

## **Disconnections**

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## Introduction

This Disconnections document is an important tool for the water industry in Scotland, offering clarity and consistency in the procedures to be adopted for disconnections<sup>1</sup>. However, disconnection of services, whether permanent or temporary, should be regarded as a last resort relied upon only when other means of encouraging the appropriate behaviour from customers have failed.

The Water Services etc. (Scotland) Act 2005 (the “WSSA”) requires the Water Industry Commission for Scotland (“the Commission”) to produce and publish a disconnections code (“the Code”). Section 19 of the WSSA indicates that the Code should contain provisions about disconnections of water services requested by water service providers under section 18. Section 18(6) of the WSSA requires water service providers and Scottish Water to comply with the provisions of the Code.

This Disconnections document sets out the Code produced by the Commission.

As well as setting out the Code, this Disconnections document includes other material relating to disconnections which does not fall under section 19 of the WSSA. These provisions include the other circumstances in which disconnections of water services may occur as well as the circumstances in which trade effluent services may be discontinued. Further, this Disconnections document sets out provisions relating to reconnections.

This Disconnections document therefore sets out all the circumstances in which disconnections may occur and the processes to be adopted to effect them.

It is the Commission’s intention to enforce this Disconnections document on all Licensed Providers through the Standard Licence Conditions (“SLCs”) and on Scottish Water by the Water Services (Codes and Services) Directions 2007.

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<sup>1</sup> In this Disconnection document a “disconnection” includes any disconnection, discontinuation or restriction of water or trade effluent services.

## Objectives

The objectives of this Disconnections document are:

- To protect non-household customers by ensuring that they are given due notice of any intention to disconnect water services or discontinue trade effluent services to their premises;
- To delineate the respective responsibilities of service providers and Scottish Water with respect to disconnections; and
- Ensure that all processes associated with the disconnection, discontinuation and reconnection of services are clearly documented and that they are transparent and available to any interested party.

In developing this Disconnections document the Commission has taken into account comments submitted by stakeholders in response to the June 2006 “Applications Materials” consultation and the Commission’s consultation on this Disconnections document held in September 2007.

## Hierarchy

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

- (i) any law;
- (ii) the Disconnections document.

## Review

The Commission will conduct annual reviews of the Disconnections document and would 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 immediate change is necessary (e.g. to ensure consistency with revisions to law).

## Information requested by a licensed service provider

In the event that an Incoming Licensed Provider<sup>2</sup> is appointed to replace an Outgoing Licensed Provider<sup>3</sup>, or where requested by an existing water service and/or sewerage service provider, Scottish Water shall notify the relevant service provider of any of its non-household customers who are either currently the subject of a disconnection process or are about to be the subject of a disconnection process under this Disconnections document.

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<sup>2</sup> As defined under the Market Code

<sup>3</sup> As defined under the Market Code

## **Grounds for disconnection**

The Commission has decided that only the *temporary* disconnection of a non-household customer's water supply may be requested by a water service provider. Likewise, only the *temporary* disconnection of a non-household customer's trade effluent services may be requested by a water services provider or a sewerage services provider. A temporary disconnection is where water or trade effluent services are disconnected but are capable of being reconnected again in the future without a change of supply point.

As a water service and/or sewerage service provider may not request the permanent disconnection of its non-household customer's services, a permanent disconnection can only occur if:

1. A non-household customer requests it; or
2. A non-household customer is found to have illegally used water services and/or sewerage services; or
3. A temporary disconnection continues for a period in excess of 3 (three) months.

Should a non-household customer's water services and/or trade effluent services be permanently disconnected, such services may only be reconnected by way of a service provider making an application on behalf of a non-household customer to register a new supply point in accordance with the provisions of the Market Code.

### *Grounds for temporary disconnection*

The following are legitimate grounds for the temporary disconnection of a non-household customer's water supply under the Code:

- A request by a water service provider following non-payment of an amount properly due for water services; or
- A request by a water service provider due to a non-household customer denying access to a water meter; or
- A request by a water service provider due to a non-household customer refusing to provide a refundable security deposit required under the terms of any agreement between the non-household customer and its water service provider.

The following are other legitimate grounds for the temporary disconnection of a non-household customer's water services:

- Breach of a water byelaw; or
- Customer request.

The following are legitimate grounds for temporary disconnection of a non-household customer's trade effluent services:

- A request by a sewerage service provider following non-payment of an amount properly due for sewerage services; or
- A request by a sewerage service provider due to a non-household customer refusing to provide a refundable security deposit required under the terms of any agreement between the non-household customer and its sewerage service provider; or
- Breach of a trade effluent consent; or
- Customer request.

Sewerage service providers may request that Scottish Water discontinues trade effluent services, in accordance with section 20 of the WSSA. The Commission acknowledges, however, that in practice it is not usually possible to discontinue trade effluent services. Instead, it is more common to address the behaviour of trade effluent customers through court proceedings. Nevertheless, the processes included here will allow sewerage service providers to pursue the discontinuation route if they so choose.

Under section 20 of the WSSA discontinuation of sewerage services is not permitted on public health grounds.

For each of the circumstances listed above, a temporary disconnection process is outlined below (all processes are consistent with the provisions of sections 18 and 20 of the WSSA).

### *Grounds for permanent disconnection*

The following are legitimate grounds for the permanent disconnection of water services and/or trade effluent services:

- Customer request; or
- Illegal use, or suspected illegal use of water services and/or sewerage services; or
- Continuation of a temporary disconnection for a period in excess of 3 (three) months.

Scottish Water may initiate a temporary or permanent disconnection only where the behaviour of a non-household customer is (or has the potential of) adversely impacting Scottish Water's water services and/or sewerage network(s), including where the disconnection is necessary to ensure public safety. This Disconnections document does not give Scottish Water any new powers to disconnect. Scottish Water's duties in respect of enforcement are set out in legislation and Byelaws and it should use the correct legal avenue for any enforcement action it needs to take. The processes included here merely set out the respective roles and responsibilities of Scottish Water and licensed service providers in carrying out temporary and permanent disconnections initiated by Scottish Water.

## **Non-household customers experiencing payment difficulties**

One reason for the supply of utility services to be disconnected is where a non-household customer has failed to pay its bills. Though disconnection of services to non-household customers occurs on a temporary basis initially (but with the possibility of a disconnection becoming permanent), it is important that disconnection occurs as infrequently as possible. This section therefore identifies the steps to be taken by service providers to offer help to non-household customers experiencing difficulties in paying their bills.

### **Accurate billing**

Non-household customers can find themselves in arrears where inaccurately estimated bills have been issued, or where their service provider has made billing errors. To reduce the risk of non-household customers finding themselves in such situations, it is important that service providers issue accurate and timely bills.

### **Pro-active customer contact**

In collecting overdue payments, companies have reported that their main problem is in contacting the customer.<sup>4</sup> Once contact has been made, it can be relatively easy to agree a payment arrangement. It is therefore important that, before resorting to disconnection, service providers attempt to establish contact in a variety of ways (e.g. telephone, mail or by visiting the non-household customer's premises). The timing of repeated attempts should be varied, to increase the likelihood of success in contacting the non-household customer.

### **Shortened collection period**

If a non-household customer has been issued with:

- Reminder letters in respect of three consecutive bills, or
- Two consecutive Disconnection Warning Notices,

the service provider is entitled to place that non-household customer on a shortened collection period.

Before placing a non-household customer on a shortened collection period, the service provider must:

- Warn the non-household customer that receipt of a third reminder letter (or second Disconnection Warning Notice) will result in that non-household customer being placed on a shortened collection period. This warning should be given *before* issuing the third consecutive reminder letter (e.g. in the invoice issued after a second successive reminder letter) or the second consecutive Disconnection Warning Notice (e.g. in the invoice issued after a Disconnection Warning Notice).

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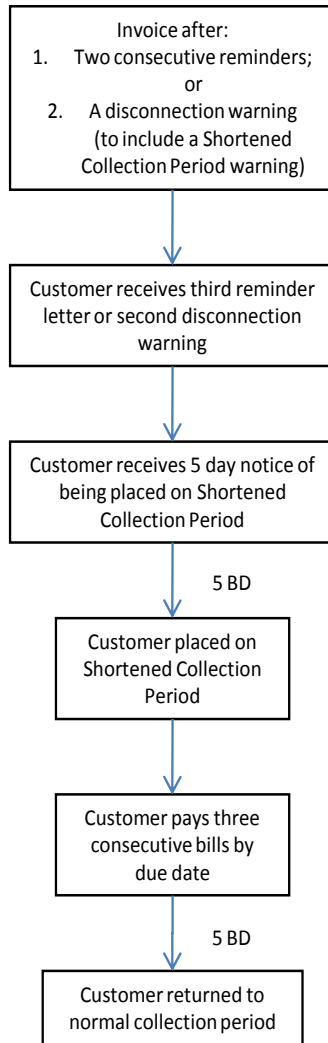
<sup>4</sup> From the Ofwat publication, "Dealing with Customers in Debt – Guidelines", October 2002

- Immediately before placing the non-household customer on a shortened collection period, the service provider should issue a notice to that non-household customer, informing it that it will be placed on a shortened collection period from a date not less than 5 business days from the date of the notice. The notice should also:
  - Inform the non-household customer that, when on a shortened collection period, it will not receive reminder letters. This means that if bills are not paid by the due date, the service provider will be allowed to issue a Disconnection Warning Notice immediately, without issuing a reminder letter;
  - Inform the non-household customer that it must pay three consecutive bills by the due date to return to its usual collection period;
  - Inform the non-household customer of the alternative payment methods available;
  - Provide contact details for the non-household customer to find out more about the shortened collection period or paying by a different method; and
  - Include the service provider's dispute resolution process.

The process for transferring a non-household customer to a shortened collection period is shown at Figure 1.

If a non-household customer on a shortened collection period pays three consecutive bills on time, it must be returned to its normal collection period within five business days.

**Figure 1: Shortened Collection Period**



**Key:**  
**5 BD = 5 Business Days**

## Budget plans

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

In agreeing a budget plan with a non-household customer, the service provider must (inter alia):

- Set out the number, size and date of the payments to be made under the budget plan;
- Estimate the non-household 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 estimate and actual consumption differ by more than 10%; and
- Offer the choice<sup>5</sup> of:
  - a plan that allows the non-household customer to pay in advance towards its next bill; and
  - a plan allowing the non-household customer to pay in arrears while continuing to consume water services and/or sewerage services.

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<sup>5</sup> The service provider may demand advance payment if the budget plan has been agreed as an alternative to a refundable deposit

## Limitations on Disconnections

Notwithstanding the disconnection processes set out in the sections below, temporary and/or permanent disconnection (other than in an emergency situation) is not permitted:

1. If the temporary disconnection is proposed to address non-payment of an amount properly due, and the outstanding amount is below the threshold level of £300;
2. If the non-household customer has reasonably made a complaint directly related to the issue for which temporary disconnection is proposed and all reasonable steps have not been taken to resolve the complaint using the licensed provider's internal complaints handling procedures;<sup>6</sup>
3. If the non-household customer is a 'sensitive customer', as defined in the Operational Code;
4. After 3pm on a weekday (12 noon on a Friday);
5. On a weekend, public holiday or business day immediately before a public holiday;
6. If water services for domestic purposes at the affected premises will be adversely affected by the disconnection of the non-household customer's water services to the premises;
7. If water services for any purpose to any other premises will be adversely affected by disconnection of water services to the affected premises;
8. If water services for public use, e.g. for fire fighting, will be adversely affected by disconnection of water services to the affected premises;
9. 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<sup>7</sup>;
10. 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<sup>8</sup>; or
11. If there is a likely risk to public health arising in consequence of the discontinuation of trade effluent services.<sup>9</sup>

Disconnection of sewerage services is not permitted, except where a permanent disconnection is requested by the non-household customer. In those circumstances, the customer's sewerage service provider should make arrangements with Scottish Water who will assess whether the request can be granted.

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<sup>6</sup> 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.

<sup>7</sup> In accordance with section 20(11)(a)(i) of the WSSA

<sup>8</sup> In accordance with section 20(11)(a)(ii) of the WSSA

<sup>9</sup> In accordance with section 20(11)(b) of the WSSA

## **Disconnection processes**

### **Standard and Non-standard temporary disconnection processes**

In some circumstances, to effect a temporary disconnection, it is necessary for Scottish Water to carry out work on public footpaths or roads or on land owned by a third party. In such cases, Scottish Water may require additional time to secure the necessary access or to inform other utilities of its intention to carry out work.

Similarly, where the connection point (where the disconnection is to be effected) is located on the relevant non-household customer's own land, additional time may be required for Scottish Water to gain access to the connection point if it is located in a non-standard location (e.g. behind masonry).

Consequently, set out below are two separate processes – one for standard temporary disconnections and a second for non-standard temporary disconnections. Both processes include the same steps, but longer timescales apply for non-standard temporary disconnections.

### **Standard temporary disconnection process**

The standard temporary disconnection process will apply where:

- The physical location of supply point is on the affected non-household customer's private property; and
- The supply point is not located such that access to it is difficult (e.g. no need to remove masonry, etc to access the connection point).

### **Non-standard temporary disconnection process**

The non-standard temporary disconnection process applies where:

- The physical location of the supply point is on ground owned by a third party, where Scottish Water is required to secure access to the connection point; or
- The physical location of the supply point is on public ground and excavation of the footpath/road requires prior notification to other utilities / authorities under the New Roads and Streetworks Act 1991; or
- Where the supply point is located on the affected non-household customer's private property, but access to the connection point is difficult.

The two temporary disconnection processes are set out schematically in Appendix 1. Table 1, below, highlights the steps in the process where timescales differ for standard versus non-standard temporary disconnections.

**Table 1: standard and non-standard temporary disconnections**

Action	Permitted timescales	
	Standard temporary disconnection	Non-standard temporary disconnection
Determine whether Standard or Non-Standard process will apply	2 business days	2 business days
Visit site to check viability	2 business days <sup>10</sup>	12 business days
Report findings to service provider (including cost estimate for required works)	1 business day	3 business days
Agree appointed time for disconnection	2 business days	12 business days

<sup>10</sup> If a non-household customer refuses entry to their premises, this timescale will start from the date on which Scottish Water is able to gain entry to the premises.

## Individual Disconnection processes

The following sections set out in more detail the steps involved in each of the different types of disconnection. The same basic steps apply in each case, but some of the conditions etc. differ depending on the reason for the disconnection.

### Disconnection of water services under the Code for non-payment of water services

Under the Code, a water service provider may arrange for a non-household customer's water services to be temporarily disconnected if that non-household customer has not paid an invoice properly due for water services.

1. If a non-household customer has not paid an invoice for water services properly due by the due date set out in the invoice, the water service provider sends 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 five business days after receipt of the reminder letter;
- Include a request that any non-household customer experiencing payment difficulties should contact the water service provider immediately (on a given number) to agree a budget plan; and
- Specify the process to be followed in the case of disputed bills.

2. The water service provider may issue a Disconnection Warning Notice:

- If, by the new due date (set out in the reminder letter), payment has not been received and the non-household customer has not agreed a budget plan; or
- If the non-household customer has been placed on a shortened collection period and has not paid an invoice properly due by the date set out in the invoice; or
- The non-household customer has missed a payment under the agreed budget plan for the third time; or
- The non-household customer has missed a second consecutive payment under the agreed budget plan.

3. The Disconnection Warning Notice:

- Must be of form and content consistent with those prescribed by order by the Scottish Ministers<sup>11</sup> (see Appendix 2); and
- Must be copied to Scottish Water, the Commission, the non-household customer's sewerage service provider (if applicable) and, if the non-household customer is not the occupier of the affected premises, to the occupier of the affected premises.<sup>12</sup>

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<sup>11</sup> Section 5 of the Water Services and Sewerage Services Licences (Scotland) Order 2006.

<sup>12</sup> Section 18(2) of the WSSA.

4. Within 10 days of the date of service of the Disconnection Warning Notice, the occupier of the affected premises may make representations to the water service provider.

5. The water service provider must have regard to any such representations and must not proceed with disconnection if:

- The occupier has provided evidence that it is not liable to pay the outstanding debt (e.g. if its 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 service provider must inform the occupier of its conclusion regarding the representations made to it.

6. If none of these circumstances applies and none of the circumstances set out above in the 'Limitations on disconnections' section apply then, not less than 14 days after serving the Disconnection Warning Notice in terms of paragraph 3 above, the water service provider may issue a Disconnection Request to Scottish Water. The form and content of the Disconnection Request is set out in Appendix 3. A copy of the Disconnection Request must be sent to the non-household customer's sewerage service provider (if applicable).

7. At the time of issuing a Disconnection Request to Scottish Water, the water service provider may request Scottish Water completes the disconnection at the time of the doing the site visit referred to below, provided that the survey reveals that standard disconnection charges apply. In these circumstances the Advanced Commitment Charge (as detailed in the Wholesale Charges Scheme) will apply.

8. Within two business days of receiving the Disconnection Request, Scottish Water shall confirm to the water service provider whether the standard or non-standard temporary disconnection process (as set out in Table 1 above) shall apply for the requested temporary disconnection.

9. Within the appropriate timescale set out in Table 1 above, Scottish Water shall visit the affected premises to check that the requested temporary disconnection would not adversely affect:

- Services to any other premises, for any purpose; or
- Water services for public use, e.g. for fire fighting.

Where such services would be adversely affected, disconnection will not be permitted.

10. Scottish Water notifies the water service provider of its findings in accordance with the appropriate timescale set out in Table 1 above.

- If temporary disconnection is viable, Scottish Water will advise the water service provider of the cost of the:
  - Survey Charge;
  - temporary disconnection;
  - possible permanent disconnection; and

- possible reconnection, in accordance with the Wholesale Charges Scheme<sup>13</sup>.
- If temporary disconnection is not viable, Scottish Water issues an invoice for its Survey Charge in accordance with the Wholesale Charges Scheme.

11. The water service provider thereafter confirms to Scottish Water, within five business days, its request for temporary disconnection. Scottish Water agrees to disconnect at an appointed time, in accordance with the appropriate timescale set out in Table 1 above.

12. If, in the period between making the appointment and the time of the appointment, the non-household customer pays the overdue amount, or enters into a budget plan to repay overdue sums, the water service provider contacts Scottish Water and the appointment to disconnect is cancelled.

13. Otherwise, Scottish Water personnel disconnect at the appointed time.

14. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

15. Scottish Water issues an invoice for its Survey Charge and the costs associated with the temporary disconnection, in accordance with the Wholesale Charges Scheme.

16. Disputes regarding the level of reasonable costs payable by the water service provider to Scottish Water for its services in association with temporary disconnection (including its Survey Charge) may be referred to the Commission for determination. Such determination is final<sup>14</sup>. The Disconnections Disputes Handling Process is set out at Appendix 6.

17. For the period of the temporary disconnection, Scottish Water may continue to charge Meter Based Annual charges in accordance with the Wholesale Charges Scheme.

18. Once a temporary disconnection for non-payment has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, that temporary disconnection shall become a permanent disconnection. Within two business days of permanent disconnection, Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The standard and non-standard processes set out in Appendix 1 provide a summary of the process for temporary disconnection for non-payment of water services.

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<sup>13</sup> Where the services provided to a non-household customer are shared with another non-household or a household customer, Scottish Water must advise the water service provider of the cost of effecting a disconnection by way of splitting the shared services.

<sup>14</sup> Section 18(9) of the WSSA

## **Disconnection of water services under the Code for denying access to a water meter**

Under the Code, a water service provider may arrange for a non-household customer's water services to be temporarily disconnected if that non-household customer denies access to a water meter.

1. The water service provider may issue a Disconnection Warning Notice if:
  - A meter is inaccessible for 12 consecutive months; and
  - The water service provider (or meter reader) has used reasonable endeavours to give the non-household customer the opportunity to offer reasonable access (including contact in person or by phone); and
  - On each occasion that the meter was not accessible, the non-household customer was given a notice requesting access to the meter (see Appendix 7); and
  - Due to acts or omissions by the non-household customer, the meter remains inaccessible.
2. The Disconnection Warning Notice:
  - Must be of form and content consistent with those prescribed by order by the Scottish Ministers<sup>15</sup> (see Appendix 2); and
  - Must be copied to Scottish Water, the Commission, the non-household customer's sewerage service provider (if applicable) and, if the non-household customer is not the occupier of the affected premises, to the occupier of the affected premises.<sup>16</sup>
3. Within 10 days of the date of service of the Disconnection Warning Notice, the occupier of the affected premises may make representations to the water service provider.
4. The water service provider must have regard to any such representations and must not proceed with disconnection if the occupier has provided access to the meter during the interim period. The water service provider must inform the occupier of its conclusion regarding the representations made to it.
5. If the meter remains inaccessible, if representations from the occupier do not prevent disconnection and if none of the circumstances set out above in the 'Limitations on disconnections' section apply then, not less than 14 days after serving the Disconnection Warning Notice in terms of paragraph 3 above, the water service provider may issue a Disconnection Request to Scottish Water. The form and content of the Disconnection Request is set out in Appendix 3. A copy of the Disconnection Request must be sent to the non-household customer's sewerage service provider (if applicable).
6. At the time of issuing a Disconnection Request to Scottish Water, the water service provider may request Scottish Water completes the disconnection at the time of the doing the site visit referred to below, provided

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<sup>15</sup> Section 5 of the Water Services and Sewerage Services Licences (Scotland) Order 2006

<sup>16</sup> Section 18(2) of the WSSA.

that the survey reveals that standard disconnection charges apply. In these circumstances the Advanced Commitment Charge (as detailed in the Wholesale Charges Scheme) will apply.

7. Within two business days of receiving the Disconnection Request, Scottish Water shall confirm to the water service provider whether the standard or non-standard temporary disconnection process (as set out in Table 1 above) shall apply for the requested temporary disconnection.

8. Within the appropriate timescale set out in Table 1 above, Scottish Water shall visit the affected premises to check that the requested temporary disconnection would not adversely affect:

- Services to any other premises, for any purpose; or
- Water services for public use, e.g. for fire fighting.

Where such services would be adversely affected, disconnection will not be permitted.

9. Scottish Water notifies the water service provider of its findings in accordance with the appropriate timescale set out in Table 1 above.

- If temporary disconnection is viable, Scottish Water will advise the water service provider of the cost of the:
  - Survey Charge;
  - temporary disconnection;
  - possible permanent disconnection; and
  - possible reconnection,in accordance with the Wholesale Charges Scheme.<sup>17</sup>
- If temporary disconnection is not viable, Scottish Water issues an invoice for its Survey Charge in accordance with the Wholesale Charges Scheme.

10. The water service provider thereafter confirms to Scottish Water, within five business days, its request for temporary disconnection. Scottish Water agrees to disconnect at an appointed time, in accordance with the appropriate timescale set out in Table 1 above.

11. If, in the period between making the appointment and the time of the appointment, the non-household customer provides access to the meter, the water service provider contacts Scottish Water and the appointment to disconnect is cancelled.

12. Otherwise, Scottish Water personnel disconnect at the appointed time.

13. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

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<sup>17</sup> Where the services provided to a non-household customer are shared with another non-household or a household customer, Scottish Water must advise the water service provider of the cost of effecting a disconnection by way of splitting the shared services.

14. Scottish Water issues an invoice for its Survey Charge and the costs associated with the temporary disconnection, in accordance with the Wholesale Charges Scheme.

15. Disputes regarding the level of reasonable costs payable by the water service provider to Scottish Water for its services in association with the temporary disconnection (including costs for its Survey Charge ) may be referred to the Commission for determination. Such determination is final.<sup>18</sup> The Disconnections Disputes Handling Process is set out at Appendix 6.

16. For the period of the temporary disconnection, Scottish Water may continue to charge Meter Based Annual charges in accordance with the Wholesale Charges Scheme.

17. Once a temporary disconnection for denying access to a meter has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, that temporary disconnection shall become a permanent disconnection. Within two business days of permanent disconnection, Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The standard and non-standard temporary disconnection processes set out in Appendix 1 provide a summary of the process for temporary disconnection of water services under the Code for denying access to a water meter.

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<sup>18</sup> Section 18(9) of the WSSA

## **Disconnection of water services under the Code for failure to provide a refundable deposit**

Under the Code, a water service provider may arrange for a non-household customer's water services to be temporarily disconnected if that customer fails to provide a refundable deposit required by the contract between the water service provider and the non-household customer.

1. If the non-household customer fails to provide a refundable deposit by the due date established in its contract with the water service provider, the water service provider may issue a Disconnection Warning Notice.

2. The Disconnection Warning Notice:

- Must be of form and content consistent with those prescribed by order by the Scottish Ministers<sup>19</sup> (see Appendix 2); and
- Must be copied to Scottish Water, the Commission, the non-household customer's sewerage service provider (if applicable) and, if the non-household customer is not the occupier of the affected premises, to the occupier of the affected premises.<sup>20</sup>

3. Within 10 days of the date of service of the Disconnection Warning Notice, the occupier of the affected premises may make representations to the water service provider.

4. The water service provider must have regard to any such representations and must not proceed with disconnection if:

- The occupier has provided evidence that it is not liable to pay the refundable deposit (e.g. if its landlord has contracted with the water service provider for the provision of services to the premises); or
- The non-household customer has provided the refundable deposit.

The water service provider must inform the occupier of its conclusion regarding the representations made to it.

5. If none of these circumstances applies and if none of the circumstances set out above in the 'Limitations on disconnections' section apply then, not less than 14 days after serving the Disconnection Warning Notice in terms of paragraph 3 above, the water service provider may issue a Disconnection Request to Scottish Water. The form and content of the Disconnection Request is set out in Appendix 3. A copy of the Disconnection Request must be sent to the non-household customer's sewerage service provider (if applicable).

6. At the time of issuing a Disconnection Request to Scottish Water, the water service provider may request Scottish Water completes the disconnection at the time of the doing the site visit referred to below, provided that the survey reveals that standard disconnection charges apply. In these

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<sup>19</sup> Section 5 of the Water Services and Sewerage Services Licences (Scotland) Order 2006

<sup>20</sup> Section 18(2) of the WSSA.

circumstances the Advanced Commitment Charge (as detailed in the Wholesale Charges Scheme) will apply.

7. Within two business days of receiving the Disconnection Request, Scottish Water shall confirm to the water service provider whether the standard or non-standard temporary disconnection process (as set out in Table 1 above) shall apply for the requested temporary disconnection.

8. Within the appropriate timescale set out in Table 1 above, Scottish Water shall visit the affected premises to check that the requested temporary disconnection would not adversely affect:

- Services to any other premises, for any purpose; or
- Water services for public use, e.g. for fire fighting.

Where such services would be adversely affected, disconnection will not be permitted.

9. Scottish Water notifies the water service provider of its findings in accordance with the appropriate timescale set out in Table 1 above.

- If temporary disconnection is viable, Scottish Water will advise the water service provider of the cost of the:
  - Survey Charge;
  - temporary disconnection;
  - possible permanent disconnection; and
  - possible reconnection,

in accordance with the Wholesale Charges Scheme<sup>21</sup>.

- If temporary disconnection is not viable, Scottish Water should issue an invoice for its Survey Charge in accordance with the Wholesale Charges Scheme.

10. The water service provider thereafter confirms to Scottish Water, within five business days, its request for temporary disconnection. Scottish Water agrees to disconnect at an appointed time, in accordance with the appropriate timescale set out in Table 1 above.

11. If, in the period between making the appointment and the time of the appointment, the non-household customer provides the refundable deposit, the water service provider contacts Scottish Water and the appointment to disconnect is cancelled.

12. Otherwise, Scottish Water personnel disconnect at the appointed time.

13. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

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<sup>21</sup> Where the services provided to a non-household customer are shared with another non-household or a household customer, Scottish Water must advise the water service provider of the cost of effecting a temporary and permanent disconnection by way of splitting the shared services.

14. Scottish Water issues an invoice for its Survey Charge and the costs associated with the temporary disconnection, in accordance with the Wholesale Charges Scheme.

15. Disputes regarding the level of reasonable costs payable by the water service provider to Scottish Water for its services in association with the temporary disconnection (including its Survey Charge) may be referred to the Commission for determination. Such determination is final.<sup>22</sup> The Disconnections Disputes Handling Process is set out at Appendix 6.

16. For the period of the temporary disconnection, Scottish Water may continue to charge Meter Based Annual charges in accordance with the Wholesale Charges Scheme.

17. Once a temporary disconnection for failure to provide a refundable deposit has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, such disconnection shall become a permanent disconnection. Within two business days of permanent disconnection, Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The standard and non-standard temporary disconnection processes set out in Appendix 1 provide a summary of the process for temporary disconnection of water services under the Code for failure to provide a refundable deposit.

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<sup>22</sup> Section 18(9) of the WSSA.

## **Disconnection of Trade Effluent services for non-payment of sewerage bills**

A sewerage service provider may arrange for a non-household customer's trade effluent services to be disconnected if that non-household customer has not paid an invoice properly due for sewerage services.

1. If a non-household customer has not paid an invoice properly due for sewerage services by the due date set out in the invoice, the sewerage service provider sends 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 five business days after receipt of the reminder letter;
- Include a request that any non-household customer experiencing payment difficulties should contact the sewerage service provider (on a given number) immediately to agree a budget plan; and
- Specify the process to be followed in the case of disputed bills.

2. The sewerage service provider may issue a Disconnection Warning Notice:

- If, by the new due date (set out in the reminder letter), payment has not been received and the non-household customer has not agreed a budget plan; or
- If the non-household customer has been placed on a shortened collection period and has not paid an invoice properly due by the date set out in the invoice; or
- If the non-household customer has missed a payment under the agreed budget plan for the third time; or
- If the non-household customer has missed a second consecutive payment under the agreed budget plan.

3. The Disconnection Warning Notice:

- Must be of form and content consistent with those prescribed by order by the Scottish Ministers<sup>23</sup> (see Appendix 2); and
- Must be copied to Scottish Water, the Commission, the non-household customer's water services provider and, if the non-household customer is not the occupier of the affected premises, to the occupier of the affected premises.<sup>24</sup>

4. Within 10 days of the date of service of the Disconnection Warning Notice, the occupier of the affected premises may make representations to the service provider.

5. The sewerage service provider must have regard to any such representations and must not proceed with disconnection if:

- The occupier has provided evidence that it is not liable to pay the outstanding debt (e.g. if its landlord is the debtor); or

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<sup>23</sup> Section 6 of the Water Services and Sewerage Services Licences (Scotland) Order 2006

<sup>24</sup> Section 20(7) of the WSSA.

- The non-household customer has paid the overdue amount; or
- The non-household customer has agreed a budget plan for recovery of the overdue sum.

The sewerage service provider must inform the occupier of its conclusion regarding the representations made to it.

6. If none of these circumstances applies and if none of the circumstances set out above in the 'Limitations on disconnections' section apply, then, not less than 14 days after serving the Disconnection Warning Notice in terms of paragraph 3 above, the sewerage service provider may issue a Disconnection Request to Scottish Water. The form and content of the Disconnection Request is set out in Appendix 3. A copy of the Disconnection Request must be sent to the non-household customer's water service provider (if applicable).

7. Within two business days of receiving the Disconnection Request, Scottish Water shall confirm to the sewerage service provider whether the standard or non-standard disconnection process (as set out in Table 1 above) shall apply for the requested disconnection.

8. Within the appropriate timescale set out in Table 1 above, Scottish Water shall visit the affected premises to check that the requested disconnection would not:

- adversely affect the provision of sewerage to, or disposal of sewage from, the affected premises for a purpose other than in respect of trade effluent; or
- adversely affect the provision of sewerage to, or disposal of sewage from, any other premises for any purpose; or
- cause a likely risk to public health.

Where such services would be adversely affected or there would be a likely risk to public health, disconnection will not be permitted.

9. Scottish Water notifies the sewerage service provider of its findings in accordance with the appropriate timescale set out in Table 1 above.

- If temporary disconnection is viable, Scottish Water will advise the water service provider of the cost of the:
  - Survey Charge;
  - temporary disconnection;
  - possible permanent disconnection; and
  - possible reconnection,
 in accordance with the Wholesale Charges Scheme<sup>25</sup>.
- If temporary disconnection is not viable, Scottish Water issues an invoice for the cost of the Survey Charge in accordance with the Wholesale Charges Scheme.

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<sup>25</sup> Where the services provided to a non-household customer are shared with another non-household or a household customer, Scottish Water must advise the water service provider of the cost of effecting a temporary and permanent disconnection by way of splitting the shared services.

10. The sewerage service provider thereafter confirms to Scottish Water, within five business days, its request for temporary disconnection. Scottish Water agrees to disconnect at an appointed time, in accordance with the appropriate timescale set out in Table 1 above.

11. If, in the period between making the appointment and the time of the appointment, the non-household customer pays the overdue amount, or enters into a budget plan to repay overdue sums, the sewerage service provider shall contact Scottish Water and the appointment to disconnect shall be cancelled.

12. Otherwise, Scottish Water personnel disconnect at the appointed time.

13. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

14. Scottish Water issues an invoice for the cost of the Survey Charge and its reasonable costs associated with the disconnection, in accordance with the Wholesale Charges Scheme.

15. Disputes regarding the level of reasonable costs payable by the sewerage service provider to Scottish Water for its services in association with the temporary disconnection (including costs for its Survey Charge ) may be referred to the Commission for determination. Such determination is final.<sup>26</sup> The Disconnections Disputes Handling Process is set out at Appendix 6.

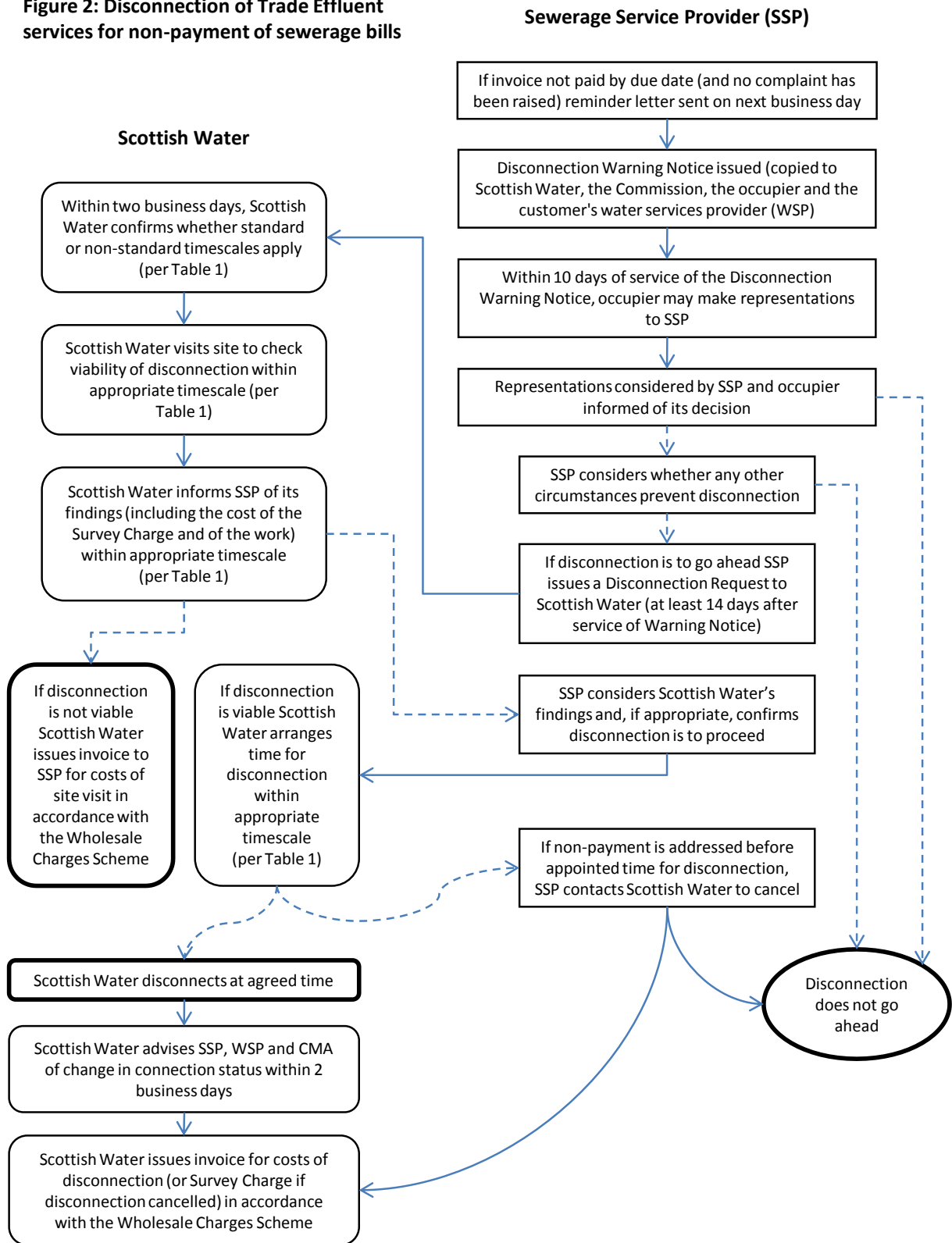
16. Once a temporary disconnection for non-payment of sewerage bills has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, such disconnection shall become a permanent disconnection. Within two business days of permanent disconnection Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The process for disconnection of trade effluent services for non-payment of sewerage bills is shown at Figure 2 below.

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<sup>26</sup> Section 20(13) of the WSSA.

**Figure 2: Disconnection of Trade Effluent services for non-payment of sewerage bills**



### ***Disconnection of Trade Effluent services for failure to provide a refundable deposit for sewerage services***

A sewerage service provider may arrange for a non-household customer's trade effluent services to be disconnected if that non-household customer fails to provide a refundable deposit required by the contract between the sewerage service provider and the non-household customer.

1. If the non-household customer fails to provide a refundable deposit by the due date established in its contract with the sewerage service provider, the sewerage service provider may issue a Disconnection Warning Notice.

2. The Disconnection Warning Notice:

- Must be of form and content consistent with those prescribed by order by the Scottish Ministers<sup>27</sup> (see Appendix 2); and
- Must be copied to Scottish Water, the Commission, the non-household customer's water service provider and, if the non-household customer is not the occupier of the affected premises, to the occupier of the affected premises.<sup>28</sup>

3. Within 10 days of the date of service of the Disconnection Warning Notice, the occupier of the affected premises may make representations to the service provider.

4. The sewerage service provider must have regard to any such representations and must not proceed with disconnection if:

- The occupier has provided evidence that it is not liable to pay the refundable deposit (e.g. if its landlord has contracted with the service provider for the provision of services to the premises); or
- The customer has provided the refundable deposit.

The sewerage service provider must inform the occupier of its conclusion regarding the representations made to it.

5. If none of these circumstances applies and if none of the circumstances set out in the 'Limitations on disconnections' section apply then, not less than 14 days after serving the Disconnection Warning Notice in terms of paragraph 3 above, the sewerage service provider may issue a Disconnection Request to Scottish Water. The form and content of the Disconnection Request is set out in Appendix 3 below. A copy of the Disconnection Request must be sent to the non-household customer's water service provider (if applicable).

6. Within two business days of receiving the Disconnection Request, Scottish Water shall confirm to the sewerage service provider whether the standard or non-standard temporary disconnection process (as set out in Table 1) shall apply for the requested disconnection.

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<sup>27</sup> Section 6 of the Water Services and Sewerage Services Licences (Scotland) Order 2006

<sup>28</sup> Section 20(7) of the WSSA.

7. Within the appropriate timescale set out in Table 1 above, Scottish Water shall visit the affected premises to check that the requested disconnection would not adversely affect:

- adversely affect the provision of sewerage to, or disposal of sewage from, the affected premises for a purpose other than in respect of trade effluent; or
- adversely affect the provision of sewerage to, or disposal of sewage from, any other premises for any purpose; or
- cause a likely risk to public health.

Where such services would be adversely affected or there would be a likely risk to public health, disconnection will not be permitted.

8. Scottish Water notifies the sewerage service provider of its findings in accordance with the appropriate timescale set out in Table 1 above.

- If temporary disconnection is viable, Scottish Water will advise the water service provider of the cost of the:
  - Survey Charge;
  - temporary disconnection;
  - possible permanent disconnection; and
  - possible reconnection,in accordance with the Wholesale Charges Scheme<sup>29</sup>.
- If temporary disconnection is not viable, Scottish Water will issue an invoice for the cost of the Survey Charge in accordance with the Wholesale Charges Scheme.

9. The sewerage service provider thereafter confirms to Scottish Water, within five business days, its request for temporary disconnection. Scottish Water agrees to disconnect at an appointed time, in accordance with the appropriate timescale set out in Table 1 above.

10. If, in the period between making the appointment and the time of the appointment, the non-household customer provides the refundable deposit, the sewerage service provider contacts Scottish Water and the appointment to disconnect is cancelled.

11. Otherwise, Scottish Water personnel disconnect at the appointed time.

12. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

13. Scottish Water issues an invoice for the cost of the Survey Charge and its reasonable costs associated with the disconnection, in accordance with the Wholesale Charges Scheme.

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<sup>29</sup> Where the services provided to a non-household customer are shared with another non-household or a household customer, Scottish Water must advise the water service provider of the cost of effecting a temporary and permanent disconnection by way of splitting the shared services.

14. Disputes regarding the level of reasonable costs payable by the sewerage service provider to Scottish Water for its services in association with the temporary disconnection (including costs for its Survey Charge ) may be referred to the Commission for determination. Such determination is final.<sup>30</sup> The Disconnections Disputes Handling Process is set out at Appendix 6.

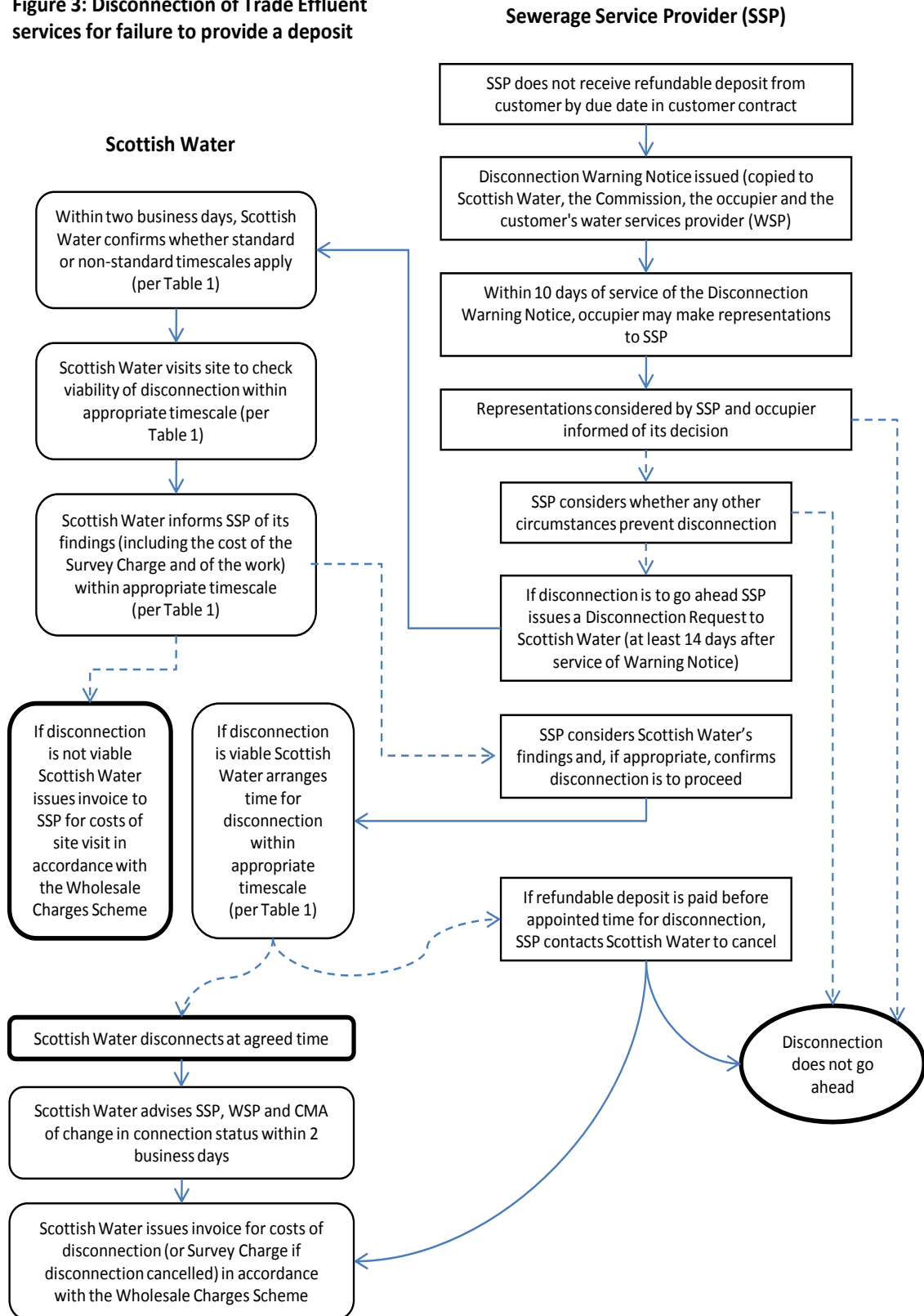
15. Once a temporary disconnection for failure to provide a refundable deposit has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, such disconnection shall become a permanent disconnection. Within two business days of permanent disconnection, Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The process for temporary disconnection of trade effluent services for failure to provide a refundable deposit is shown in Figure 3 below.

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<sup>30</sup> Section 20(13) of the WSSA.

**Figure 3: Disconnection of Trade Effluent services for failure to provide a deposit**



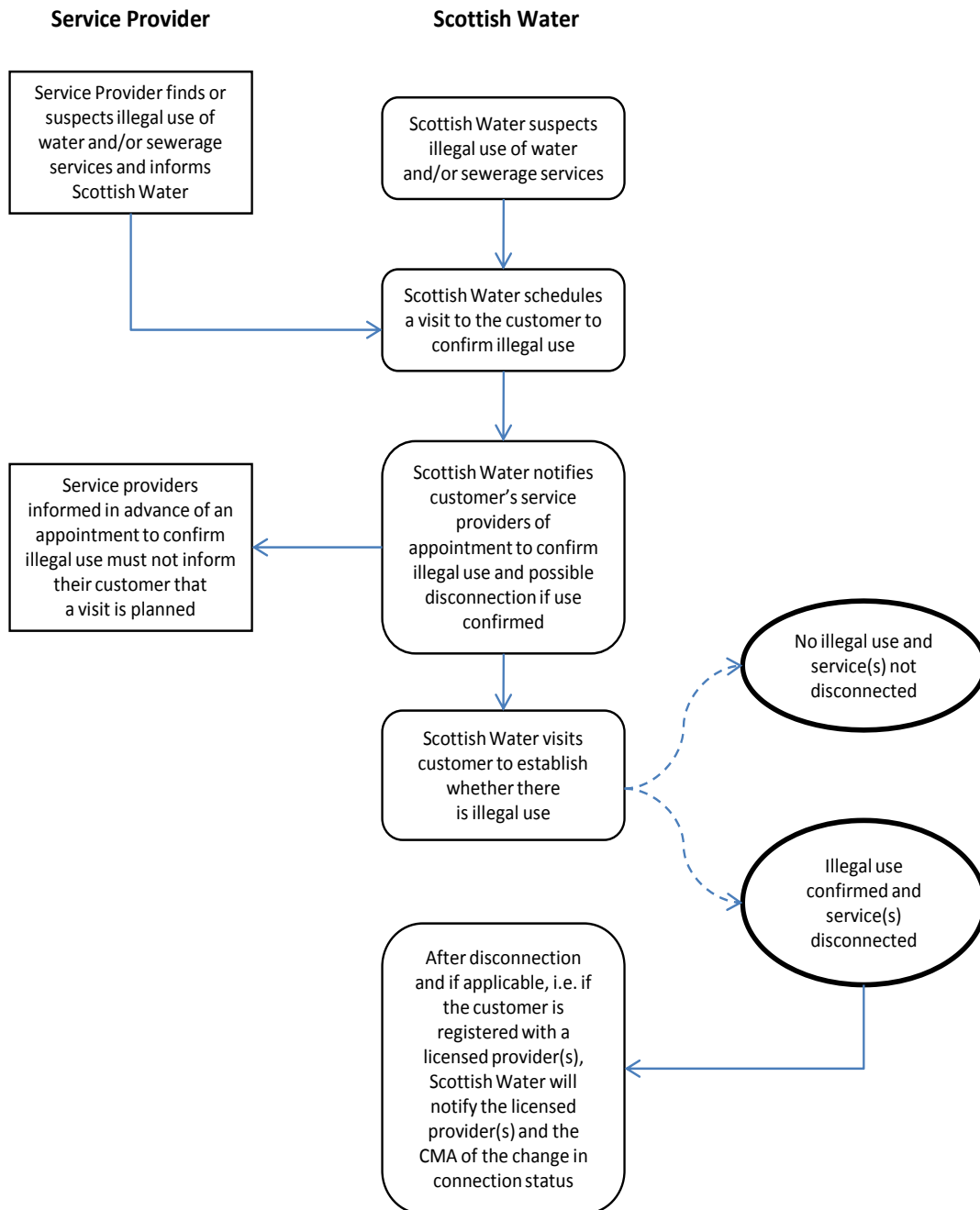
***Disconnection for illegal use, or suspected illegal use, of water services and/or sewerage services***

Permanent disconnections of water services and/or sewerage services in response to the illegal use of those services may only be initiated by Scottish Water. Illegal use of water services and/or sewerage services may include theft by bypassing or tampering with a meter or making an unauthorised connection to the water main.

1. If a sewerage service or water service provider finds or suspects that a non-household customer has been using water services and/or sewerage services illegally, it shall immediately inform Scottish Water of its findings/suspicions.
2. When Scottish Water is informed of or suspects illegal use of water services and/or sewerage services (including where it has received information from a non-household customer's sewerage service or water service provider), it shall schedule a visit to confirm the illegal use and, if confirmed, permanently disconnect the illegally obtained services as soon as possible.
3. Scottish Water shall notify the non-household customer's service providers of the scheduled appointment to confirm illegal use and disconnect the non-household customer's services. However, advance notice will not be required where the Licensed Provider is self-supplying. Service providers informed in advance must not inform the non-household customer that the site visit is planned.
4. Scottish Water visits the customer premises and, if illegal use is confirmed, permanently disconnects the relevant service(s).
5. On permanently disconnecting water and/or trade effluent services, Scottish Water must give the non-household customer a notice including:
  - The reason why the water services and/or sewerage services have been permanently disconnected (i.e. it was illegal);
  - The statutory basis for its action; and
  - The contact details to arrange for a legal connection to the water and/or sewerage network(s).
6. If applicable (i.e. if the non-household customer is registered with a service provider(s)), Scottish Water shall notify the customer's service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

The process for permanent disconnection for illegal use, or suspected illegal use, of services is shown at Figure 4 below.

**Figure 4: Disconnection for illegal use or suspected illegal use of services**



## **Disconnection for breach of a water byelaw or trade effluent consent**

Scottish Water has responsibilities for monitoring the behaviour of non-household customers regarding compliance with water byelaws and trade effluent consents. Where it suspects that a non-household customer is breaching a water byelaw or trade effluent consent, Scottish Water may initiate the following process, leading to temporary disconnection of water services and/or trade effluent services.

1. If Scottish Water suspects that a non-household customer is breaching a water byelaw or trade effluent consent, it will contact the non-household customer's service provider(s) to inform that service provider(s) that it will be visiting the site to confirm the breach of the water byelaw or trade effluent consent. Service providers must not inform the non-household customer that the site visit is planned.

2. Scottish Water visits the site to confirm if the non-household customer is breaching a water byelaw or trade effluent consent.

3. On finding that a non-household customer is breaching a water byelaw and/or trade effluent consent, Scottish Water will immediately issue a Notice of Breach to the customer, with copies being sent to the non-household customer's service provider(s).

4. The Notice of Breach should include:

- The reason for issuing the Notice (e.g. the non-household customer has breached Water Byelaw X, by doing Y, or breached its trade effluent consent by doing Z);
- A statement that the breach must be rectified;
- A timeframe within which the breach is to be rectified (it should be noted that immediate rectification will be required where the breach is causing an immediate threat to public health or the environment);
- A statement that if the breach is not rectified within the timeframe set out by Scottish Water, water services and/or trade effluent services to the premises may be temporarily disconnected; and
- Contact details that would allow the non-household customer to seek clarification from Scottish Water in order to rectify its breach.

5. When the deadline for rectifying the breach has been reached, Scottish Water will visit the site to check that the breach has been rectified. If the breach has not been rectified, Scottish Water may disconnect water services and/or trade effluent services to the site. Disconnection of trade effluent services will usually be effected by Scottish Water terminating the trade effluent consent for the breaching premises.

6. Scottish Water will then issue a disconnection notice to the customer (copied to the customer's service provider(s)). The notice must confirm that water services and/or trade effluent services have been disconnected. The notice must also include contact details to allow the non-household customer

to seek clarification or assistance from Scottish Water in order to have its services reconnected.

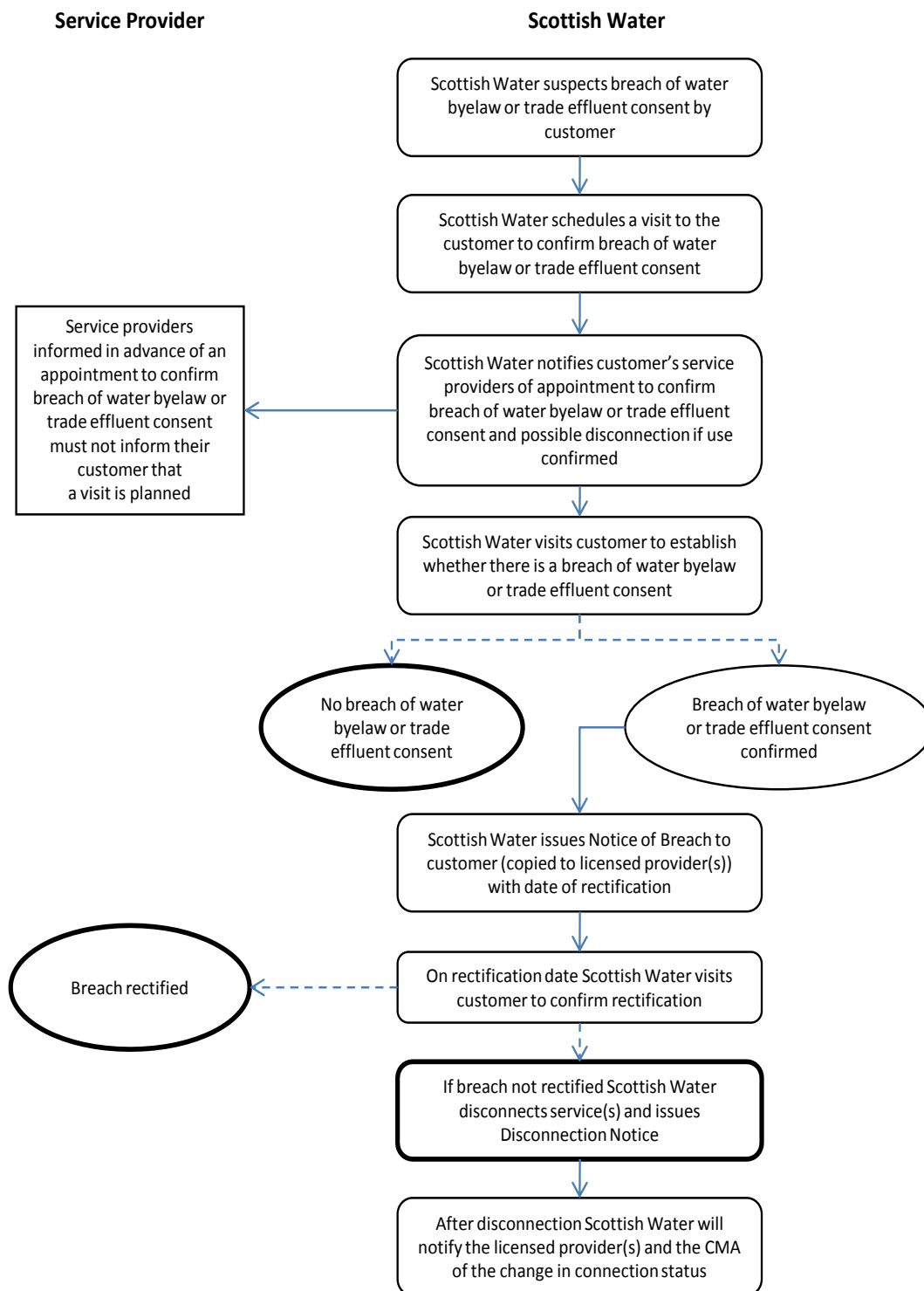
7. Scottish Water advises the service provider(s) and the Central Market Agency of change of connection status, in accordance with the Market Code.

8. For the period of the temporary disconnection, Scottish Water may continue to charge Meter Based Annual charges in accordance with the Wholesale Charges Scheme.

9. Once the temporary disconnection of water services and/or trade effluent services has been made in accordance with the provisions set out above and continues for a period in excess of 3 (three) months, such disconnection(s) shall become permanent. Within two business days of permanent disconnection(s), Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The process for temporary disconnection(s) for breaching water byelaws or trade effluent consents is shown at figure 5 below.

Figure 5: Disconnection for breach of water byelaw or trade effluent consent



## **Customer-requested disconnections**

Non-household customers may request that water services and/or trade effluent services to their properties be disconnected for various reasons. In some cases, the disconnection may be required on a temporary basis – for example, when a property is being refurbished. In others, the disconnection may be permanent – e.g. when a building is demolished.

### *Temporary disconnections*

Only Scottish Water and its appointed agents may make temporary disconnections from the water supply network. This means that requests for temporary disconnections must be passed to Scottish Water to be effected. The initial contact for a non-household customer requiring a temporary disconnection should, however, be its licensed provider(s). If a non-household customer contacts Scottish Water directly to request a disconnection, Scottish Water will re-direct the customer to its service providers.

1. A non-household customer contacts its service providers to request a temporary disconnection.
2. The service provider establishes that the disconnection is required on a temporary basis (i.e. water services will be reconnected within three months of the date of the disconnection), and, on the same business day, sends the non-household customer a Non-household Customer Request to Disconnect (see Appendix 4).
3. The non-household customer completes the Non-household Customer Request to Disconnect and returns it to its service provider.
4. The service provider notes relevant details (e.g. requested date for disconnection, expected date for reconnection) and passes the Non-household Customer Request to Disconnect to Scottish Water on the same business day that it received the request.
  - If the non-household customer has different service providers for water services and sewerage services, a copy of the Non-household Customer Request to Disconnect is sent to the other service provider.
5. Within two business days, Scottish Water shall visit the site to investigate whether a temporary disconnection will be possible. Where the requested date for disconnection is within two business days of receipt of the Non-household Customer Request to Disconnect, Scottish Water will use reasonable endeavours to visit the site on the day of receipt, or on the following business day.

6. Within one business day of its site visit, Scottish Water reports its findings to the non-household customer's service provider and:

- If a temporary disconnection is viable, Scottish Water will advise the service provider of the cost of the Survey Charge together with the cost of the disconnection (and subsequent reconnection), in accordance with the Wholesale Charges Scheme; or
- If a temporary disconnection is not viable, Scottish Water will send an invoice for the Survey Charge in accordance with the Wholesale Charges Scheme.

7. Not later than the next business day, the service provider advises the non-household customer regarding the cost of the disconnection.

8. Within five business days, the non-household customer confirms to the service provider that the temporary disconnection is required.

9. Not later than the business day after it has received confirmation from the non-household customer, the service provider confirms to Scottish Water that the temporary disconnection is required.

10. Scottish Water schedules the temporary disconnection using reasonable endeavours to meet the non-household customer's requested date for disconnection, and confirms to the service provider the date and time of the scheduled disconnection.

11. At scheduled time, Scottish Water attends the site and disconnects the water services, as requested.

12. Within two business days of completing the temporary disconnection, Scottish Water advises service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

13. Scottish Water issues an invoice for the Survey Charge together with its reasonable costs incurred in the disconnection process, in accordance with the Wholesale Charges Scheme.

14. Disputes regarding the level of reasonable costs payable by the service provider to Scottish Water for its services in association with the temporary disconnection (including costs for its Survey Charge ) may be referred to the Commission for determination. Such determination is final (per sections 18(9) 20(13) of the WSSA). The Disconnections Disputes Handling Process is set out at Appendix 6.

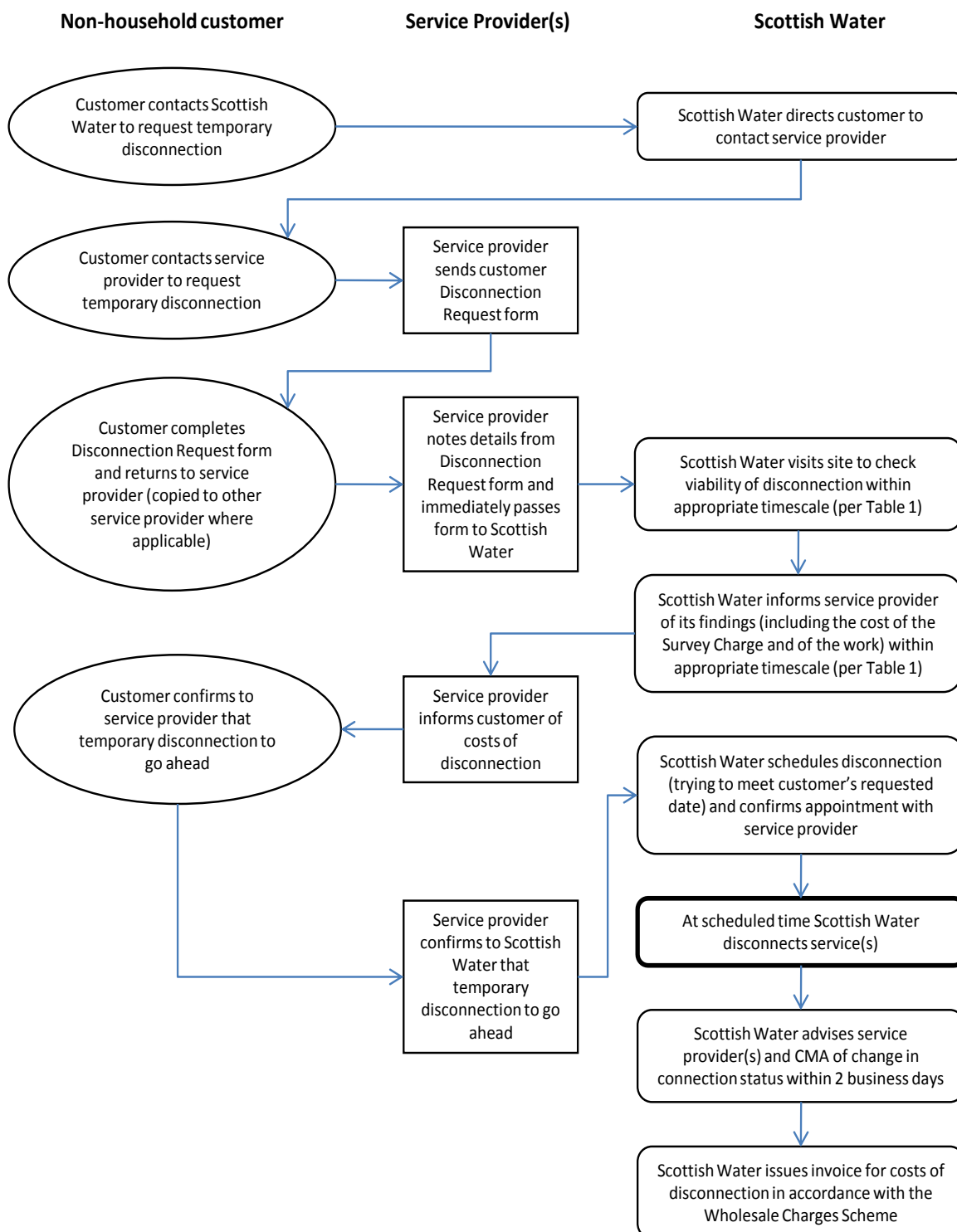
15. For the period of the temporary disconnection, Scottish Water may continue to charge Meter Based Annual charges in accordance with the Wholesale Charges Scheme.

16. If a customer-requested temporary disconnection continues for a period in excess of 3 (three) months, such disconnection shall become a permanent disconnection. At least 5 business days before the date on which the customer-requested temporary disconnection would become a permanent disconnection, the non-household customer's service providers must contact the customer to warn them of the imminent change of status.

17. Should the customer-requested temporary disconnection become a permanent disconnection, within two business days of permanent disconnection Scottish Water shall notify the Central Market Agency of the change in connection status, in accordance with the Market Code.

The process for temporary disconnections initiated by non-household customers is shown at Figure 6 below.

Figure 6: Temporary disconnection initiated by non-household customer



## Permanent Disconnections

Where a non-household customer requests permanent disconnection of its water and/or trade effluent services, the disconnection may be carried out by Scottish Water, or by the non-household customer's private contractor.

Where a permanent disconnection is effected by a private contractor, it must be carried out as close to the branch connection as possible and the disconnection must be witnessed by a Scottish Water representative before Scottish Water informs the CMA of the change in connection status for the disconnected supply point(s). If a permanent disconnection is effected by a private contractor Scottish Water may charge an Inspection Charge in accordance with the Wholesale Charges Scheme.

Information regarding permanent disconnections for non-household customers should pass to Scottish Water via the customer's service provider. If a non-household customer contacts Scottish Water directly to discuss a permanent disconnection of services, Scottish Water will redirect the customer to its water service provider.

1. The non-household customer contacts its service provider(s) and requests that its water services and/or trade effluent services be permanently disconnected.
2. The service provider(s) establishes that a permanent disconnection is required and sends the non-household customer a Non-household Customer Request to Disconnect (see Appendix 4) on the same business day.
3. The non-household customer completes the Non-household Customer Request to Disconnect and returns it to its service provider(s).
4. The service provider(s) note relevant details (e.g. proposed date for disconnection and who will be responsible for the permanent disconnection) and pass the Non-household Customer Request to Disconnect to Scottish Water on the same business day on which it received the request.
  - If the non-household customer has different service providers for water services and sewerage services, a copy of the Non-household Customer Request to Disconnect should be sent to the other service provider.
5. If Scottish Water has been asked to provide a quotation for the disconnection work (which shall include its Survey Charge), it provides the quotation, in writing, within 10 business days of the request.
6. On receipt of an acceptance of its quotation from the service provider(s) (on behalf of the non-household customer), Scottish Water schedules the disconnection work, using reasonable endeavours to meet the non-household customer's requested date for disconnection.

- On the scheduled date, Scottish Water attends the site and disconnects the relevant services.
- Scottish Water also removes its metering equipment from the site and performs final readings for the meters.
- Scottish Water transmits advice regarding change in connection status to the service provider(s) and Central Market Agency and final meter readings for meters removed to the Central Market Agency, in accordance with the Market Code.
- Scottish Water sends an invoice for the Survey Charge together with its reasonable costs in carrying out the disconnection, in accordance with the Wholesale Charges Scheme.

7. If Scottish Water is not responsible for the disconnection works, it awaits a call from the service provider(s), requesting an inspection of the disconnection.

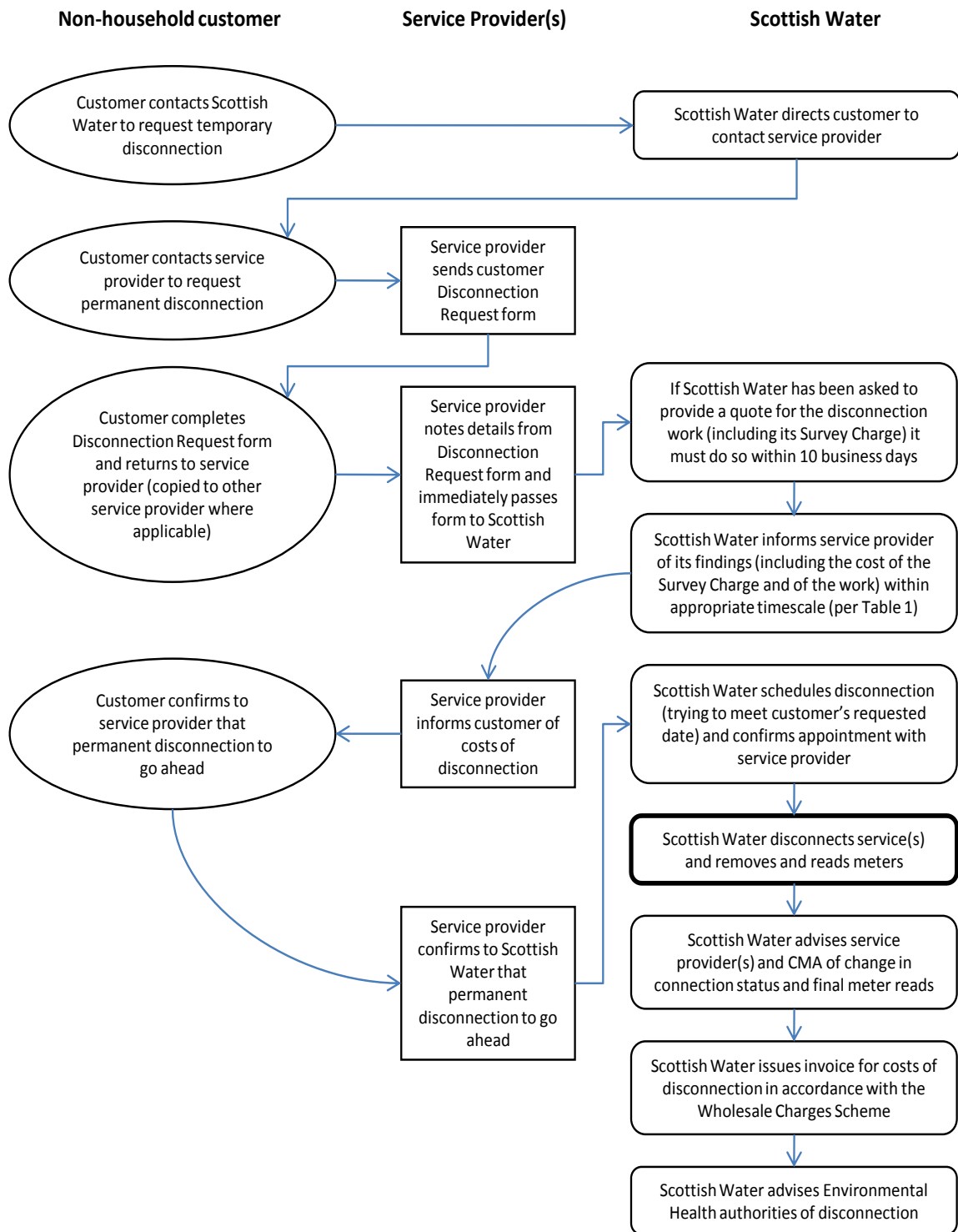
- On receiving notification from the service provider(s) that services have been permanently disconnected, Scottish Water, within two business days, schedules a visit to the site to inspect the disconnection and to remove Scottish Water meters installed at the site. The inspection visit is scheduled within five business days of receiving notification of the disconnection.
- On confirming the disconnection, Scottish Water removes meters and performs final meter readings.
- Scottish Water transmits confirmation of change of connection status to the service provider(s) and the Central Market Agency and transmits final meter readings for meters removed to the Central Market Agency, in accordance with the Market Code.
- Scottish Water sends an invoice for its Inspection Charge, in accordance with the provisions of the Wholesale Charges Scheme.

8. Scottish Water informs Environmental Health authorities that the permanent disconnection has been completed.

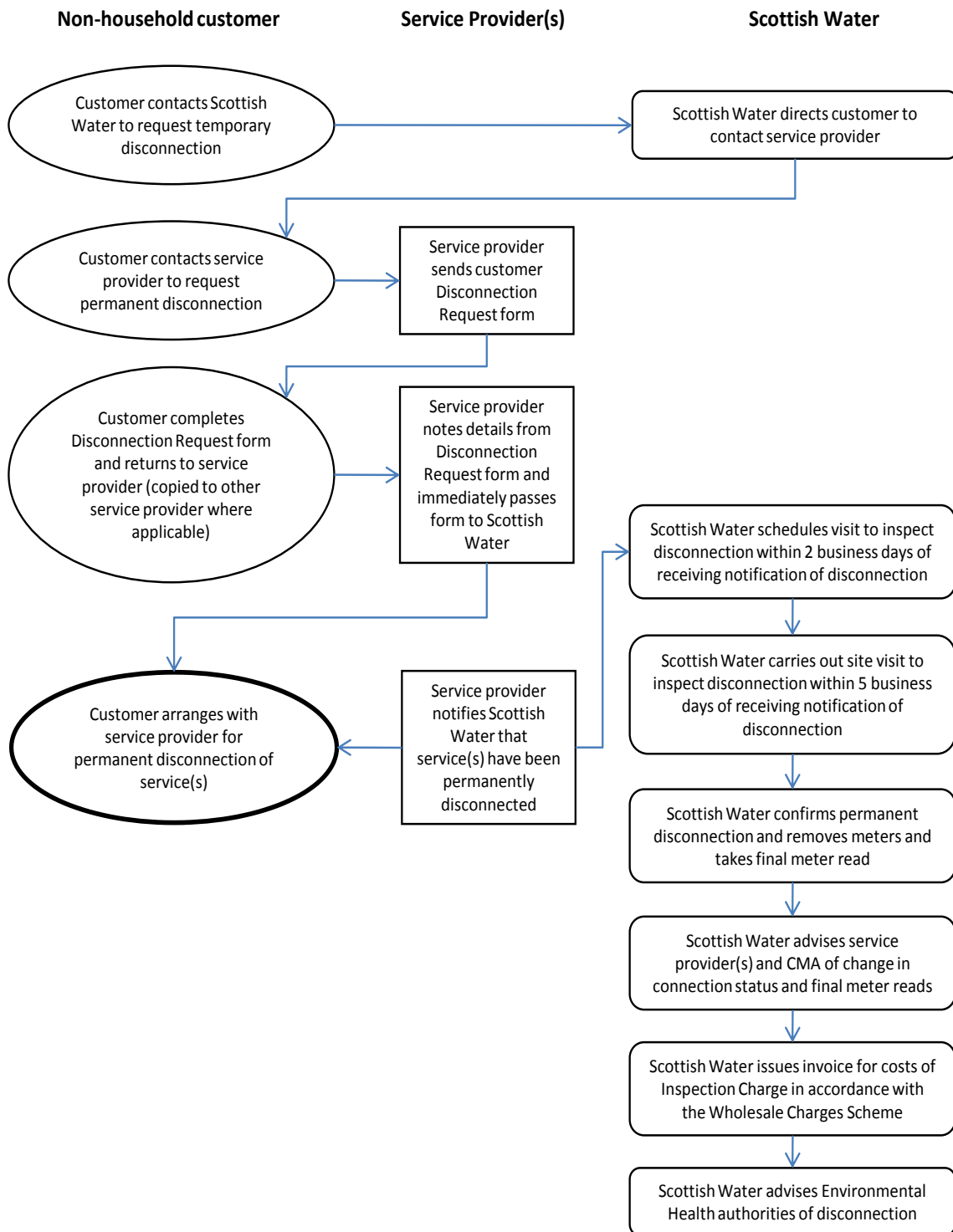
9. Disputes regarding the level of reasonable costs (including the Survey Charge or Inspection Charge) payable by the service provider(s) to Scottish Water in relation to the disconnection of water services and/or trade effluent services may be referred to the Commission for determination. Such determination is final (per sections 18(9) and 20(13) of the WSSA). The Disconnections Disputes Handling Process is set out at Appendix 6.

The processes for permanent disconnections, initiated by non-household customers, are shown at Figures 7a and 7b below.

**Figure 7a: Permanent disconnection initiated by non-household customer  
(Scottish Water carrying out the work)**



**Figure 7b: Permanent disconnection initiated by non-household customer  
(Scottish Water not carrying out the work)**



## Reconnections

Any service disconnected for longer than three months will be treated as a permanent disconnection, since the potential for deterioration in the condition of disconnected pipes is considered to become increasingly significant after this period. When a service has been disconnected for longer than three months, a new application for connection under the Market Code and the Operational Code will be required to restore that service.

Where the processes below indicate alternative arrangements for reconnection, they apply only to temporary disconnections where reconnection has occurred within three months of the date of disconnection.

### ***Reconnection following disconnection for non-payment of services, denying access to a water meter or failure to provide refundable deposit***

If the situation leading to disconnection is resolved within 10 business days of disconnection, the service provider must arrange for water services to be reconnected on demand, provided that the non-household customer has paid any necessary reconnection fee to its service provider (which fee shall include any charges Scottish Water may charge the service provider under the Wholesale Charges Scheme).

1. A non-household customer requests reconnection and pays the reconnection fee.
2. The service provider must complete and pass a Reconnection Request (see Appendix 5) to Scottish Water, within two hours of receiving the reconnection fee. Where the non-household customer has separate service providers for water services and sewerage services, a copy of the Reconnection Request is also passed to the other service provider.
3. If Scottish Water receives the Reconnection Request before 3pm on a business day, it must use reasonable endeavours to reconnect water services on that business day.
4. If Scottish Water receives the Reconnection Request after 3pm on a business day, it must use reasonable endeavours to reconnect water services on the next business day.
5. If the non-household customer contacts its service provider to request reconnection after 3pm, but before 9pm on a business day, the service provider must offer the non-household customer the choice of:
  - Standard reconnection (Scottish Water to use reasonable endeavours to reconnect the next business day); or
  - Reconnection on the same business day, provided the non-household customer agrees to pay an additional charge.

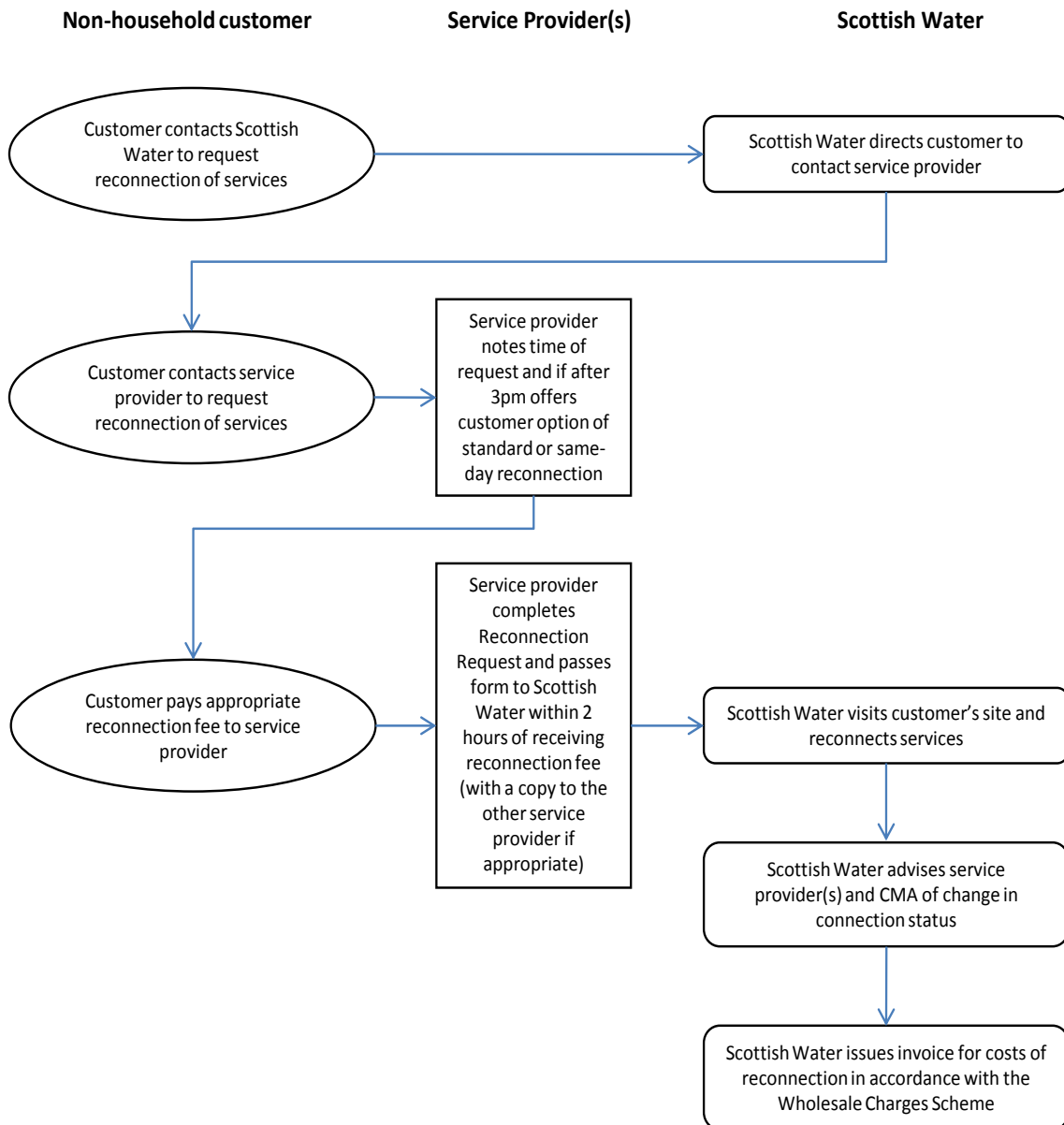
The non-household customer must also be warned that, in exceptional circumstances (e.g. in adverse weather conditions, or where Scottish Water personnel are dealing with emergency situations), out-of-hours reconnection might not be possible. In these circumstances, the additional charge must be refunded.

6. Following reconnection, Scottish Water notifies the service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.

7. Scottish Water issues an invoice for its charges incurred in reconnecting the services, in accordance with the Wholesale Charges Scheme.

The process for reconnections following disconnection for non-payment of services, denying access to a water meter or failure to provide refundable deposit is shown at Figure 8 below.

**Figure 8: Reconnection following disconnection for non-payment, denying access to a water meter or failure to provide refundable deposit**



### ***Following disconnection for illegal use of water services***

Where an illegal connection is discovered, the customer must apply for a new connection to the water and/or sewage network(s) in accordance with the Market Code.

### ***Following breach of a water byelaw or trade effluent consent***

1. When the non-household customer has remedied the breach of the water byelaw or trade effluent consent, it should contact its service provider for the relevant service. The non-household customer shall pay any necessary reconnection fee to its service provider (which fee shall include any charges Scottish Water may charge the service provider under the Wholesale Charges Scheme).

2. The service provider must complete and pass a Reconnection Request (see Appendix 5) to Scottish Water within 2 hours of receiving the reconnection fee. Where the non-household customer has separate service providers for water services and sewerage services, a copy of the Reconnection Request is also passed to the other service provider.

3. If contacted before 3pm on a business day, Scottish Water uses best endeavours to schedule a visit to inspect that the breach has been remedied and, if appropriate, to reconnect water services on the same business day.

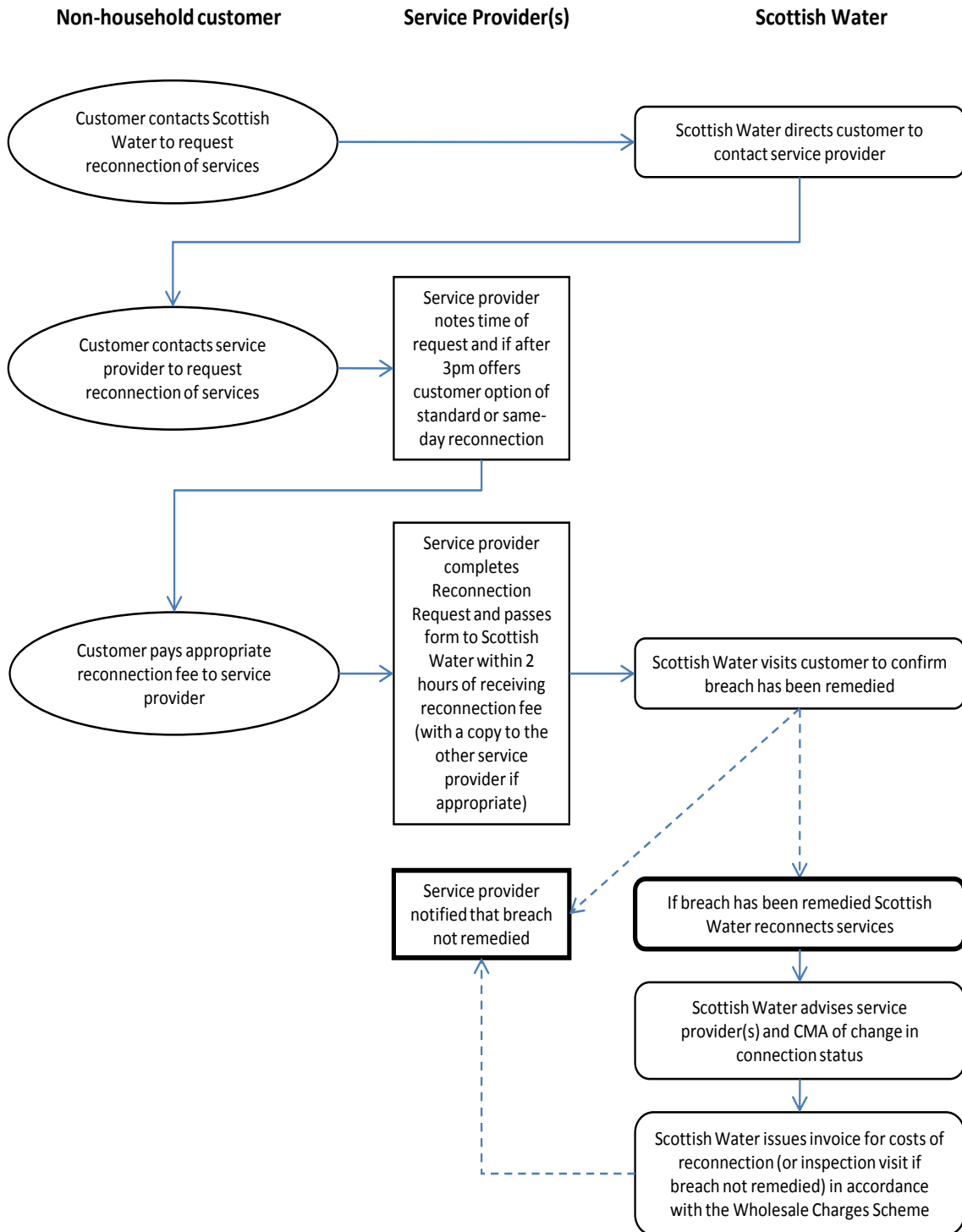
4. If contacted after 3pm on a business day, Scottish Water uses best endeavours to schedule the visit to inspect and, if appropriate, to reconnect water services on the next business day.

5. Following inspection:

- If the breach has not been remedied, Scottish Water informs the non-household customer's service providers that services have not been restored and sends an invoice for its reasonable costs incurred during the inspection visit, in accordance with the Wholesale Services Agreement between Scottish Water and the service provider.
- If the breach has been remedied, Scottish Water restores services; notifies the service providers and the Central Market Agency of the change in connection status, in accordance with the Market Code; and issues an invoice for the charges incurred in inspecting and reconnecting services, in accordance with the Wholesale Charges Scheme.

The process for reconnections following disconnection for breach of a water byelaw or trade effluent consent is shown at Figure 9 below.

**Figure 9: Reconnection following disconnection for breach of water byelaw or trade effluent consent**

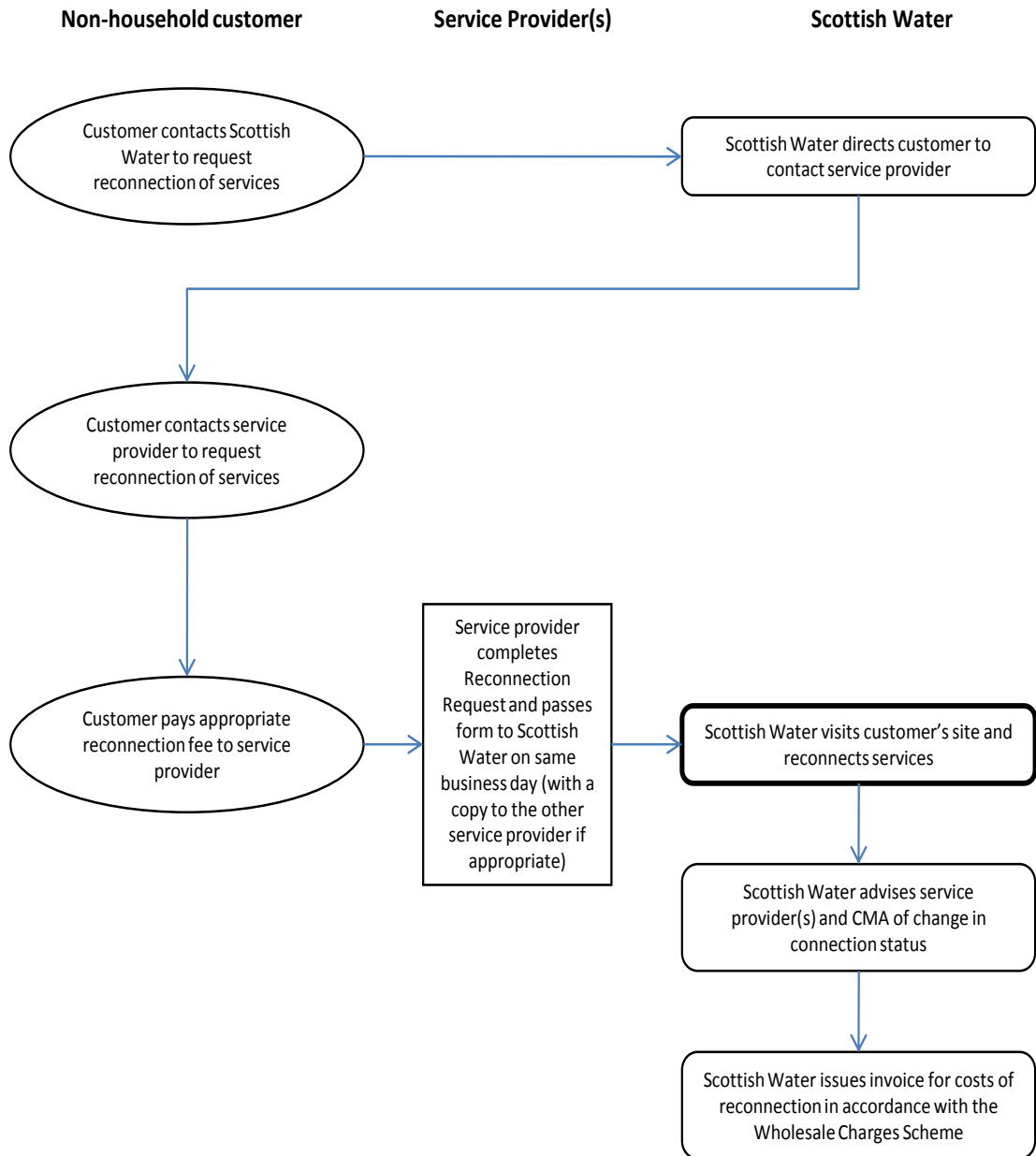


### ***Following a non-household customer requested temporary disconnection***

1. The non-household customer contacts its service provider to request reconnection. The non-household customer pays any necessary reconnection fee to its service provider (which fee shall include any charges Scottish Water may charge the service provider under the Wholesale Charges Scheme).
2. The service provider passes a Reconnection Request to Scottish Water, on the same business day. Where the non-household customer has separate service providers for water services and sewerage services, a copy of the Reconnection Request is also passed to the other service provider.
3. Scottish Water reconnects services as soon as practicable.
4. Following reconnection, Scottish Water advises the service provider(s) and the Central Market Agency of the change in connection status, in accordance with the Market Code.
5. Scottish Water issues an invoice for the charges incurred in reconnecting services, in accordance with the Wholesale Charges Scheme.

The process for reconnection following a temporary disconnection requested by a non-household customer is shown at Figure 10 below.

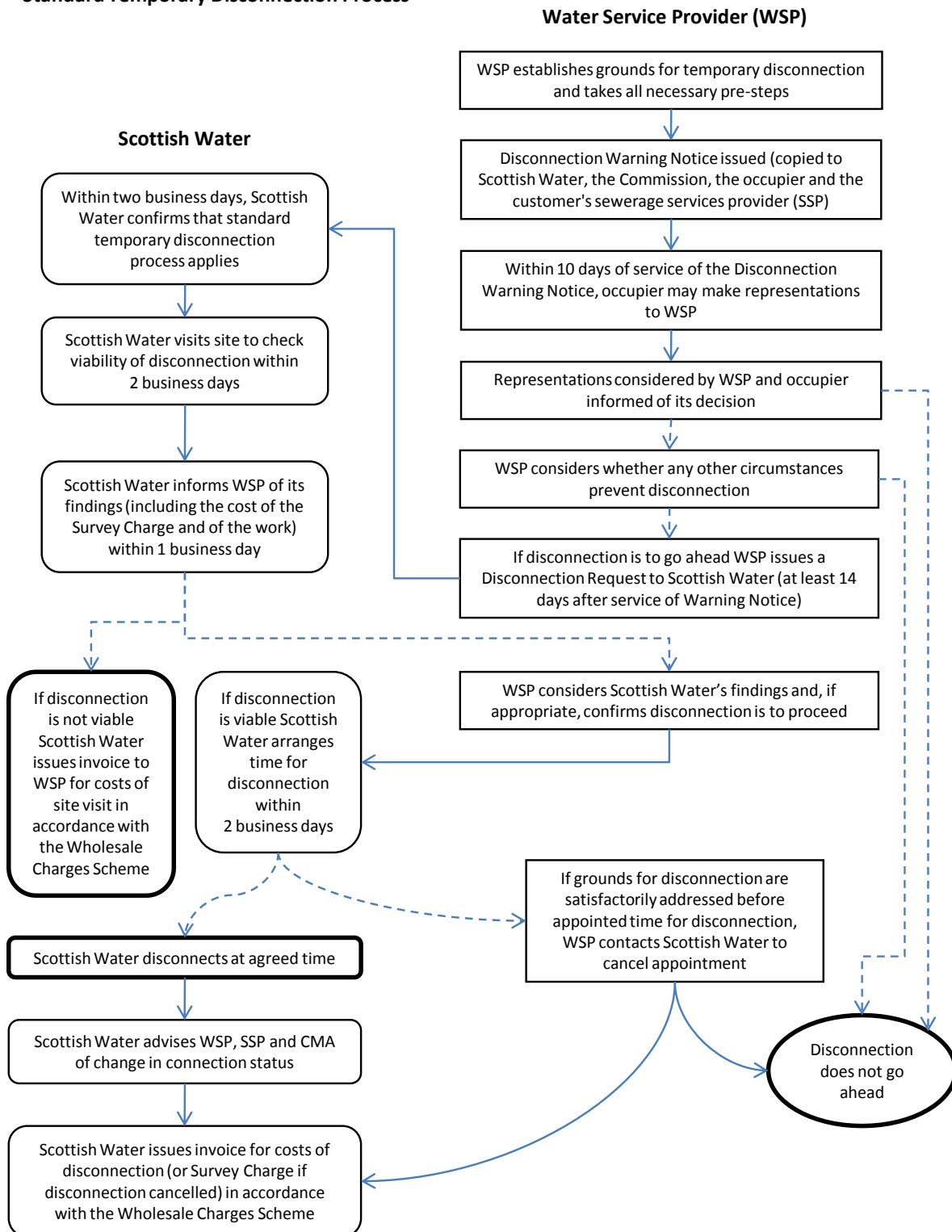
**Figure 10: Reconnection following customer requested temporary disconnection**



## ***Appendices***

## Temporary disconnection processes

### Standard Temporary Disconnection Process





## Disconnection Warning Notice

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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 3

### Disconnection request

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#### Retailer details:

From: <retailer name>  
Contact: <retailer contact name>  
Contact number: <retailer contact number>  
Contact email: <retailer contact email address>

---

#### Supply point details:

Reference number: <unique identifier for supply to be disconnected>  
Address: <address line 1>  
<address line 2>  
<town>  
<county>  
<postcode>  
Meter number(s): <meter number(s) affected>

---

#### Disconnection details:

Reason for disconnection:  
<non-payment> or  
<denying access to a meter> or  
<failure to provide refundable deposit>

Type of disconnection:  
<disconnection of water supply> or  
<restriction of water supply> or  
<discontinuation of trade effluent services>

Preferred date for disconnection/restriction/discontinuation: <date>

---

**Information regarding the viability of the disconnection:**

Is the occupier of the property a “sensitive customer”<sup>31</sup>? <yes/no>

For disconnection/restriction of water supply:

Will disconnection/restriction adversely affect the supply of water for domestic purposes<sup>32</sup> at the property? <yes/no>

For discontinuation of trade effluent services:

Will discontinuation of trade effluent services adversely affect any provision of sewerage to or removal of sewage from the property for a purpose other than in respect of trade effluent? <yes/no>

Is the occupier the owner of the property to which supply is to be disconnected/restricted/discontinued? <yes/no>

If not, has the property’s owner consented to the disconnection/restriction/discontinuation of service? <yes/no>

---

Date: <Date of completion of disconnection request>

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<sup>31</sup> As defined in the Operational Code

<sup>32</sup> Supply of water for domestic purposes to be construed in accordance with section 7 (supply of water for domestic purposes) of the Water (Scotland) Act 1980.

## Non-household customer request for disconnection

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### Retailer details:

From: <retailer name>  
Contact: <retailer contact name>  
Contact number: <retailer contact number>  
Contact email: <retailer contact email address>

---

### Supply point details:

Reference number: <unique identifier for supply to be disconnected>  
Address: <address line 1>  
<address line 2>  
<town>  
<county>  
<postcode>  
Meter number(s): <meter number(s) affected>

---

### Disconnection details:

Type of disconnection:  
<temporary disconnection of water supply> or  
<temporary discontinuation of trade effluent services> or  
<permanent disconnection of water supply> or  
<permanent discontinuation of trade effluent services>

Reason for disconnection:  
<building works, refurbishment of property> or  
<demolition> or  
<other reason>

Proposed date for disconnection: <date>

For permanent disconnections: who will carry out the disconnection works?  
<Scottish Water> or  
<other>

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Date: <date of completion of request for disconnection>

## Reconnection request

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### Retailer details:

From: <retailer name>  
Contact: <retailer contact name>  
Contact number: <retailer contact number>  
Contact email: <retailer contact email address>

---

### Supply point details:

Reference number: <unique identifier for supply to be reconnected>  
Contact name: <customer contact for reconnection>  
Address: <address line 1>  
<address line 2>  
<town>  
<county>  
<postcode>

---

### Disconnection details:

Disconnection date: <date>

Type of disconnection:  
<disconnection of water supply> or  
<discontinuation of trade effluent services>

Reason for disconnection:  
<non-payment> or <denying access to a meter> or  
<failure to provide refundable deposit> or <customer requested temporary  
disconnection> or <illegal use of water services and/or sewerage services> or  
<breach of water byelaw> or <breach of trade effluent consent>

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### Reconnection details:

Proposed date/time for reconnection:  
<date, time>

---

Date: <date of completion of reconnection request>

## Disconnection Dispute Handling Process

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### ***The procedure that we will follow***

Where a water service provider or a sewerage service provider has requested the temporary disconnection of water or trade effluent services to a non-household customer's premises and it disputes the charges levied by Scottish Water in respect of its works in effecting the disconnection, Scottish Water is to refer the dispute to the Commission for determination.<sup>33</sup>

In developing our procedure, we have been mindful that parties will wish to see as quick a process as possible.

Our review of the disconnections disputes process can be broken into a number of stages and we have included indicative time periods for each stage. We expect that, if a request is straightforward, we should be able to issue a determination more quickly. We will endeavour to achieve these timescales, however, in exceptional circumstances it may not be possible for us to complete our work within the indicative time period. We will advise all of the parties if this is the case.

### **Stage 1: Acknowledge receipt of request**

Within 10 business days of receiving the request from Scottish Water we will open a case and acknowledge receipt. We will issue a unique reference number and provide contact details for further queries regarding the case.

### **Stage 2: Assess jurisdiction and if further information is required**

We will scrutinise the request to identify whether we have jurisdiction to deal with it under the relevant legislation. If necessary, we may need to obtain further information in order to make that assessment. If we conclude that we do not have jurisdiction to deal with the matter, we will close the case and advise both Scottish Water and the relevant service provider.

In assessing whether we have jurisdiction, we will have to be satisfied that there exists a genuine question for determination. In the absence of evidence that reasonable steps have been taken to resolve the relevant issues with Scottish Water before approaching us, we are unlikely to be satisfied on this account.

We will aim to establish if we have jurisdiction over a decision within 20 business days of receiving a request.

We believe that service providers and Scottish Water should normally be able to agree whether or not a temporary disconnection can be made at reasonable cost. Consequently, we would expect to receive evidence of the steps that have been

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<sup>33</sup> Sections 18(9) and 20(13) of the WSSA requires Scottish Water to refer disputes of this nature to the Commission for determination.

taken by the service provider and Scottish Water to resolve the relevant question before it is referred to us. If we do not receive this, we may require to make our own enquiries of the parties.

We would also expect parties to approach us with information that is reliable and relevant. If we have doubts as to the reliability or relevance of any information submitted to us, we may have to undertake further enquiries.

It is our preference to consider requests by written correspondence. However, we may request meetings with either the services provider or Scottish Water in order to clarify points made in either party's submission or to clarify any other relevant matters. In general we expect to hold such meetings separately, however, we may be willing to hold a joint meeting if both parties agree. We will agree minutes of any meeting with the respective party and share these with the other party once agreed.

If we require further information to allow us to process the request, we will notify Scottish Water or the services provider within 20 business days of receipt of the request.

### **Stage 3: Further advice**

Once we have all information from Scottish Water and the services provider we may need to commission consultancy work.

In addition, if we identify issues that affect either the Scottish Environment Protection Agency (SEPA) or the Drinking Water Quality Regulator (DWQR) we will seek their views on the question.

These more complex questions will take longer to process. However, we will keep Scottish Water and the services provider informed of progress.

We will normally allow the services provider and Scottish Water to comment on the scope of our review prior to it commencing. We will ask both parties to comment within 20 business days of being asked.

### **Stage 4: Draft Determination issued**

A determination will include our determination of the reasonable cost incurred in effecting a temporary disconnection. We will also explain the reasoning for our determination.

We expect our determinations to consist of the following sections:

- introduction;
- background;
- summaries of submissions by both parties;
- any representations by third parties;
- consideration of main issues; and
- decision.

We will endeavour to issue a draft determination 30 business days from receipt of the final piece of information.

If we consider that either SEPA or the DWQR has a material interest in the outcome of a determination, we will send copies of the draft determination to them for comment.

We will ask for responses to our draft determination. We expect to receive these within 20 business days of the draft determination being issued. However, we may agree a longer response period if either party requires this.

### **Step 5: Final Determination issued**

We will normally issue a final determination within 30 business days of receiving responses to the draft determination. We will take these responses into account in framing the final determination.

Scottish Water is required to give effect to our Final Determination.<sup>34</sup>

We intend to publish a summary of each of our decisions on our website. We will aim to do this within 10 business days of issuing a final determination. If either party considers that any part of our Final Determination is sensitive, they should notify us within 5 business days of receipt of the Final Determination. We will consider removing this information from the public summary.

#### *Timescales*

Please note that the timescales specified in this statement are indicative only. Whilst the Commission will endeavour to adhere to them wherever possible, there may be cases in which more time is required, e.g., to deal with particularly complex issues.

#### *How to make a request*

There are two ways in which Scottish Water can make a request for a determination:

- in writing (by post or by facsimile); or
- by e-mail.

The procedure we will follow in both cases is the same. Please note that we will still require copies of all correspondence if the complaint is made by e-mail. We are unable to process requests received by telephone, however, we are happy to clarify details prior to submission if you telephone us.

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<sup>34</sup> Sections 18(9) and 20(13) of the WSSA.

The Commission will be prepared to accept requests in other forms where, by reason of disability, parties are not in a position to make such requests in writing or via e-mail.

Our Contact Details are as follows:

**Address:**

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

**E-mail:** [determinations@watercommission.co.uk](mailto:determinations@watercommission.co.uk)

*Telephone:* 01786 430 200

*Facsimile:* 01786 430 233

## Sample notice – access to meter(s)

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### Customer details

**Name:** <customer name>

**Supply point(s):** <supply point(s) for which access to meters is required>

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

---

### Retailer details

**Name:** <retailer name>

**Contact address:** <retailer contact address line 1>  
 [Should this be <retailer contact address line 2>  
 the registered <town>  
 address?] <county>  
 <postcode>

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

---

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<sup>35</sup> under the Market Code. These readings are also used to ensure that the bills you receive for water services and/or sewerage services are as accurate as possible.

Please contact us on <contact number to arrange access for meter reading> to arrange a time for our meter reader to read the meter(s).

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**Date:** <date of completion of reconnection request>

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<sup>35</sup> As we are obliged to obtain meter readings, we may request disconnection of the water supply in cases where access to meters has been denied for 12 consecutive months.