

# **Irish Water Charges Plan**

**Scheme of charges applicable from 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2018**

**Water and Wastewater charging arrangements for Domestic and Non-Domestic Customers**

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7<sup>th</sup> February 2018



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# 1 Introduction to our charges

**Irish Water does not apply charges to Domestic Customers for the provision of Water Supply or Wastewater services except in certain specific circumstances. For the period until 31<sup>st</sup> December 2018 there will be no charges to Domestic Customers in any circumstances. This water charges plan reflects the discontinuing under legislation of all liabilities for charges to Domestic Customers until 31<sup>st</sup> December 2018<sup>1</sup>.**

**The Water Services Act 2017 provides that charges to Domestic Customer will only apply in cases where the volume of Water Services consumed exceeds the 213,000 litres annual Threshold Amount<sup>2</sup>. The Act also provides for an additional Allowance Amount for Domestic Premises with more than four occupants<sup>3</sup>, and for exemptions in the cases of certain medical needs. Excess use charges will be approved by the Commission for Regulation of Utilities (CRU) and will not commence until 1<sup>st</sup> January 2019 at the earliest. Bills for excess use charges will not be issued until 1<sup>st</sup> July 2019 at the earliest.**

**The rules and processes underpinning excess use charges will be determined by the Minister for Housing, Planning and Local Government, the CRU and Irish Water in 2018 and will be included in a future version of the water charges plan (see Section 2.1).**

**Consistent with the previous version, this water charges plan reflects the CRU's decision on Irish Water's allowed revenue for the Revenue Control period from 1<sup>st</sup> January 2017 to 31<sup>st</sup> December 2018<sup>4</sup>.**

The services provided by Irish Water are those related to the provision of Water Supply and Wastewater services to Domestic and Non-Domestic Customers. Irish Water does not apply charges to Domestic Customers except in certain circumstances relating to excess use and Additional Services. Liability for excess use charges will not commence until 1<sup>st</sup> January 2019 at the earliest. Bills for excess use charges will not be issued until 1<sup>st</sup> July 2019 at the earliest. Irish Water applies charges with respect to the cost incurred by Irish Water in providing Water Supply and Wastewater services to Non-Domestic Customers and in providing Connection services and Additional Services to all Customers.

The water charges set out in this document represent the charges for providing Water Services in line with our Terms and Conditions but do not limit the right of Irish Water to recover (i) additional charges from Non-Domestic Customers who receive non-standard Water Services or (ii) costs from Customers who do not comply with their responsibilities and duties under the 2014 Act, the 2013 Act or the Water

<sup>1</sup> Water Services Act 2017, number 29 of 2017, 17<sup>th</sup> November 2017.

<sup>2</sup> Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017, clause 2.

<sup>3</sup> Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017, clause 3

<sup>4</sup> Decision on Irish Water Revenue for 2017 to 2018 12<sup>th</sup> December 2016.

Services Act 2007 or related legislation and where such costs are recoverable by Irish Water pursuant to all such legislation.

## 1.1 How to contact us

If Customers have queries about any of our charges, or if assistance is needed with any element of the provision of Water Services, Irish Water can be contacted by telephone, email or web as follows:

**Figure 1.1 Irish Water contact details**

<b>Customer Helpline – general queries Lines Open</b>	Callsave 1850 448 448 or + 353 1 707 2824 8am to 8pm Monday to Friday, 9am to 5.30pm Saturday
<b>Water or Wastewater emergencies or any metering queries Lines Open</b>	Callsave 1850 278 278 or + 353 1 707 2828  24 hours a day, 7 days a week
<b>Address</b>	PO Box 860, South City Delivery Office, Cork City
<b>Twitter</b>	@IrishWater
<b>Website</b>	<a href="http://www.water.ie">www.water.ie</a>

## 1.2 What services will Irish Water charge for?

Our service charges are:

- Water Supply charges – when a Non-Domestic Customer Premises is connected (directly or indirectly) to Irish Water’s Water Supply network.
- Wastewater charges – when a Non-Domestic Customer Premises is connected (directly or indirectly) to Irish Water’s Wastewater network; and
- Other service charges – for services that Irish Water provides to Domestic and Non-Domestic Customers, such as:
  - Connection services for Irish Water’s Water Supply and Wastewater networks;
  - Certain instances where a Customer requests that Irish Water carry out Additional Services.

## 1.3 Water charges plan structure

This water charges plan is structured as follows:

- section 2 sets out revised domestic Water Supply and Wastewater charging arrangements;
- section 3 sets out Non-Domestic Customer charges;
- section 4 sets out the charging arrangements for group water schemes connected to the public Water Main;
- section 5 sets out applicable charges for Connection to Irish Water’s Water Supply and Wastewater networks;
- section 6 sets out charges for Additional Services carried out by Irish Water at a Customer’s request; and
- section 7 sets out contact details if Customers require advice.

## 2 Domestic Water Supply and Wastewater charging arrangements

### 2.1 Liability for charges

Domestic Customers are not liable for charges for domestic Water Supply and Wastewater Services except in certain circumstances relating to excess use. For the period until 31<sup>st</sup> December 2018 Domestic Customers will not be liable for charges for domestic Water Services in any circumstances.

Liability for excess charges will not commence until 1<sup>st</sup> January 2019 at the earliest. Liability for excess charges will only apply to Domestic Customers where the volume of Water Services consumed exceeds the Threshold Amount and additional Allowance Amount (if applicable).

**‘Threshold Amount’** means the 213,000 litres per year Threshold Amount as specified in the Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017. Charges to Domestic Customers will only apply in cases where the volume of Water Services consumed exceeds the annual Threshold Amount.

**‘Allowance Amount’** means the 25,000 litres per year allowance (additional to the Threshold Amount) for each additional occupant above four as specified in the Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017.

The legislation<sup>5</sup> which has been put in place provides that Irish Water:

- i. shall not charge a Domestic Customer for Water Services provided over a 12 month period, unless the Water Services so provided exceed the Threshold Amount;
- ii. shall give a notice to a Domestic Customer to whom, over a 12 month period, the Water Services so provided exceed the Threshold Amount;
- iii. shall (in the notice) inform the Domestic Customer that excess charges shall apply if the Threshold Amount continues to be exceeded over the 6 month period beginning on the day of the giving of the notice; and
- iv. shall apply excess charges to Domestic Customers for any such Water Services that exceed the Threshold Amount
  - during that 6 month period, and
  - during any period after the expiration of that 6 month period.

The Threshold Amount and Allowance Amount have effect on and from 1st January 2018, although consumption in 2018 will never be subject to excess use charges. Therefore Irish Water’s Domestic Customers will not be liable for charges for Water Services provided to a Dwelling until 1st January 2019 at the earliest. Irish Water will not issue bills for Water Services provided to a Dwelling above the Threshold Amount before 1st July 2019, and these bills will cover a period commencing January 1<sup>st</sup> 2019 at the earliest<sup>6</sup>.

The Water Services Act 2017 provides that the Minister for Housing, Planning and Local Government:

- i. may prescribe minimum periods, within a specified period, during which an individual is required to reside in a Dwelling in order to be considered ordinarily resident in the Dwelling;

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<sup>5</sup> The Water Services Act 2017 amended the Water Services Act 2007 by inserting sections 53 ( C) and 53 (D).

<sup>6</sup> For the avoidance of doubt, there will be no liability for charges for domestic Water Services in 2018.

- ii. shall prescribe matters<sup>7</sup> relating to an application for, and confirming continued entitlement to, an exemption from excess charges on medical grounds.

A future version of the water charges plan approved by the CRU will set out excess use charges. It will also set out the associated rules and processes including any direction provided by the Minister for Housing, Planning and Local Government regarding (i) and (ii) above.

## **2.2 Rebates**

If a Domestic Customer's water charge reduces upon installation of a meter, that Domestic Customer may be due a rebate for the period of time between 1<sup>st</sup> January 2015 and 31<sup>st</sup> March 2016 that the Domestic Customer was liable for the unmetered charge. The calculation of the rebate is based upon the differential between the assumed consumption underpinning the unmetered charge for the Domestic Customer and the annual metered consumption recorded at the Dwelling. Irish Water will continue to calculate and apply rebates to Customer accounts during the period of suspension of domestic charges. The following conditions apply:

Notes:

1. The Domestic Customer must have been subject to unmetered charges for at least 3 months and subsequently metered for at least 12 months to qualify for a rebate.
2. Domestic Customers who failed to register their occupancy details and remained on the Default Charge will not qualify for a rebate.
3. Domestic Customers who have any charges outstanding relating to the period they were subject to unmetered charges and have not entered into or are not complying with the terms of a payment plan will not qualify for a rebate.
4. Irish Water will apply the rebate as a credit to each applicable Domestic Customer's account once the assessment is complete.
5. Irish Water will apply any entitled rebate as a once off credit from April 2016 onwards.

## **2.3 Discounts for water not fit for human consumption**

Irish Water's is focused on providing water that is fit for human consumption and our goal is to provide this service uniformly across the country. Where this level of service is compromised and water is deemed unfit for human consumption, Irish Water provided a tariff discount in certain situations. Specifically, water quality related discounts applied in the following instances:

- Where a Boil Water Notice is issued meaning it is essential for Domestic Customers to boil all water used in the preparation of food and for direct consumption;
- Where a Drinking Water Restriction Notice is served on an Occupier advising the occupants not to use the water for drinking or food preparation.

Given that Boil Water and Drinking Water Restriction Notices imply that water is unfit for human consumption, Irish Water considered that Domestic Customers subject to such notices should qualify for a tariff discount (subject to certain qualifications set out below). If a Domestic Customer was in receipt of a Boil Water/Drinking Water Restriction Notice for any period during 1<sup>st</sup> January 2015 and 31<sup>st</sup> March 2016 but did not receive their applicable credit, they can request their credit from Irish Water (see note 5 below).

For Domestic Customers we applied a discount of 100% of the Water Services charge (Table 2.1).

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<sup>7</sup> Section 13(5) of the Water Services Act 2017 sets out a list of matters that the Minister shall prescribe.

**Table 2.1 Tariff discounts for Domestic Customers on Boil Water or Drinking Water Restriction Notices during period 1<sup>st</sup> January 2015 until 31<sup>st</sup> March 2016**

<b>Billing status</b>	<b>Water Supply Unit Charge</b>	<b>Wastewater Unit Charge</b>
Domestic Metered and Unmetered Customers	100% discount	No discount on Wastewater charge

Notes:

1. Domestic Customers qualifying for a discount were subject to a discount for the Water Supply component of their bill only.
2. Discounts were only applied if a Boil Water/Drinking Water Restriction Notice was in place for greater than 24 hours (subject to note 4 below).
3. For Boil Water/Drinking Water Restriction Notices greater than 24 hours, a full day's discount was applied to each subsequent day for which a notice was in place.
4. Discounts were not provided for Force Majeure events.
5. Where possible, Irish Water automatically applied the discount as a credit to each applicable Domestic Customer's account. If a Domestic Customer was in receipt of a Boil Water/Drinking Water Restriction Notice but did not receive their applicable credit, that Domestic Customer should request their credit from Irish Water as follows:

<b>Customer Helpline – general queries Lines Open</b>	Callsave 1850 448 448 or + 353 1 707 2824 8am to 8pm Monday to Friday, 9am to 5.30pm Saturday
<b>Water or Wastewater emergencies or any metering queries Lines Open</b>	Callsave 1850 278 278 or + 353 1 707 2828 24 hours a day, 7 days a week
<b>Address</b>	PO Box 860, South City Delivery Office, Cork City
<b>Twitter</b>	@IrishWater
<b>Website</b>	<a href="http://www.water.ie">www.water.ie</a>

### **3 Non-domestic Water Supply and Wastewater charges**

From October 1<sup>st</sup> 2014 non-domestic Water Supply and Wastewater charges are set by this water charges plan. Since 1<sup>st</sup> January 2014, Irish Water has had responsibility for charging Non-Domestic Customers. Consistent with legislation and following a review of the non-domestic data available to Irish Water, and considering its ability to implement a tariff decision in time for 1<sup>st</sup> January 2014, Irish Water decided to retain charges for Non-Domestic Customers on the same basis as charged by the Local Authorities on 31<sup>st</sup> December 2013.

In the interim period, Irish Water will maintain non-domestic tariffs in accordance with the structures and arrangements applicable prior to 1<sup>st</sup> January 2014 until an enduring tariff framework is in place. Each Non-Domestic Customer will be charged in line with arrangements currently in place in their Local Authority area until an enduring tariff framework is in place. Current payment options and terms also remain unchanged. For ease of reference, Irish Water has set out a comprehensive listing of the current non-domestic charges for each Local Authority area on our website.

In the interim period from 1<sup>st</sup> October 2014 until an enduring tariff framework is in place, Irish Water will include a provision in all new contracts entered into with Non-Domestic Customers reflecting that tariffs are liable to change in line with the CRU's approval of an enduring tariff framework.

There are 2 specific elements of the current non-domestic tariff arrangements which will change. Section 3.1 refers to revised arrangements for Mixed Use Customers (applicable from 1<sup>st</sup> April 2016) and Section 3.2 refers to revised arrangements for Non-Domestic Customers subject to a Boil Water or Drinking Water Restriction Notice (applicable from 1st October 2014).

#### **3.1 Mixed use Customers**

Customers that use Water Services for both domestic and non-domestic uses are termed Mixed Use Customers. These Customers were billed for the domestic component of their consumption during the period 1<sup>st</sup> January 2015 to 31<sup>st</sup> March 2016. The Water Services Act 2017 means that Mixed Use Customers are no longer liable for charges for domestic Water Services.

The non-domestic component of Mixed Use Customers' consumption will continue to be charged as per current non-domestic tariff arrangements i.e:

1. For metered Mixed Use Customers the volume to be charged at the non-domestic rate will continue to be the metered volume in excess of the current Local Authority Domestic Allowance; and
2. For unmetered Mixed Use Customers the amount to be charged will continue to be the Local Authority assessed charge less the value of the Local Authority Domestic Allowance where applicable.

Current Local Authority Standing Charges and unit rates still apply to the non-domestic consumption.

#### **3.2 Non-domestic discounts for water not fit for human consumption**

Irish Water's objective is to provide potable water for human consumption uniformly across the country. Where this level of service is compromised and water is deemed unfit for human consumption, Irish Water will provide a discount in certain situations. Specifically, water quality related discounts will apply for Non-Domestic Customers in the following instances:

- Where a Boil Water Notice is issued meaning it is essential for Non-Domestic Customers to boil all water used in the preparation of food and for direct consumption;

- Where a Drinking Water Restriction Notice is served on an Occupier advising the occupants not to use the water for drinking or food preparation.

Given that Boil Water and Drinking Water Restriction Notices imply that water is unfit for human consumption, Irish Water considers that Non-Domestic Customers subject to such notices should qualify for a tariff discount (subject to certain qualifications set out below).

For Non-Domestic Customers on Boil Water or Drinking Water Restriction Notices, Irish Water will apply a discount of 40% of the Water Supply Volumetric Charge, subject to certain conditions.

**Table 3.1 Tariff discounts for Non-Domestic Customers on Boil Water or Drinking Water Restriction Notices**

Billing status	Water Supply Volumetric Charge	Wastewater Service Volumetric Charge
Non-Domestic Metered and Unmetered Customers	40% discount	No discount on Wastewater service charge

Conditions:

1. Non-Domestic Customers whose annual consumption is less than 50,000m<sup>3</sup> will have a 40% discount applied.
2. Non-Domestic Customers identified as Large Water Users (i.e. whose annual consumption is equal to or greater than 50,000m<sup>3</sup>) will be assigned a discount up to 40% on their Water Supply Volumetric Charge. Some non-domestic Large Water Users typically consume a large portion of water for industrial process purposes rather than for human consumption purposes and it is only in the event of such circumstances that Irish Water will apply a lower (than 40%) discount. The level of discount applied will be in proportion to the volume of water intended for human consumption. The CRU decision sets out the following key aspects for how the appropriate discount will be determined for Large Water Users<sup>8,9</sup>:
  - A. Large Water Users involved in the provision and manufacture of food and drink products will have a 40% discount applied;
  - B. Large Water Users not involved in the provision and manufacture of food and drink products will have a default discount of 5% applied; and
  - C. Labour intensive Large Water Users who believe a 5% discount may underestimate the proportion of their water which is used for human consumption may request to be treated on a case-by-case basis according to the following formula:

Percentage discount =

$$\frac{\text{Number of FTE employees} \times (\text{average daily water consumption per employee} \times 365)}{\text{Total annual water consumption sourced from Public Water Main}}$$

where the average daily water consumption per employee is assumed to be 22 litres.

3. 40% is the maximum discount applicable to a Non-Domestic Customer in receipt of a Boil Water or Drinking Water Restriction Notice.

<sup>8</sup> See [CRU Decision – Method for Applying Discounts for Water not Fit for Human Consumption to Large Non-Domestic Customers – CER/15/182](#).

<sup>9</sup> See [Water Quality and Large Non-Domestic Customer Tariff Discounts – CER approved process – CER/15/183](#).

4. Tariff discounts for Non-Domestic Customers apply from 1<sup>st</sup> October 2014.
5. Non-Domestic Customers qualifying for a discount will be subject to a discount for the Water Supply component of their bill only.
6. Discounts will only apply if a Boil Water/Drinking Water Restriction Notice is in place for greater than 24 hours (subject to condition 8 below).
7. For Boil Water/Drinking Water Restriction Notices greater than 24 hours, a full day's discount will be applied to each subsequent day for which a notice is in place.
8. Discounts will not be provided for Force Majeure events.
9. In circumstances where Non-Domestic Customers have not yet migrated to Irish Water's billing system, any applicable discount will be applied retrospectively post migration or earlier if feasible.
10. Once a Non-Domestic Customer migrates to Irish Water's billing system, Irish Water will automatically apply the discount as a credit to each applicable Non-Domestic Customer's account. If a Non-Domestic Customer is in receipt of a Boil Water/Drinking Water Restriction Notice but does not receive their applicable credit, that Non-Domestic Customer can request their credit from Irish Water as follows:

<b>Customer Helpline – general queries Lines Open</b>	Callsave 1850 448 448 or + 353 1 707 2824 8am to 8pm Monday to Friday, 9am to 5.30pm Saturday
<b>Water or Wastewater emergencies or any metering queries Lines Open</b>	Callsave 1850 278 278 or + 353 1 707 2828  24 hours a day, 7 days a week
<b>Address</b>	PO Box 860, South City Delivery Office, Cork City
<b>Twitter</b>	@IrishWater
<b>Website</b>	<a href="http://www.water.ie">www.water.ie</a>

## **4 Public group water schemes**

There are separate funding and regulatory requirements in place for the group water sector. These are set by the Department of Housing, Planning and Local Government and govern relations with the group water scheme sector, and influence the level of charges for individual Customers. Group water schemes which are connected to the public Water Main purchase water in bulk from Irish Water (for onward supply to their Customers) and so are deemed as a class of Non-Domestic Customer of Irish Water. Irish Water will maintain tariffs in accordance with the structures and arrangements applicable prior to 1<sup>st</sup> January 2014 until an enduring tariff framework is in place.

## 5 Connections

Charges apply for the Connection (or re-Connection, or amendment to a Connection in the case of a redevelopment (or similar)) of a Customer Premises. Since assuming responsibility for water and wastewater Connection charging on 1 January 2014, Irish Water has continued to implement the Connection charging policies and related charges applied by each Local Authority prior to this date.

The CRU commenced a consultation in January 2018<sup>10</sup> on a new Connection charging policy for Customers wishing to connect to the Irish Water network. Until the conclusion of the CRU consultation process, Irish Water will continue to apply Connection charges at the rates applied by each Local Authority as at 31<sup>st</sup> December 2013. Such Connection charges shall continue to apply during the interim period, until such time as the enduring Connection charging policy is in place. The charges, including the relevant development levies, which will be applied by Irish Water during the interim period can be obtained by contacting the appropriate Local Authority.

To support the development of a national Connection charging policy, Irish Water considered it necessary to develop a number of ancillary documents. These include general conditions for a Water and Wastewater Connection Agreement, standard offer letters and connection agreement templates, and the financial security policy. The CRU has directed Irish Water to publish all these related ancillary documents on the Irish Water website in parallel with the CRU consultation. Irish Water will acknowledge each submission received and consider all issues raised by respondents. At the end of the consultation period, Irish Water will publish a consolidated response to all feedback received and amend the ancillary documents as required.

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<sup>10</sup> [CRU/18/001](#) Consultation Paper – Irish Water's Proposed Connection Charging Policy.

## 6 Additional Services

Additional charges will apply where Irish Water provides Additional Services at the request of Customers. Irish Water will retain Additional Services and charges for Non-Domestic Customers as applied by the Local Authorities on 31<sup>st</sup> December 2013. The charges that apply for Domestic Customers for Additional Services carried out by Irish Water are set out in Table 6.1.

Table 6.1 Charges for Additional Services

Service	Charge
Special meter read provision	€17
Meter testing	€100

Irish Water has provided an overview of each Additional Service below:

### a) Special Meter Read

A special meter read will be conducted if the Customer has requested a meter read to be undertaken outside of the normal meter reading schedule.

### b) Meter Testing

If a Customer believes that their water meter is not registering accurately, Irish Water will arrange to have it tested. If the meter is within the accepted Irish Water tolerances, a “testing fee” will be allocated. If the meter is not accurate to within such tolerances, the Customer will not be charged.

## 7 Customer assistance

Customers should contact us via the contact details below.

### Irish Water

<b>Customer Helpline – general queries Lines Open</b>	Callsave 1850 448 448 or + 353 1 707 2824 8am to 8pm Monday to Friday, 9am to 5.30pm Saturday
<b>Water or Wastewater emergencies or any metering queries Lines Open</b>	Callsave 1850 278 278 or + 353 1 707 2828 24 hours a day, 7 days a week
<b>Address</b>	PO Box 860, South City Delivery Office, Cork City
<b>Twitter</b>	@IrishWater
<b>Website</b>	<a href="http://www.water.ie">www.water.ie</a>

This water charges plan is subject to approval by the CRU. The CRU is the economic regulator of the water industry in Ireland, approving the level of Water Services charges that Irish Water can apply to our Customers. The CRU can be contacted on:

**The Commission for Regulation of Utilities**, The Exchange, Belgard Square North, Tallaght, Dublin 24

Telephone: Callsave 1890 404 404 or 01 4000 800

Email: [info@cru.ie](mailto:info@cru.ie)

<http://www.cru.ie/>

### 7.1 Customer complaints

Customers who wish to make a complaint about any aspect of Irish Water's services should contact

<b>Customer Helpline</b>	Callsave 1850 448 448 or + 353 1 707 2824
<b>Postal Address</b>	Irish Water, PO Box 860, South City Delivery Office, Cork City
<b>Website:</b>	<a href="http://www.water.ie">www.water.ie</a>
<b>Twitter:</b>	@IrishWater

## Appendix 1 - Definition of Terms

In this water charges plan, unless the context otherwise requires:

**'2007 Act'** means the Water Services Act 2007.

**'2013 Act'** means the Water Services (No. 2) Act 2013.

**'2014 Act'** means the Water Services Act 2014.

**'2017 Act'** means the Water Services Act 2017.

**'Additional Services'** means any works or services delivered to the Customer by or on behalf of Irish Water in relation to but excluding the provision of Water Services.

**'Allowance Amount'** means the 25,000 litres per year allowance (additional to the Threshold Amount) for each additional occupant above four as specified in the Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017.

**'Boil Water Notice'** means a notice issued by Irish Water, after consultation with the HSE or the EPA specifying the restriction of the use of a Water Supply, and/or advising Customers to boil water when a community's drinking water is, or could be, contaminated by pathogens. Harmful micro-organisms are often described as pathogens and common causes of Boil Water Notices include E.coli and cryptosporidium contamination of the Water Supply.

**'CRU'** means the Commission for Regulation of Utilities.

**'Connection'** means the physical Connection of a Customer's Premises to the network to facilitate the provision of Water Services to the Customer's Premises.

**'Customer'** means in relation to the provision of Water Services, the Occupier of the Premises in respect of which the Water Services are provided.

**'Customer Drain'** means a drainage pipe, or system of such pipes and related fittings for collection of Wastewater, (that is not owned by, vested in or controlled by Irish Water, and that is not a Service Connection), which is used or to be used as the case may be, to convey Wastewater from one or more Premises or to any Wastewater treatment system on a Premises where the Wastewater is generated.

**'Domestic Customer'** means a Customer occupying a Domestic Premises.

**'Domestic Premises'**<sup>11</sup> means a building or part of a building used by a person as his or her place of private residence (whether as his or her principal place of such residence or not) and includes accommodation provided in such residence to one or more students to enable them to pursue their studies on a full time basis but does not include any part of a building used for the provision, for the purposes of reward, with a view to profit or otherwise in the course of business, of accommodation, including self-catering accommodation, (other than accommodation provided in a place of private residence aforesaid to one or more students for the purposes aforesaid) unless the person to whom the accommodation is so provided uses the accommodation as his or her principal residence.

**'Domestic Purposes'** means provision of Water Services for day to day domestic requirements including drinking, washing and sanitation.

**'Drinking Water Restriction Notice'** means a notice issued where there is a contamination of the Water Supply and boiling is not sufficient to make the water potable. Drinking Water Restriction

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<sup>11</sup> Definition applied as per Section 105 of the 2007 Water Services Act.

Notices are typically caused by chemical contamination with an immediate risk to public health, for example, pesticides.

**‘Dwelling’** means a Premises occupied by a person as his or her place of private residence (whether or not as his or her Principal Private Residence).

**‘Emergency’** means any situation identified by Irish Water (acting in its discretion) to be an Emergency, including:

- a. an Emergency endangering persons and/or property; or
- b. where the Water Supply to the Customer or to other Customers is limited or unavailable; or
- c. an immediate threat to public health or the environment.

**‘Force Majeure’** means any individual or series of acts, events, omissions or non-events beyond a Party’s reasonable control or which could not have reasonably been prevented or the consequences of which could not have reasonably been prevented and which has the effect of preventing a party from complying with its obligations under Irish Water’s standard Terms and Conditions, including an Emergency, acts of God, riots, war, acts of terrorism, strikes (other than labour disputes involving Irish Water employees), fire, flood, storm, data virus, utility failure (other than a failure by Irish Water), drought, sonic boom, radiation contamination, earthquake or shortage or contamination of Water Supply.

**‘Irish Water’** means Irish Water (Uisce Éireann) a company incorporated in Ireland (company registration number 530363) and having (as at 1 October 2014) its registered office at 24-26 Talbot Street, Dublin 1.

**‘Large Water User’** means a Non-Domestic Customer whose annual water consumption exceeds<sup>12</sup> 50,000m<sup>3</sup>. For the purposes of the water charges plan, the Large Water User definition will be specifically used to segment Non-Domestic Customers for the purposes of applying discounts for water not fit for human consumption.

**‘Local Authority’** means the county council or city council (as defined in the Local Government Act 2001) responsible for the functional area in which the Premises is located.

**‘Local Authority Domestic Allowance’** means allowances available for Mixed Use Premise where water is used partly for Domestic Purposes, for which non-domestic charges are not levied, and partly for Non-Domestic Purposes, for which non-domestic charges are levied.

**‘Mixed Use Customer’** means a Customer occupying a Mixed Use Premises or otherwise liable for Non-Domestic charges in respect of such a Premises.

**‘Mixed Use Premises’** means Premises used partly as a person’s Dwelling and partly for business purposes which receive a Shared Supply of water, e.g. a supply serving both a farmhouse occupied as a sole or principal Dwelling and a farm; or, a shop and a flat occupied as a sole or principal Dwelling.

**‘Non-Domestic Customer’** means a Customer occupying a Non-Domestic Premises or otherwise liable for charges in respect of such a Premises.

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<sup>12</sup> The 50,000m<sup>3</sup> threshold is widely used in the UK as a threshold for Large Water Users, for example Welsh Water (categorise industrial Customers using potable water by consumption in excess of 50,000 m<sup>3</sup> see page 22). Also see Severn Trent and Thames Water (page 2).

**‘Non-Domestic Premises’** means a Premises in which Water Services are used for Non-Domestic Purposes, defined in the Water Services Act 2007 as (a) agriculture or horticulture, (b) any trade, industry or business, (c) any purpose incidental to a household or private garden if the water is drawn otherwise than from a tap inside the household or if a hosepipe or other similar apparatus is used, (d) central heating other than the central heating of a household; (e) apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating water.

**‘Occupier’** means in relation to a Premises, the person or legal entity for the time being entitled to the occupation of the Premises, which person shall, unless proven otherwise be deemed to be the Owner.

**‘Owner’** means, in relation to a Premises, a person or legal entity who, whether for themselves or as a trustee or agent for any other person or legal entity, is entitled to receive the rent of the Premises (or where the Premises are not let at a rent, would be so entitled if they were let), provided that nothing in this definition shall capture:

- a. a person who has defaulted on their mortgage and so is not in possession of their home;
- b. an agent acting in its capacity as a commercial agent for the sale, lease or rent of the Premises; or
- c. an executor or administrator of the estate of which the Premises forms part.

**‘Premises’** includes any part of any public or private building, vessel, vehicle, structure or land (whether or not there are structures on the land and whether or not the land is covered with water), and any plant or related accessories on or under such land, or any hereditament of tenure, together with any out-buildings and Curtilage, but does not include land which is a Public Road, a road which is the subject of an order under Section 11 of the Roads Act 1993 or a road for which a Local Authority is responsible in accordance with a non-statutory Local Authority taking in charge scheme.

**‘Principal Private Residence’** means the building or part of a building occupied and declared by the Registered Occupier as his or her only or main residence.

**‘Registered Occupier’** means, in relation to a Premises, the Occupier with an account registered with Irish Water for that Premises.

**‘Sewer’** means drainage pipes and Sewers of every description (excluding Storm Water Sewers), owned by, vested in or controlled (on a permanent basis) by Irish Water, but does not include a Customer Drain or Connection.

**‘Shared Supply’** means a water service pipe that serves more than one Customer.

**‘Standing Charge’** means a fixed charge per day applied to Non-Domestic Customers which seeks to recover some of Irish Water’s fixed costs associated with providing Water Supply.

**‘Storm Water’** means rainwater run-off that enters any pipe.

**‘Storm Water Sewer’** means any pipe or other conduit (a) used solely for the conveyance of Storm Water; or (b) designed or intended to be used for the conveyance of Storm Water (whether or not it is connected to a Sewer by a Storm Water overflow within the meaning of the Wastewater Discharge (Authorisation) Regulations 2007 (SI No 684 of 2007)).

**‘Terms and Conditions’** means the Terms and Conditions which are used by Irish Water as part of the manner and method by which its charges are calculated so that it performs its functions in a commercially viable manner in accordance with Section 22 of the 2013 Act. Such Terms and Conditions form a constituent part of this Water Charges Plan.

**‘Threshold Amount’** means the 213,000 litres per year Threshold Amount as specified in the Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017. Charges to Domestic

Customers will only apply in cases where the volume of Water Services consumed exceeds the annual Threshold Amount.

**'Volumetric Charge'** means the charge per m<sup>3</sup> (cubic metre) of water supplied or Wastewater discharged - 1 m<sup>3</sup> is equal to 1,000 litres.

**'Wastewater'** means Sewage or other Sewage Effluent discharged, or to be discharged, to a Customer Drain, Connection or Sewer but does not include Storm Water<sup>13</sup>.

**'Water Main'** means Water Supply pipes owned by, vested in or controlled by Irish Water but does not include pipes, fittings and appliances in respect of service Connections or Customer distribution Systems.

**'Water Services'** means all services, including the provision of water intended for human consumption, which provide storage, measurement, treatment or distribution of surface water, ground water or water supplied by Irish Water, or Wastewater collection, storage, measurement, treatment or disposal.

**'Water Service Type'** means the type of Irish Water service a Customer is in receipt of, specifically Water Supply service, Wastewater service, Combined Service or neither.

**'Water Supply'** means water supplied by the public Water Main.

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<sup>13</sup> The 2013 Water Services Act excludes the provision, operation or maintenance of Storm Water Sewers from the general functions of Irish Water.

## Appendix 2 – Context to water charges plan

The application, assessment and recovery of charges under this charges plan is subject to the provisions of the 2013 and 2017 Acts. Part 3 of the 2013 Act provides Irish Water with the power to charge Customers supplied by Irish Water in order to allow the creation of a new sustainable funding model for the delivery of Water Services in Ireland. The 2017 Act amends Section 21 of the 2013 Act. Section 21 (6A) provides that 'Irish Water shall not charge for the provision of Water Services (other than Water Services referred to in subsection (7)) to a Dwelling'. Section 21 (7) provides that 'Irish Water shall charge for the following Water Services to a Dwelling:

- (a) services that exceed the Threshold Amount;
- (b) connection to the public Water Main and public Sewer; and
- (c) reading and testing of water meters requested by a Domestic Customer.

The charges levied by Irish Water shall be calculated in accordance with a water charges plan<sup>14</sup> which will be subject to the approval of the CRU. The CRU is the economic regulator of Irish Water and Section 39(2) of the 2013 Act sets out matters that the CRU must have regard to when carrying out its functions. Section 22 of the 2013 Act provides for Irish Water to submit to the CRU a plan (referred to as a "water charges plan") for the charging of Customers for the provision of Water Services. Section 22 of the 2013 Act also sets out Irish Water's responsibilities with respect to what we should include in our water charges plan, covering:

- That the water charges plan shall apply in respect of such period as the CRU shall direct;
- The manner and method by which Irish Water shall charge each Customer for the provision of water;
- The costs likely to be incurred by Irish Water in the performance of its functions during the period to which the water charges plan relates;
- That the water charges plan may, where the quantity of water supplied to a Premises is measured by a meter, make provision for charges to be calculated by reference to the quantity of water supplied to, and the quantity of Wastewater discharged from, that Premises;
- That the water charges plan may, where the quantity of water supplied to a Premises is not measured by a meter, make provision for charges to be calculated by reference to an assessment by Irish Water of the quantity of water supplied to the Premises concerned, and the quantity of Wastewater discharged from, the Premises concerned;
- That the water charges plan may make provision for charges in respect of the provision of a service Connection to or in respect of a Premises.

The water charges plan may specify:

- different methods in relation to different classes of Customer as respects the calculation of water charges;
- different rates of charge as respects different classes of Customer; and
- different methods of payment in respect of water charges.

Irish Water shall, when preparing a water charges plan, take account of the following matters:

- a) the need to ensure that Irish Water performs its functions in a commercially viable manner;
- b) the public utility nature of its functions; and
- c) the need to maintain a balance between the matters referred to in (a) and (b).

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<sup>14</sup> Part 3, Section 22 of the 2013 Act specifically refers to Irish Water responsibilities with respect to its water charges plan.

All of those methods, rates and other associated matters in connection with the charging of Customers will be set out in Irish Water's Terms and Conditions.

Following a period of consultation, the water charges plan was published by the CRU on 30<sup>th</sup> September 2014 in accordance with its powers under Section 22 of the 2013 Act. However, the 2014 Act gave effect to Government decisions on water charging which had implications for the water charges previously approved by the CRU. Section 3 (8) provided that 'the charging of Domestic Customers of Irish Water for the provision of water services provided for in this section was deemed to be part of the approved water charges plan'. Section 3 (9) provided that 'Irish Water shall make any consequential amendments to the approved water charges plan necessary to provide for the matters provided for in this section'. Section 3 (10) provided that 'Irish Water shall when amending the water services plan under subsection (9) submit any part of the amended plan which is consequential to its amendment to the CRU for approval under section 22(8) of the No. 2 Act of 2013'. Irish Water charged Domestic Customers for domestic Water Services in accordance with the arrangements set out in the 2014 Act for the period 1<sup>st</sup> January 2015 until 31<sup>st</sup> March 2016.

The 2016 Act was passed on the 26<sup>th</sup> July 2016 suspending billing for domestic Water Services for at least 9 months. The 2017 Order (Amendment) extended the period of suspension to 31<sup>st</sup> December 2017. The 2016 Act amended section 3 of the 2014 Act by inserting subsection (1A)(a) which provided that 'Irish Water shall not charge for Water Services provided to a Dwelling in respect of the period (in this subsection referred to as the 'first-mentioned period') commencing on 1<sup>st</sup> July 2016 and ending on 31<sup>st</sup> March 2017'. Subsection (1A)(b) allowed for an extension to the 9 month period by providing that 'the Minister ... may... make an order extending the first-mentioned period...'. The first mentioned period as prescribed in subsection (1A)(a) of Section 3 of the Water Services Act 2014 (as inserted by Section 2 of the Water Services (Amendment) Act 2016) was extended by the 2017 Order (Amendment) to the 31<sup>st</sup> December 2017.

Subsection (1A)(e) of the 2016 Act, together with the 2017 Order (Amendment), further provided that Irish Water shall not before 31<sup>st</sup> December 2017 'issue a bill for Water Services provided to a Dwelling in respect of the period 1<sup>st</sup> April 2016 to 30<sup>th</sup> June 2016.

The 2017 Act discontinues all liability for charges for Water Services provided to a Dwelling from 1<sup>st</sup> April 2016 until 31<sup>st</sup> December 2018. Section 15 of the 2017 Act provides for the charging of Domestic Customers that exceed the Threshold Amount (excess use charges). Excess use charges will apply from 2019 and will be reflected in a future version of the water charges plan.

This document represents Irish Water's revised scheme of charges reflective of the deemed changes set out in the 2017 Act, their consequential impact and a number of previous Government and CRU directions which in totality comprise the water charges plan. Irish Water's scheme of charges should be read in conjunction with the following supporting documentation:

- CRU Water Charges Plan Decision;
- Water Services Act 2017<sup>15</sup>;
- The Water Services Act 2007 (Threshold Amount and Allowance Amount) Order 2017, Statutory Instrument 597 of 2017, signed 20<sup>th</sup> December 2017;
- Water Services Act 2014<sup>16</sup>;
- Water Services Act 2007<sup>17</sup>;
- Water Charges Plan Supporting Information [CER14407 A 03](#);
- Modified Water Charges Plan Additional Information<sup>18</sup>;

<sup>15</sup> [Water Services Act 2017 \(Act No. 29 of 2017\)](#) 17<sup>th</sup> November 2017.

<sup>16</sup> [Water Services Act \(Act No. 44 of 2014\)](#) 28<sup>th</sup> December 2014.

<sup>17</sup> [Water Services Act 2007 \(Act Non. 30 of 2007\)](#) 14<sup>th</sup> May 2007.

<sup>18</sup> [CER15004 Water Charges Plan Supporting Information](#).

- Government Announcement on Water Allowances<sup>19</sup>;
- Water Charges Policy Direction 2014<sup>20</sup>;
- Allowed Revenue Determination<sup>21</sup> [CER/16/342]
- Domestic Tariff Design Principles<sup>22</sup>;
- Non-Domestic Interim and Enduring tariff arrangements<sup>23</sup>;
- Method for Applying Discounts for Water not Fit for Human Consumption to Large Non-Domestic Customers<sup>24</sup>;
- Water Quality and Large Non-Domestic Customer Tariff Discounts – CRU approved process<sup>25</sup>;
- Irish Water Domestic Customer Handbook<sup>26</sup>;
- Irish Water Non-Domestic Customer Handbook<sup>27</sup>; and
- Irish Water Terms and Conditions<sup>28</sup>.

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<sup>19</sup> [Government outlines free allowance for water and funding for Irish Water](#) 6<sup>th</sup> May 2014.

<sup>20</sup> [Water Charges Policy Direction 2014](#) 2<sup>nd</sup> July 2014.

<sup>21</sup> [Decision on Irish Water Revenue for 2017 to 2018](#) 12<sup>th</sup> December 2016.

<sup>22</sup> Irish Water submitted its proposals to CRU on Domestic Tariff Design Principles: click to view [Irish Water Domestic Tariff Design Proposals](#).

<sup>23</sup> Irish Water submitted its proposals to CRU on Non-Domestic Interim and Enduring Tariff Arrangements, click to view [Irish Water Non-domestic Interim and Enduring Arrangements](#).

<sup>24</sup> [Method for applying discounts for water not fit for human consumption to large non-domestic customers](#) CER/15/182 2015

<sup>25</sup> [Water Quality and Large Non-Domestic Customer Tariff Discounts - CRU approved process](#) CRU/15/183

<sup>26</sup> [Irish Water Domestic Customer Handbook](#), CRU/17/319, 14<sup>th</sup> November 2017.

<sup>27</sup> [Irish Water Non-Domestic Customer Handbook](#), CRU/17/318, 14<sup>th</sup> November 2017.

<sup>28</sup> [Irish Water Terms and Conditions for Water Services - Domestic Customers](#) 2<sup>nd</sup> October 2017.