

THE NORTHERN IRELAND AUTHORITY FOR UTILITY REGULATION
NOTICE UNDER ARTICLE 20(2)
OF THE WATER AND SEWERAGE SERVICES (NORTHERN IRELAND)
ORDER 2006

Pursuant to its powers under Article 20(1) of the Water and Sewerage Services (Northern Ireland) Order 2006 (hereafter referred to as the “**Order**”), the Northern Ireland Authority for Utility Regulation (hereafter referred to as the “**Authority**”), having obtained the consent of Northern Ireland Water Limited (the “**Licensee**”), hereby gives notice as follows:

1. It proposes to make modifications to the Instrument of Appointment granted to Northern Ireland Water Limited by the Department for Regional Development on 23rd March 2007 (the “**Licence**”) under its powers extant under Article 20 (1) of the Order.
2. The proposed modifications are to:
 - (i) Condition R
 - a. Introduce a new Condition R: Code of Practice for Consumers in Vulnerable Circumstances.
 - (ii) Condition F1 Paragraph 5(1)
 - a. Remove the requirement for Northern Ireland Water Limited to submit a revised and updated procurement plan every 18 months and replace this with a requirement to submit a revised and updated plan as part of its business plan for each price control period.
 - b. Include the provision for the UR to request a submission at any other time if it considers this appropriate.
 - c. Add a requirement for Northern Ireland Water Limited to report any concerns, issues, irregularities or significant changes to the UR in a timely manner in the period between submissions.
 - (iii) Condition F paragraph 8.1
 - a. Amend the requirement for the preparation and submission of Current Cost Accounting Statements from an annual basis to an ‘if requested...’ basis.
3. The actual text of the proposed modifications is as set out in schedule 1 to the notice below (“**schedule 1**”). The original licence text that is being retained is in black, any new text is in red and any original text that is being removed is in red and strikethrough.

4. The effects if the proposed modifications are set out in section 2 of the Code of Practice for Consumers in Vulnerable Circumstances Licence Consultation Paper.
5. The reasons for the proposed modifications are set out in section 2 of the Code of Practice for Consumers in Vulnerable Circumstances Licence Consultation Paper.
6. A copy of the proposed modifications can be viewed during normal office hours, and can be obtained (free of charge) from:

Rachel Strong
The Utility Regulator
Queens House
14 Queen Street Belfast
BT1 6ED
Email: Rachel.Strong@uregni.gov.uk

7. Representations or objections with respect to any or all of the individually proposed modifications may be made **on or before 5pm on 27 June 2024** by writing to or e-mailing to the same address.
8. The Authority has, pursuant to Article 20(3) (b) of the Order, served a copy of this notice on the Licensee and the Department for Infrastructure¹

Dated this 30 day of May 2024



John French
Chief Executive
For and on behalf of the Utility Regulator

CC: Northern Ireland Water Limited
Department for Infrastructure
The General Consumer Council for Northern Ireland

¹ The Water and Sewerage Services (NI) Order defines the Department as the Department for Regional Development. This was replaced by the Department for Infrastructure in 2016.

Schedule 1

Proposed licence modifications for the Instrument of Appointment granted to Northern Ireland Water as set out in section 2 of the Notice and Consultation on Code of Practice for Consumers in Vulnerable Circumstances Licence Modifications Consultation Paper.

Condition R: Code of Practice for Consumers in Vulnerable Circumstances

1. The arrangements in the Code of Practice for Consumers in Vulnerable Circumstances shall be applicable to persons occupying domestic premises.
2. The Licensee shall (and shall procure that its agents or sub-contractors shall) comply with the obligations applicable to it under, the Code of Practice for Consumers in Vulnerable Circumstances.
3. The Authority, following consultation with the Licensee, the General Consumer Council and any other person who in the opinion of the Authority is likely to be interested or affected, may from time to time make such modifications to the Code of Practice for Consumer in Vulnerable Circumstances, as the Authority considers are necessary or expedient.
4. In this Condition:

Code of Practice for Consumers in Vulnerable Circumstances

means the relevant document of that name, prepared and published from time to time by the Authority, relating to the activities for protecting consumers in vulnerable circumstances.

Vulnerable or Vulnerability

means 'A consumer is deemed vulnerable when their personal characteristics or circumstances reduce their ability to engage effectively and achieve fair outcomes. A vulnerable consumer is significantly less able to protect or represent their interests and significantly more likely to suffer detrimental impacts on their health, wellbeing or finances'.

Agents or Subcontractors

means any person directly or indirectly authorised to represent the Licensee in its dealings with consumers or other Licensees.

Condition F1 Paragraph 5(1)

5 (1) The Appointee shall submit to the Authority, ~~not later than 1 September 2007, a Procurement Plan covering in detail at least the following three financial years. Thereafter the Appointee shall submit no less frequently than every 18 months~~ a revised and updated Procurement Plan as part of its business plan submission for each price control period, covering in detail at least the duration of the current price control period. The Authority may request a Procurement Plan at any other time if it considers this appropriate. The Procurement Plan shall set out how the Appointee intends to comply with the primary obligations in paragraphs 2 to 4 of this Condition during the ~~following three financial years~~ price control period, or any other period stipulated by the Authority. In addition, the company is required to proactively and transparently report any concerns, issues, irregularities or significant changes with regard to procurement to the Authority in a timely manner in the period between submissions.

Condition F Paragraph 8.1

8.1 In addition to preparing accounting statements under paragraph 4, the Appointee shall, ~~if requested by the Authority~~, prepare accounting statements, on the current cost basis in respect of the same period in accordance with such guidelines as are reasonable and appropriate for the purposes of this Condition as the Authority may from time to time, after consulting with such bodies as are reasonably representative of undertakers holding appointments made under Chapter I of Part III of the Act, or if none the Appointee, notify to the Appointee for the purposes of this paragraph.