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**DIRECTIONS FROM THE WATER SERVICES REGULATION AUTHORITY TO CLEAR BUSINESS WATER LIMITED TO PROVIDE INTERIM SUPPLY AND SERVICES TO PREMISES PREVIOUSLY SERVED BY AQUAFLOW UTILITIES LTD ISSUED UNDER SECTIONS 63AC(3) AND 110L(3) OF THE WATER INDUSTRY ACT 1991**

**1. Interpretation**

Unless otherwise specified:

- (a) terms capitalised in these directions are defined in the Interim Supply Code; and
- (b) references to sections are references to section in the Interim Supply Code.

**2. Background**

- 2.1. The Authority has issued the Interim Supply Code (the “Code”) pursuant to sections 63AF and 110O of the 1991 Act.
- 2.2. Under section 63AC of the 1991 Act, the Authority may issue a direction to an Eligible Licensee providing that it is to be the duty of that licensee to continue the supply of water to premises which was made by the previous licensee where:
  - (a) a water supply licensee (the ‘Previous Licensee’) ceases to supply any premises with water; and
  - (b) the owner or occupier of the premises has not notified the water undertaker in whose area the premises are that -
    - (i) he has made arrangements for the continuation of the supply of water to the premises, or
    - (ii) he intends any supply of water to the premises to cease.

Where the premises are in a retail exit area the Authority must direct a licensee to continue the supply.

- 2.3. Under section 110L of the 1991 Act, the Authority may issue a direction to an Eligible Licensee providing that it is to be the duty of that licensee to continue to provide sewerage services to premises which were made by the previous licensee where:
  - (a) a sewerage licensee (the ‘Previous Licensee’) ceases to provide sewerage services to any premises; and
  - (b) the owner or occupier of the premises has not notified the sewerage undertaker in whose area the premises are that -
    - (iii) he has made arrangements for the continuation of the provision of sewerage services to the premises, or
    - (iv) he intends any provision of sewerage services to the premises to cease.

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Where the premises are in a retail exit area the Authority must direct a licensee to continue the service.

- 2.4. The Previous Licensee, Aquaflow Utilities Limited, ceased to provide water supply and sewerage services to Relevant Premises on 28 March 2019 when the revocation of its Water Supply Licence and Sewerage Licence took effect (the 'Revocation'). The 'Relevant Premises' are those to which the Interim Duty Supply Points relates. The Interim Duty Supply Points are those that were Registered to Aquaflow Utilities Limited at the time of revocation.
- 2.5. The Licensee to whom these directions are addressed is an Eligible Licensee pursuant to Code and therefore for the purposes of section 63AC and section 110L of the 1991 Act. The Licensee has not chosen to Suspend its Election.
- 2.6. In accordance with Section 7 of the Code the Authority ran an Interim Supply Offers process. The Authority has determined that the Interim Duty Supply Points shall be Allocated to the Licensee for the purposes of continuing the relevant supplies and services.

### **3. Directions under the 1991 Act**

#### **3.1. Actions for Clear Business Water Limited**

- 3.1.1. In accordance with section 63AC(3) of the 1991 Act, the Authority hereby directs that it is to be the duty of Clear Business Water Limited to continue the supply of water to the Relevant Premises.
- 3.1.2. In accordance with section 110L(3) of the 1991 Act, the Authority hereby directs that it is to be the duty of Clear Business Water Limited to continue to provide sewerage services to the Relevant Premises.

#### **3.2. Commencement and Duration**

- 3.2.1. The Directions shall take effect on 5 April 2019.
- 3.2.2. In accordance with the 1991 Act the duty shall be deemed to have effect from the Date of Relevant Cessation of Supply being 28 March 2019.

**Authorised on behalf of the Authority by  
Emma Kelso, Senior Director Customers and Casework**



**Duly authorised for that purpose by the Authority**

**Date: 5 April 2019**