

WATER ACT 2003 SECTION 37
MODIFICATION OF CONDITION N OF THE CONDITIONS OF
APPOINTMENT OF EVERY WATER UNDERTAKER AND EVERY WATER
AND SEWERAGE UNDERTAKER

Made on 23 November 2004
Coming into effect on 24 November 2004

The Director General of Water Services, in exercise of the power conferred upon him by section 37 of the Water Act 2003, and after consulting each company holding an appointment under Chapter 1 of Part 2 of the Water Industry Act 1991, hereby modifies with effect from 23 November 2004 paragraph 2 of Condition N included in each such appointment as follows:

1. by deleting “and” at the end of sub-paragraph (6);
2. by deleting the full stop at the end of sub-paragraph (7) and substituting “; and”;
3. by adding the following sub-paragraph after sub-paragraph (7):

“(8) within 30 days of the date on which the Director notifies the Appointee of the amount payable under this sub-paragraph, the amount derived from the following formula:

$$I = M \times t/T$$

Where

I is the amount payable under this sub-paragraph;

M is the expenses, attributed by the Director to the Charging Year in which the notification is given, of the Director, the Secretary of State and the National Assembly for Wales in relation to the establishment of the Consumer Council for Water;

t is equal to the turnover of the Appointed Business as shown in the accounting statements prepared by the Appointee under Paragraph 4 of Condition F for the financial year ending twelve months before the start of the Charging Year in which the payment under this sub-paragraph is payable;

T is equal to the aggregate of the turnover of the Appointed Business of all of the companies holding an Appointment under Chapter 1 of Part 2 of the 1991 Act, as shown in their accounting statements prepared under Paragraph 4 of Condition F for the financial year ending twelve months before the start of the Charging Year in which the payment under this paragraph is payable.”

The Director General of Water Services
Dated 23 November 2004