

Disconnections Document

In force from 1 April 2018

1 Purpose of this Disconnections Document

1.1 Introduction

Non-household customers in Scotland are able to choose their service provider for water and sewerage services. Such providers are licensed by the Water Industry Commission for Scotland (the Commission), the body which also regulates the market, and are generally known as licensed providers.

Information about how the market works may be found on the website of the Commission at www.watercommission.co.uk

A list of companies currently licensed to provide water and sewerage services can be found on the website of Scotland on Tap at www.scotlandontap.gov.uk/

Water services are provided to the vast majority of non-household premises in Scotland. In certain situations water supplies to customer's premises may be disconnected, namely under the following circumstances:

- (i) customers may themselves ask their licensed provider to arrange for the disconnection of the water supply; or
- (ii) licensed providers may seek to disconnect a customer, typically for reasons of non-payment and as set out further in this Disconnections Document.

Some customers may have a trade effluent consent from Scottish Water governing the discharge of effluent to the public sewerage system. Similarly, discontinuation of the trade effluent service may occur at the request of a customer or a licensed provider may seek to arrange a discontinuation, typically for reasons of non-payment.

This Disconnections Document:

- (i) describes the context in which the disconnection of a water supply or supplies and discontinuation of a trade effluent service may occur; and
- (ii) sets out the conditions which must be adhered to and actions which must be followed in the situation where a licensed provider is seeking to disconnect the water supply or supplies to a customer's premises or the discontinuation of the trade effluent service applying at a customer's premises.

For awareness, Scottish Water may disconnect water supplies in pursuit of its statutory duties, for example in cases of illegal use of water or an infringement of the water byelaws; or there may be an interruption to supplies due to planned works or an unplanned emergency. Customers should contact their licensed provider for further information about such eventualities.

1.3 Enquiries about this document and further information

Enquires about this document should be addressed to:

Water Industry Commission for Scotland
First Floor
Moray House
Forthside Way
Stirling
FK8 1QZ

E-mail: enquiries@watercommission.co.uk

Telephone: 01786 430 200

In developing this Disconnections Document, the Commission has taken into account comments submitted by stakeholders in response to its consultation on the Revised Disconnections Document and Measures to support Wholesale Charging at Vacant Non-Household Premises of February 2018.

2 Objectives and principles

2.1 Objectives

The objectives of this Disconnections Document are:

- (i) to clarify the circumstances under which disconnection of a customer's water supply or discontinuation of a customer's trade effluent service may occur;
- (ii) to set out the circumstances under which a disconnection of water or discontinuation of trade effluent may take place at the instigation of a licensed provider; and
- (iii) in the event of (ii) above, the steps which are required to be taken and the respective obligations of licensed providers and Scottish Water under this Disconnections Document in relation to those activities.

This Disconnections Document does not deal with the commercial arrangements between licensed providers and their customers. Nor does it deal with the operational arrangements between licensed providers and Scottish Water for carrying out the disconnection or discontinuation. The operational arrangements which apply are set out in the Operational Code which may be found on Scottish Water's website at www.scottishwater.co.uk

2.2 Principles

In developing this Disconnections Document, the Commission has set out measures to protect non-household customers by ensuring they are given due notice of any intention to disconnect water supplies to the premises or discontinue trade effluent service at the premises, and given the opportunity for alternative means of payment and actions to be agreed with the licensed provider.

Where the licensed provider is seeking to disconnect a water supply or discontinue a trade effluent service, the following principles shall be observed;

- disconnection of a water supply or discontinuation of trade effluent at the request of a licensed provider should be considered as a last resort;
- dialogue and engagement by customers and licensed providers is to be encouraged in preference to disconnection or discontinuation; and
- where disconnection or discontinuation is proposed, there should be clear communication between licensed providers and their customers, informing customers of the reason why they are to be disconnected; of alternative means of payment; and, as relevant, of the potential consequences of disconnection or discontinuation, such that customers are properly informed of the consequences of disconnection or discontinuation and the implications for reconnection or restoration of services.

3 General provisions and interpretation

3.1 Disconnections Document

Legislation requires the Commission to make a code which deals with certain aspects of the discontinuation of water supplies to non-household premises. This Disconnections Document therefore fulfils the Commission’s requirements under Section 19 of the Water Services etc. (Scotland) Act 2005 (the “2005 Act”).

In addition to the provisions relating to water supplies, this Disconnections Document also sets out the requirements to be followed where a licensed provider seeks the discontinuation of trade effluent services.

Section 3.5 below provides an overview of how the Commission intends to enforce this Disconnections Document.

In making this Disconnections Document, the Commission revokes all previous versions of the Disconnections Document which are no longer in force.

3.2 Hierarchy

If there is any conflict between the following, the order of precedence shall be;

- (i) any law;
- (ii) this Disconnections Document.

3.3 Review

The Commission will conduct periodic reviews of this Disconnections Document and will welcome comments from stakeholders to assist it in this process. In addition, the Commission will amend the Disconnections Document as and when it believes that an immediate change is necessary (e.g. to ensure consistency with revisions to law).

3.4 Glossary and acronyms

Under this Document, the following words or expressions shall have the meaning as set out below;

Word or expression	Meaning
days	calendar days;
business days	the period of 08.00 to 18.00 on any day other than a Saturday or Sunday or a bank holiday in Scotland under the Banking and Financial Dealings Act 1971;

customer or non-household customer	at any time any occupier of an eligible premises which is receiving a service or services from a licensed provider, and occupier may, for example, include any owner, developer, landlord or agent and non-household customer shall be construed accordingly;
Disconnections Document	the document so designated by the Commission and containing the code made by the Commission pursuant to section 19 of the 2005 Act and any such additional matters as are specified therein, as in force from time to time and supplemented by any disconnections guidance published by the Commission from time to time;
Disconnection Warning Notice	a notice issued (following the procedures set out in this Disconnections Document) under sections 18(2) or 20(7) of the 2005 Act and following the template set out in Appendix 1 of this Disconnections Document;
licensed provider	a water services provider or a sewerage services provider as those terms are defined in sections 6(2) and 6(4) of the 2005 Act respectively;
Operational Code	the code designated as such by or under the Water Services (Codes and Services) Directions 2007 (or any other direction which amends, replaces or supplements, or is made in respect of substantially the same subject matter as that direction);
permanent disconnection	any physical disconnection of water services to a premises where a connection to the public water supply system is removed or otherwise made unworkable such that the supply of water services at that point could only resume if a new connection was made and permanently disconnected shall be construed accordingly;
premises	an eligible premises within the meaning given to it by section 27(1) of the 2005 Act;
sensitive customers	where the customers occupying the premises are, as agreed with Scottish Water, vulnerable sections of the community for the purposes of the provision of water and sewerage services, which may include specified prisons, nursing homes and other care homes, hospitals and schools, as further explained in the Operational Code which at any time contains the full definition used for the purposes of the market processes;
temporary disconnection	any physical disconnection of water services to a premises which is not a permanent disconnection and temporarily disconnected shall be construed accordingly;
vacant premises	any eligible premises which is currently unoccupied as further explained in the Market Code and Vacant shall be construed accordingly;
2005 Act	The Water Services etc. (Scotland) Act 2005.

3.5 Interpretation

In addition to setting out the Commission's requirements under Section 19 of the 2005 Act, this Disconnections Document sets out a number of additional requirements. For example, the detailed

requirements relating to the discontinuation of trade effluent services, which are not covered by Section 19.

To ensure a consistent approach to both water and trade effluent services, the Commission will enforce this document on all Licensed Providers through Standard License Condition A11 and on Scottish Water through Paragraph 13 of the Water Services (Codes and Services) Directions 2007.

This Disconnections Document also makes reference to the 'disconnection' of water services. In the 2005 Act, the language used is 'discontinuation' of water services. Any references to 'disconnection' of water supplies in this Disconnections Document have the same meaning as references to 'discontinuation' of water services under the 2005 Act.

3.6 Obligations applying to licensed providers and Scottish Water

Where a licensed provider is seeking;

- (i) a disconnection of the water supply or supplies to a customer's premises in the circumstances set out at section 4.3 below; or
- (ii) the discontinuation of the trade effluent services applying at a customer's premises in the circumstances set out at section 4.4 below

it must comply with the requirements set out in this Disconnections Document prior to and when carrying out a disconnection under the Operational Code.

When Scottish Water receives a request for disconnection at a licensed provider's request under the Operational Code, it must comply with the requirements of this Disconnection document as they relate to Scottish Water.

All the obligations, conditions and limitations set out in this Disconnections Document apply to disconnection requests made by licensed providers and performed by Scottish Water and to cases where the licensed provider instructs entities accredited by Scottish Water to undertake the disconnection activity under the relevant accreditation arrangements.

4 Grounds for disconnection or discontinuation

4.1 Disconnection of water at customer request

Customers seeking to disconnect a water supply to their premises at their own request, whether a temporary disconnection or a permanent disconnection of the supply, should apply to their licensed provider for a disconnection. Licensed providers will be able to advise on the information needed to progress the application, the conditions applying, timescales and other matters relevant to the disconnection. A survey will normally be needed to assess the request.

It may be found, following a survey of the supply arrangements at the customer's premises, that it is not possible to disconnect the premises directly as the supply is shared with another property, whether a household or a non-household premises. In such circumstances, licensed providers should inform customers of the options available, taking account of the supply or pipework arrangements. Scottish Water is required to inform licensed providers of the cost of effecting a disconnection at a customer's premises by splitting the shared services, when requested by the licensed provider and in situations where that would be feasible.

4.2 Discontinuation of Trade Effluent at customer request

Customers seeking a discontinuation at their own request of a Trade Effluent service, whether a temporary discontinuation or a permanent termination, should apply to their licensed provider for the discontinuation or termination. Licensed providers will be able to advise what information is needed, the conditions applying and other matters relevant to the request.

Under Section 20 of the 2005 Act, discontinuation of sewerage services (as opposed to Trade Effluent services) is not permitted on public health grounds.

4.3 Disconnection of water at licensed provider request

A licensed provider responsible for the water services at a premises may seek to disconnect the water supply or supplies to the premises for the following reasons only:

- (i) following non-payment of an amount properly due, including the refusal to provide a refundable security deposit required under the terms of any agreement between the customer and its licensed provider; or
- (ii) due to a customer denying the licensed provider, its agents or contractors access to a water meter.

In both these cases, the disconnection may be of a temporary or permanent nature and there is no requirement for a temporary disconnection to have been undertaken prior to a permanent one being made. Where a permanent disconnection is undertaken, in order to restore supplies to the premises the customer will have to apply for a brand new water connection, which will entail an assessment of

the requirement and of the capacity available at the time of the new connection. The time and cost to provide the new connection will reflect the circumstances at the time. Where a temporary disconnection is undertaken, Scottish Water can restore the supply without the need for a brand new connection.

4.4 Discontinuation of trade effluent service at licensed provider request

A licensed provider responsible for the sewerage services at a premises may seek the discontinuation of a trade effluent service applying to the premises for the following reasons only:

- (i) following non-payment of an amount properly due, including the refusal to provide a refundable security deposit required under the terms of any agreement between the customer and its licensed provider; or
- (ii) due to a customer denying the licensed provider, its agents or contractors access to a meter serving the premises, whether a water meter or a trade effluent meter, and used for the purposes of calculating trade effluent.

The licensed provider may request that Scottish Water discontinue the Trade Effluent service in accordance with Section 20 of the 2005 Act. The Commission acknowledges, however, that in practice it may not be possible to discontinue trade effluent services under these circumstances. Instead, court proceedings can be used to address behaviours relating to Trade Effluent customers. Nevertheless, the provisions included here allow sewerage licensed providers to pursue the discontinuation route if they so choose.

Under Section 20 of the 2005 Act discontinuation of sewerage services (as opposed to Trade Effluent services) is not permitted on public health grounds.

4.5 Limitations and conditions governing disconnections and discontinuations requested by a licensed provider

Mindful of the governing principles of this Disconnections Document at section 2.2 above, prior to seeking to disconnect a customer's water supply or discontinue a customer's trade effluent service, licensed providers must undertake certain steps as set out at section 5 and elaborated further at section 7 of this Disconnections Document. Licensed providers must also comply with section 6 of this Disconnections Document, setting out the limitations and the circumstances under which disconnections may not be made.

5 Provisions relating to customers experiencing payment difficulties

The most common reason for the supply of water to be disconnected at the request of a licensed provider is non-payment. It is important that disconnection occurs only under appropriate circumstances and in accordance with this Disconnections Document. This section therefore identifies measures which can or must be taken by licensed providers to assist customers experiencing difficulties in paying. The considerations apply to cases of payment difficulties in respect of both water and trade effluent services.

This section 5 also contains the steps to be taken in relation to disconnection for denying access to a meter, as well as the requirements for communication with the customer as owner or occupier and the service of notices.

5.1 Accurate bills

Customers can find themselves in arrears in cases where inaccurately estimated bills have been issued, or where their licensed provider has made billing errors. To reduce the risk of customers finding themselves in such situations, it is important that licensed providers issue accurate and timely bills based on actual meter readings.

5.2 Pro-active contact and engagement

In the circumstances of non-payment, licensed providers are urged to attempt to establish contact with customers before resorting to disconnection, using a variety of means, such as telephone, mail and electronic media or by visiting the premises at different times, to increase the likelihood of making contact. Similarly, customers are urged to respond to communications from licensed providers.

In the event that customers feel they have later cause for complaint, any party assessing the complaint may look at the steps taken by either party to make contact or respond to contact to assess if these were reasonable in the circumstances.

5.3 Shortened collection period

If a customer has been issued with two consecutive reminder letters in respect of an amount due, the licensed provider is entitled to place that customer on a shortened collection period.

This section sets out the circumstance and the steps which can lead to disconnection in such circumstances.

In line with the above, in its correspondence before placing a customer on a shortened collection period, the licensed provider must:

- warn the customer that receipt of a third reminder will result in that customer being placed on a shortened collection period;

- warn or have warned the customer that continued non-payment may result in disconnection of the supplies and the consequences of that, as relevant to the situation;
- warn the customer that they will be placed on a shortened collection period from a date not less than 5 (five) business days from the date of issue of the letter. The communication should also:
 - inform the non-household customer that, when on a shortened collection period they will not receive any further reminders, and if outstanding monies are not paid by the due date, the licensed provider will be allowed to either:
 - proceed to disconnection if a Disconnection Warning Notice has already been issued; or
 - issue a Disconnection Warning Notice and proceed to disconnection with no further reminder or notice;
 - provide details of where the customer can find out more about the shortened collection period;
 - inform the customer that it must pay three subsequent consecutive invoices by the due date to return to its previous collection period, unless the customer opts for a different arrangement;
 - inform the customer of the alternative payment methods available;
 - inform the customer, in the case where the disconnection is intended to be permanent, that reconnection of the supply may take some time, will depend on the network capacity available at the time and will reflect the cost of making a whole new connection of the supply; and
 - include information on the licensed provider's dispute resolution process.

If a customer on a shortened collection period pays three consecutive invoices on time, it must be returned to its previous collection period within 5 (five) business days of having done so, unless the customer chooses to pay by a different arrangement.

5.4 Budget plans

This section sets out the requirements for licensed providers to offer customers a budget plan.

Where a licensed provider considers that a customer is experiencing difficulties in paying its bills, unless that customer has had two previous budget plans cancelled in the previous 12 months for reasons of non-payment, the licensed provider must offer that customer the option of paying through a budget plan.

In agreeing a budget plan with a customer, the licensed provider must, inter alia:

- set out the number, size and dates of the payments to be made under the budget plan;
- estimate the customer's expected consumption during the period of the budget plan;
- monitor compliance with the plan and consumption during the budget plan period;
- make provision for recalculation of the size of payments to be made, where estimated and actual consumption differ by more than 10% within the plan period to minimise shocks at the end of the period where the consumption is higher; and
- offer the choice of plan that allows the non-household customer to pay in advance; or in arrears, while continuing to consume water services and/or sewerage services.

Where there is a budget plan in place, licensed providers should seek to maintain regular engagement with customers.

5.5 Discontinuation of trade effluent

The measures set out above at paragraphs 5.1 – 5.4 apply also in cases where the customer has a trade effluent service and is experiencing difficulty in paying. The Disconnection Warning Notice must follow the template relating to Trade Effluent in Appendix 1 of this Disconnections Document.

5.6 Disconnection for denying access to a meter

This section relates to a meter which has been inaccessible for 12 (twelve) consecutive months and due to acts or omissions of the customer, continues to remain inaccessible.

In seeking to gain access to a meter where a customer is denying access, whether a water meter in the case of a water licensed provider or a water and/or trade effluent meter in the case of a sewerage licensed provider, the licensed provider, its agent or contractor must use reasonable endeavors to give the customer the opportunity to offer reasonable access to the meter. That includes seeking to make contact with the customer in person or by phone to arrange an appointment to read the meter. On each occasion where access is denied, the licensed provider must give the customer a notice specifying the occasion, in line with Appendix 2.

The licensed provider, prior to its third attempt to offer an appointment, should issue a warning in its customer communication, that if the customer does not get in contact to arrange a suitable appointment if the proposed appointment is inconvenient, or does not allow access on the third appointment occasion, the licensed provider may proceed with the disconnection process.

5.7 Communications with the customer as owner or occupier and service of notices

Communications between the licensed provider and its customer in relation to payment arrangements, where the customer is experiencing difficulties, are presumed to be with the bill paying customer, which may include, for example an owner, developer, landlord or agent.

In the event that a Disconnection Warning Notice is issued:

- (i) In the case of a temporary disconnection the licensed provider is to:
 - a. serve the Disconnection Warning Notice on the occupier of the eligible premises at the eligible premises (even where the premises is considered to be a vacant premises); and
 - b. where the customer to whom the bill is addressed is not in physical occupation at the eligible premises, also serve the Disconnection Warning Notice on the customer at the address to which the bill is made out, as applicable; and
 - c. where the eligible premises is a vacant premises, send a copy of the Disconnection Warning Notice to the owner;
- (ii) In the case of a permanent disconnection the licensed provider is to:
 - a. serve the Disconnection Warning Notice on the occupier of the eligible premises at the eligible premises (even where the premises is considered to be a vacant premises); and
 - b. where the customer to whom the bill is addressed is not in physical occupation at the eligible premises, also serve the Disconnection Warning Notice on the customer at the address to which the bill is made out, as applicable; and
 - c. in all cases, send a copy of the Disconnection Warning Notice to the owner; and
- (iii) All Disconnection Warning Notices must also be served on:
 - a. Scottish Water - wholesaleservicedesk@scottishwater.co.uk or alternatively via Scottish Water's Licensed Provider portal;
 - b. the Commission - competitionteam@watercommission.co.ukand copied to the customer's sewerage licensed provider (as applicable).

6 Limitations on disconnections and discontinuation at the instigation of a licensed provider

Section 5 sets out the steps which a licensed provider must take prior to seeking a disconnection of water or discontinuation of trade effluent at a premises.

This section sets out certain limitations that apply. If any of these are relevant, then the disconnection or discontinuation is not permitted. The relevant limitations apply whether the disconnection or discontinuation is temporary or permanent and whether the premises is occupied or is a vacant premises.

In the case of both a disconnection of water supplies and discontinuation of trade effluent services the following limitations apply:

- (i) in relation to any sums properly due, if the outstanding amount in relation to either the water supplies or the trade effluent services as the case may be is
 - a. below the threshold level of £300 and
 - b. has been due and remains unpaid for a period of less than six months; or
- (ii) if the customer has reasonably made a complaint directly related to the issue for which disconnection or discontinuation is proposed and all reasonable steps have not been taken by the licensed provider to resolve the complaint using the licensed provider's internal complaints handling procedures.¹

In the case of a disconnection of a water supply only:

- (iii) if the premises is an occupied premises and the customer is a 'sensitive customer', as set out in the glossary at section 3.4, such as vulnerable sections of the community for the purposes of the provision of water or sewerage services; or
- (iv) in the case of a disconnection at an occupied premises, if the disconnection is to be scheduled after 3pm on a weekday or 12 noon on a Friday, unless a licensed provider arranges for a representative of the customer to be present at the premises at the time of the disconnection and a representative of the customer is available and present at the required time;
- (v) if the disconnection is to be scheduled on a weekend, public holiday or business day immediately before a public holiday;

¹ All licensed providers are required to have an internal complaints handling procedure for customers and to provide a copy (together with any updates where necessary) to the Commission. Further, licensed providers must supply customers with a copy of their complaints handling procedure (without charge) if requested to do so by a customer.

- (vi) if water services for domestic purposes at the affected premises will be adversely affected by the disconnection of water services to the premises;
- (vii) if water services for any purpose to any other premises will be adversely affected by disconnection of water services to the affected premises; or
- (viii) if water services for public use, e.g. for firefighting, will be adversely affected by disconnection of water services to the affected premises.

In the case of a discontinuation of a trade effluent consent only:

- (ix) if the provision of sewerage to, or disposal of sewage from, the affected premises for a purpose other than in respect of trade effluent will be adversely affected by the discontinuation of trade effluent services to the affected premises;
- (x) if the provision of sewerage to, or disposal of sewage from, any other premises for any purpose will be adversely affected by the discontinuation of trade effluent services to the affected premises; or
- (xi) if there is a likely risk to public health arising in consequence of the discontinuation of trade effluent services.

Scottish Water shall, under this Disconnections Document, publish guidance as to which types of customers fall within the definition of sensitive customers, in view of the limitations on disconnection.

It should be noted it is not possible for a customer to transfer to another licensed provider while there is a temporary disconnection of the water supply in place. If the licensed provider requesting the disconnection has received a notice from the Central Market Agency informing it of an application to transfer the customer to another licensed provider, the licensed provider must cancel the disconnection request if the transfer is to proceed. If it is too late to cancel the disconnection, then the licensed provider must exercise its right to object to the transfer.

7 Process steps to be followed by a licensed provider prior to seeking a disconnection of the water supply or discontinuation of trade effluent for reasons of non-payment

As set out above, there are a number of measures which a licensed provider must undertake prior to arranging for the disconnection of the water supply to a customer's premises for reasons of non-payment.

On the assumption that none of the limitations or conditions set out in section 6 apply, this section 7 summarises the process steps the licensed provider must observe prior to requesting a disconnection from Scottish Water, or instructing an Accredited Entity to carry out the work in accordance with the accreditation arrangements relating to disconnection activities.

1. If a customer has not paid an invoice for water services properly due by the due date set out in the invoice, the water licensed provider will send a reminder letter on the business day after the original due date. The reminder letter will:
 - Include a new due date for payment, not less than 5 (five) business days after receipt of the reminder letter;
 - Include a request that any non-household customer experiencing payment difficulties should contact the licensed provider immediately, with contact details provided, to agree a budget plan; and
 - Specify the process to be followed in the case of disputed bills;
2. The water licensed provider may then issue a Disconnection Warning Notice;
 - If, by the new due date set out in the reminder letter, payment has not been received and the customer has not agreed a budget plan; or
 - If the customer has been placed on a shortened collection period and has not paid an invoice properly due by the date set out; or
 - The customer has missed a payment under the agreed budget plan for the third time; or
 - The customer has missed a second consecutive payment under the agreed budget plan.
3. The Disconnection Warning Notice:
 - Must be served in accordance with Section 5.7 of this Disconnections Document;

- Must be of the form and content consistent with that prescribed by order by the Scottish Ministers as set out in Appendix 1; and
 - Must be copied to Scottish Water, the Water Industry Commission for Scotland and the customer's sewerage licensed provider (if applicable).
4. Within 10 days of the date of service of the Disconnection Warning Notice, the customer may in writing, which may be by e-mail, make representations to the water licensed provider.
 5. The licensed provider must have due regard for such representations, must respond in writing addressing the substance of the representations (which may be by email) and must not proceed with disconnection if:
 - the invoices and notices had been sent to the occupier and the occupier has provided evidence that it is not liable to pay the outstanding debt, e.g. if the landlord is the debtor; or
 - The customer has paid the overdue amount; or
 - The customer has agreed a budget plan for recovery of the overdue sum;

The water licensed provider must inform any party who made any representations of its conclusions regarding such representations.

6. If none of these circumstances apply and none of the circumstances set out in section 6 above in relation to the limitations on disconnection and discontinuation apply, then, not less than 14 (fourteen) days after serving the Disconnection Warning Notice under step 3 above, the water licensed provider may issue a disconnection request to Scottish Water or instruct an accredited entity under the terms of the Operational Code. Scottish Water may not proceed with the disconnection unless it has received a copy of the Disconnection Warning Notice.

8 Steps to be followed by a licensed provider prior to seeking disconnection of a water supply or discontinuation of trade effluent for refused access to a meter

As set out above, there are a number of measures which a licensed provider must undertake prior to arranging for the disconnection of the water supply to a customer's premises for refusing access to a meter.

On the assumption that none of the conditions set out in section 6 apply, this section 8 summarises the process steps the licensed provider must observe prior to arranging a disconnection of the water supply from Scottish Water or instructing an Accredited Entity to undertake the work in accordance with the accreditation arrangements.

1. Prior to requesting a disconnection for refusal to access a water meter, the water licensed provider may issue a Disconnection Warning Notice if:
 - A meter is inaccessible for 12 (twelve) consecutive months; and
 - The water licensed provider, its agent or contractor has used reasonable endeavours to give the customer the opportunity to offer reasonable access including contact in person or by phone; and
 - On each occasion that the meter was not accessible and appointments offered were not honoured, the customer was given a notice in line with Appendix 2; and
 - Due to acts or omissions by the customer, the meter remains inaccessible.
2. The Disconnection Warning Notice:
 - Must be served in accordance with Section 5.7 of this Disconnections Document;
 - Must be of the form and content consistent with that prescribed by order by the Scottish Ministers (see Appendix 1); and
 - Must be copied to Scottish Water, the Water Industry Commission for Scotland and the customer's sewerage licensed provider (as applicable).
3. Within 10 (ten) days of the date of service of the Disconnection Warning Notice, the customer may in writing, which may be by e-mail, make representations to the water licensed provider.
4. The licensed provider must have due regard for any such representations, must respond in writing addressing the substance of the representations (which may be by email) and must not proceed with disconnection if access has been provided to the meter in this period. The water licensed

provider must inform any party who made representations of its conclusion regarding all representations made to it.

5. If the meter remains inaccessible, if representations from the customer do not prevent disconnection and if none of the circumstances set out above in section 6 on the limitations on disconnections apply then, not less than 14 days after serving the Disconnection Warning Notice in step 2 above, the licensed provider may issue a disconnection request to Scottish Water or instruct an accredited entity, as set out in the Operational Code. Scottish Water may not undertake the disconnection if it has not received a copy of the Disconnection Warning Notice

Appendix 1: Disconnection Warning Notices

Water Services etc. (Scotland) Act 2005 - Section 18

Notice of intention to request Scottish Water to discontinue a supply of Water

[Insert name and full postal/registered office address of the water services provider] hereby gives notice that they intend, not less than 14 days from the date of service of this notice, to request Scottish Water to discontinue the supply of water to *[insert address of the eligible premises]*, in terms of section 18 of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”).

Any representations in respect of this notice should be made in writing (including by e-mail) to *[insert appropriate contact details for the water services provider where representations may be made]* within 10 days from the date of service of the notice. In terms of section 18(4) of the 2005 Act, *[insert name of the water services provider]* must have regard to any such representations in determining whether to proceed with their intention to request Scottish Water to discontinue the supply of water to *[insert address of the eligible premises]*.

Further information on how to make representations on this notice, including information regarding the treatment of confidential information, can be obtained from *[insert appropriate contact details for the water services provider, including any e-mail address and any website where information on how to make representations is available]*.

In accordance with the provisions of section 18(2) of the 2005 Act, a copy of this notice has been served upon Scottish Water and the Water Industry Commission for Scotland.

Signed: *[insert name and designation of the person authorised to sign the notice]*

For and on behalf of: *[insert name of water services provider]*

Date:

Water Services etc. (Scotland) Act 2005 - Section 20

Notice of intention to request Scottish Water to discontinue trade effluent Services

[Insert name and full postal/registered office address of the sewerage services provider] hereby gives notice that they intend, not less than 14 days from the date of service of this notice, to request Scottish Water to discontinue trade effluent services to *[insert address of the eligible premises]*, in terms of section 20 of the Water Services etc. (Scotland) Act 2005 (“the 2005 Act”).

Any representations in respect of this notice should be made in writing (including by e-mail) to *[insert appropriate contact details for the sewerage services provider where representations may be made]* within 10 days from the date of service of the notice. In terms of section 20(9) of the 2005 Act, *[insert name of the water services provider]* must have regard to any such representations in determining whether to proceed with their intention to request Scottish Water to discontinue trade effluent services to *[insert address of the eligible premises]*.

Further information on how to make representations on this notice, including information regarding the treatment of confidential information, can be obtained from *[insert appropriate contact details for the sewerage services provider, including any e-mail address and any web-site where information on how to make representations is available]*.

In accordance with the provisions of section 20(7) of the 2005 Act, a copy of this notice has been served upon Scottish Water and the Water Industry Commission for Scotland.

Signed by: *[insert name and designation of person authorised to sign the notice]*

For and on behalf of: *[insert name of sewerage services provider]*

Date:

Appendix 2: Sample notice – access to meter(s)

Customer details

Name: <customer name>

Premises: <Premises for which access to meters is required>

Address: <supply point address line 1>
<supply point address line 2>
<town>
<county>
<postcode>

References: <SPID references> as found on the customer’s bills

Licensed provider details

Name: <licensed provider name>

Contact address: <licensed provider contact address line 1>
<retailer contact address line 2>
<town>
<county>
<postcode>

Telephone: <contact number to call arrange access for meter reading>

Electronic contact: <details of e-mail address or other electronic contact arrangements>

On <date> our meter reader attempted to read the water meter(s) at your property, detailed above. The meter reader was unable to read the meter(s) at that time, as access to the meter(s) was not possible.

We must take regular readings from your meter(s) to fulfil our obligations under the arrangements which govern the retail market for water and sewerage in Scotland.

These readings are also used to ensure that the bills you receive for water services and/or sewerage services are as accurate as possible.

As we are obliged to obtain meter readings, we may arrange for disconnection of your water supply in cases where access to meters has been denied for 12 consecutive months.

Failure to contact us may result in your water supply being disconnected.

Further information on how to make representations on this notice, including information regarding the treatment of confidential information, can be obtained from *[insert appropriate contact details for the water services provider, including any e-mail address and any website where information on how to make representations is available]*.

Please contact us on <contact number> or <electronic contact details> [as applicable] to arrange a time for our meter reader to read the meter or meters.

Appendix 3: Disconnection Disputes referred to the Commission

Introduction

Where a licensed provider has requested the temporary disconnection of a water supply at a customer's premises and it disputes the charges levied by Scottish Water in respect of those activities, Scottish Water has to refer the dispute to the Commission for determination under Sections 18(9) and 20(13) of the 2005 Act. This Appendix 3 sets out the Commission's procedure for dealing with such disputes.

Procedure for dealing with a dispute

- Before a formal dispute is made by a licensed provider, the Commission expects that both parties will seek to resolve the matter in good faith prior to seeking a determination from the Commission.
- Where a dispute is made in writing by a licensed provider to Scottish Water, Scottish Water should notify the Commission of the dispute within 5 (five) business days of receiving the notification and request a determination, copying also the licensed provider.
- On receipt of the notification from Scottish Water, the Commission will within ten days acknowledge receipt and advise both Scottish Water and the Licensed Provider of the name of the person dealing with the case at the Commission.
- Within 12 (twelve) business days of notifying the Commission, Scottish Water and the licensed provider should provide the Commission with all the information they consider relevant to the dispute, copying also the licensed provider who has disputed the charges levied by Scottish Water, by electronic means. The information provided should include information about the steps already taken to seek to resolve the matter. The information provided to the Commission should also be copied to the other party.
- As part of its initial work, the Commission will assess whether it considers it has the jurisdiction to deal with the matter, based on the information provided. If it considers it does not have the jurisdiction, it will notify the parties accordingly. The Commission will also at this stage assess the likely timescale for reaching a draft Determination, referenced further below. It is anticipated that straightforward cases should require four weeks from receipt of the information relevant to the dispute from the Licensed Provider and Scottish Water. More complex cases may require longer, and in those cases the Commission will advise the parties of its proposed approach and the anticipated timescales for reaching a draft Determination.
- The Commission may seek further information from the parties, which will normally be provided in writing, recognising there may also be a need to meet with the parties either separately or together to clarify any points.

- In assessing a dispute, the Commission may, where appropriate, seek views from other parties, including the Drinking Water Quality Regulator or the Scottish Environmental Protection Agency.
- In assessing all the information provided including the further responses and observations from any other parties, the Commission will either:
 - proceed to issue a draft determination, or;
 - if the dispute raises complex matters which may require detailed expert investigation, advise Scottish Water and the licensed provider how it intends to proceed, along with the envisaged timescales for reaching a draft determination.
- A draft Determination will be sent to Scottish Water, the licensed provider and other parties considered to have an interest in the matter, such as DWQR and SEPA. The draft Determination will invite responses, which must be received within the requested number of days of the draft being issued. A summary of each decision will be posted on the Commission's website. If either party in its response considers that any part of a Final Determination is sensitive and should not be published, they should advise the Commission accordingly, giving reasons.
- The Commission will publish its Final Determination on its website.
- When the Final Determination is made by the Commission, Scottish Water is required to give effect to the Final Determination under Sections 18(9) and 20(13) of the 2005 Act.

The Commission will endeavour to deal with requests for determination as expeditiously as possible, having due regard for the complexity of the matter in hand.

Making a request for a determination

Scottish Water is asked to make such requests by e-mail to:

enquiries@watercommission.co.uk

Telephone: 01786 430 200