1. Maximum Tariff for Highly Polished Reclaimed Water

In every calendar year, the service fees and the tariffs for water consumption of highly polished reclaimed water shall not exceed the following fees and tariffs:

(a) the service fee in respect of access to highly polished reclaimed water distribution system shall not exceed twenty-five Euro (€25);

(b) the tariff for highly polished reclaimed water consumption shall not exceed:

(i) for any quantity not exceeding two thousand five hundred cubic meter (2,500 m³) per annum.....twenty cents (€0.20) per one cubic meter (1 m³);

(ii) for any quantity exceeding the said quantity of two thousand five hundred cubic meter (2,500 m³) but not more than five thousand cubic meter (5,000 m³) per annum.....sixty cents (€0.60) per one cubic meter (1 m³);

(iii) for any quantity exceeding the said quantity of five thousand cubic meter (5,000 m³) per annum.....eighty cents (€0.80) per one cubic meter (1m³):

Provided that the tariff related to the first block of two thousand five hundred cubic meter (2,500 m³) for all consumers of highly polished reclaimed water for agricultural purposes shall be free of charge until such time as when the Minister responsible for energy and water services so orders that the tariff provided for in subparagraph (i) enters into effect:

Provided further that the tariff bands which shall be applicable on a per holding basis for the highly polished reclaimed water supplied for agricultural purposes shall be as follows:

Holding Size (ha)	Holding Units	Volumetric quantity for which the lowest tariff rate shall be applicable (m ³)	Volumetric quantity for which the highest tariff rate shall be applicable (m ³)
≤ 0.50	1	2,500	5,000
0.51 – 1.00	2	5,000	10,000
1.01– 1.50	3	7,500	15,000
1.51 - 2.00	4	10,000	20,000
2.01 - 2.50	5	12,500	25,000
2.51 - 3.00	6	15,000	30,000
3.01 - 3.50	7	17,500	35,000
3.51 - 4.00	8	20,000	40,000
4.01 - 4.50	9	22,500	45,000
4.51 - 5.00	10	25,000	50,000
5.01- 5.50	11	27,500	55,000
5.51- 6.00	12	30,000	60,000

For holding units in excess of 6ha, the volumetric quantities for which the tariff rates shall be applicable shall be calculated on a *pro rata* based on the per holding unit allocation.

2. Methodology for the Calculation of Tariffs for Highly Polished Reclaimed Water

(1) The Corporation shall be entitled to use its own discretion as to how to calculate and bill the amounts derived from the application of the tariff for highly polished reclaimed water in item 1 on a *pro rata* basis:

Provided that:

(a) the amount which is billed by the Corporation for a period of a calendar year shall not exceed the amounts derived from the application of the Maximum Tariff as established by the Regulator in accordance with article 27 of the Water Services Corporation Act and within the limits prescribed in item 1; and

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(b) the Corporation shall keep the Regulator informed of any methodology it adopts in calculating and billing the consumption tariff on a *pro rata* basis.

(2) Notwithstanding the provisions of item 2(1)(a) and that the Corporation may adopt an adjustment mechanism to ensure compliance with the provisions of item 2(1)(a), any bill issued by the

Corporation, whether for a *pro rata* period of any calendar year or otherwise, shall be due to be paid on the date as indicated on the bill by the Corporation, notwithstanding that such bill may only refer to a part of a calendar year.

(3) In order to give effect to the provisions of item 2(1), the Corporation shall use all reasonable endeavours and procedures, in accordance with the provisions of these regulations, to obtain a reading of actual consumption incurred by the consumer. Where the Corporation is unable to obtain such a reading of the actual annual consumption incurred for reasons beyond its control, it may thereafter rely on estimates of the actual consumption incurred by the consumer.

(4) Where highly polished reclaimed water is only provided for a part of a calendar year, the maximum consumption tariff shall be computed by applying the cumulative thresholds referred to in item 1(b) proportionately to the days during which highly polished reclaimed water is actually provided by the Corporation, such that the units (cubic meter) (m³) referred to in item 1(b) shall be divided by the number of days in a calendar year and applied accordingly to the days during which highly polished reclaimed water is actually provided."
