

# The Water Resources Management Plan (No.2) Direction 2007

The Secretary of State, in relation to any water undertaker whose area is not wholly or mainly in Wales, in exercise of the powers conferred upon him by sections 37A(3)(d) and 37D of the Water Industry Act 1991(a), after consultation with the Welsh Ministers(b), makes the following Direction:

## **Citation, commencement, extent and interpretation**

1.—(1) This Direction may be cited as the Water Resources Management Plan (No.2) Direction 2007 and comes into force on [ ].

(2) This Direction extends to England and Wales, but does not apply to any water undertaker whose area is wholly or mainly in Wales.

(3) In this Direction—

“domestic premises” means premises in which, or in any part of which, a person has his home;

“the planning period” means, in relation to a water undertaker’s water resources management plan, the period of its water resources management plan; and

“the Regulations” means the Water Industry (Prescribed Conditions) Regulations 1999(c).

(4) References in this Direction to a numbered section are to the section so numbered in the Water Industry Act 1991(d).

## **Additional matters to be addressed in water resources management plans in relation to charging by reference to volume of water supplied**

2. In accordance with section 37A(3)(d), a water undertaker shall include in its water resources management plan a description of the following matters—

- (a) its estimate of the increase in the number of domestic premises in its area, over the planning period, in respect of which it will be required to fix charges by reference to volume of water supplied to those premises under section 144A;
- (b) except where the water undertaker considers that it is unlikely that any of its area would be determined by the Secretary of State to be an area of serious water stress under regulation 4(1) of the Regulations if the Secretary of State were to exercise the powers conferred on him under that regulation in relation to all relevant areas on 1st October 2007, its estimate of the number of domestic premises in its area, over the planning period, in respect of which it would fix charges by reference to volume of water supplied to those premises if the whole or part of its area was determined by the Secretary of State to be an area of serious water stress under regulation 4(1) of the Regulations on that date;
- (c) its estimate of the increase in the number of domestic premises in its area (excluding any domestic premises which are included in the estimate referred to in sub-paragraph (b)), over the planning period, in respect of which section 144B(2) will not apply because the conditions

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(a) 1991 c.56; sections 37A and 37D were inserted into the Water Industry Act 1991 by section 62 of the Water Act 2003 (c.37). The functions of the Secretary of State under sections 37A and 37D, so far as relating to matters other than the construction or enlargement of reservoirs, were transferred to the National Assembly for Wales in relation to any water undertaker whose area is wholly or mainly in Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) (“the Order”), article 2; see the entry in Schedule 1, as amended by section 100(2) of the Water Act 2003, for the Water Industry Act 1991. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32), the functions under sections 37A and 37D so conferred on the Assembly are exercisable by the Welsh Ministers.

(b) By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 and Article 5 of, and Schedule 2 to, the Order (as amended by section 100(3) of the Water Act 2003), the functions of the Secretary of State referred to above, in so far as they are exercisable in relation to Wales, shall be exercisable only after consultation with the Welsh Ministers.

(c) S.I. 1999/3442, as amended by S.I. 2005/2035 and S.I. 2007/xxxx.

(d) 1991 c.56.

referred to in section 144B(1)(c) are not satisfied and in respect of which it will fix charges by reference to volume of water supplied to those premises;

- (d) full details of the likely effect of what is forecasted pursuant to sub-paragraphs (a) to (c) on demand for water in its area;
- (e) the estimated cost to the water undertaker in relation to the installation and operation of water meters to meet what is forecasted pursuant to sub-paragraphs (a) to (c) and a comparison of that cost with the other measures which it might take to manage demand for water, or increase supplies of water, in its area to meet its obligations under Part III of the Water Industry Act 1991; and
- (f) a programme for the implementation of what is forecasted pursuant to sub-paragraphs (b) and (c).

Date Head of Water Supply and Regulation Division, for and on  
behalf of the Secretary of State for Environment, Food and Rural Affairs