

Water Sector Guidance in relation to the adoption of self-laid assets by Water Companies in England

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1. Introduction

1.1 The Draft Water Sector Guidance (“WSG”)

This document comprises the draft Water Sector Guidance that Water Companies recommend to Ofwat under the Ofwat Code for Adoption which came into effect on 13 November 2017 (the Code).

1.2 Purpose and Scope

- 1.2.1** This WSG applies where a Developer appoints a Self-Lay Provider (SLP) to lay new water mains and services to supply premises on its development. The practices covered in this document are those needed for the operation of the competitive water connections market whilst taking into account the long-term operation of the water distribution system. It details the delivery processes and requirements for the work and also specifies the roles of Developers, SLPs and Water Companies.
- 1.2.2** The industry uses the terms “self-lay” or “water asset adoption” to mean projects that are providing new assets other than through the Water Company.
- 1.2.3** Water Companies are obliged by the Code to comply with the Water Sector Guidance once it has been approved by Ofwat pursuant to the Code. Any failure to do so may result in investigation and sanction by Ofwat under its regulatory powers. Individual Water Companies are mindful of their broader obligations under competition law to ensure fair competition between their own services and those supplied by SLPs.
- 1.2.4** Under the Code, this WSG applies to infrastructure in respect of which an agreement is entered into pursuant to S51A WIA. It applies to companies the areas of operation for which are wholly or mainly in England.
- 1.2.5** The guidance requires Water Companies to publish information at specific intervals, deliver work in accordance with a standard set of procedures, report on their performance, and provide redress where things go wrong.
- 1.2.6** This guidance covers the design and installation of Contestable work. The issue of contestability is addressed in section 3 of this document. Contestable work can include new on-site water mains as well as associated works, communication pipes, boundary boxes and/or meter chambers.

- 1.2.7 This WSG does not affect Water Companies' obligations to set charges in accordance with Ofwat's Charging Rules for New Connection Services (English Undertakers), August 2017.
- 1.2.8 This WSG is also without prejudice to Water Companies' duty to comply with relevant legislation including, in particular, Chapter II of the Competition Act 1998 dealing with abuse of a dominant position. Section 18(2)(c) provides that conduct may, in particular, constitute such an abuse if it consists in—
- “(c)applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage”
- 1.2.9 In applying this WSG, Water Companies will be mindful of the possible application of the 1998 Act.
- 1.2.10 In the event of any conflict between this WSG and the Water Adoption Agreement (WAA), the WAA will take precedence. (The WAA is the agreement entered into with respect to a particular Site. The terms of this will be in compliance with the Model Water Adoption Agreement unless otherwise agreed)

The status of other documentation referred to in this WSG is noted in the relevant sections of this WSG.

1.3 Responsibilities

This WSG and the related documents referred to in it have been prepared by Water Companies with input from self-lay companies and from Developers. This suite of documentation is intended to improve the consistency of companies' approaches to self-lay activities and to provide the framework for improving the operation of the self-lay market generally.

As such, this documentation is a starting point for the development of further competition in that market.

1.4 Terminology and Definitions

Appendix A contains a master list of definitions which are used in this Water Sector Guidance and in the ancillary documents.

2. Connections Options

2.1 The delivery options available to a Customer for the new connections infrastructure they require, including self-lay, Requisition from the Water Company, or the use of New Appointments and Variations (“NAVs”) are outlined on Ofwat's website:

<https://www.ofwat.gov.uk/regulated-companies/markets/connections-market/>.

There is also the option to use a retailer and details of retailers are also available on Ofwat's website:

<https://www.ofwat.gov.uk/regulated-companies/markets/business-retail-market/>

2.2 The comparison between delivery by SLPs and by Water Companies raises questions as to whether there is a level playing field between these two delivery methods. The following points should be noted.

2.2.1 The focus of the Code's section on ensuring a level playing field is on the establishment of a framework that allows competition by SLPs. The Code does not deal with the statutory requisition framework.

2.2.2 In providing services to SLPs in connection with the provision by them of adoptable assets and in the conduct of their business generally, Water Companies will ensure compliance with the requirements of competition law.

2.2.3 Accordingly, differences between the services provided by Water Companies to SLPs and those provided where infrastructure is requisitioned need to be objectively justified, for example due to differences in legal basis or differences between the contractual allocation of risk between Water Companies and SLPs and Water Companies and their subcontractors.

3. Contestability

3.1 Introduction

The connection work that is open to competition is known as "contestable" work. This category includes the majority of work a Developer needs to serve a new development and includes all work to lay and test new mains and services. Because Water Companies have a responsibility to maintain wholesome water supplies to Customers, some higher risk work may be defined as "non-contestable" and can normally only be carried out by the Water Company itself.

3.2 Annual Contestability Summary

3.2.1 Upon first implementation of the Water Sector Guidance, and each year thereafter or more frequently, each Water Company shall publish on its website a statement regarding the activities which it considers to be Contestable. This will be known as an "Annual Contestability Summary ("ACS"). The template for companies' ACS documents appears in table 3.2 below and no company's ACS will allow fewer activities to be Contestable than are so marked on that table, as amended from time to time.

3.2.2 Each Water Company's ACS will be accompanied by indicative information about steps that an SLP would need to take to carry-out higher risk tasks-shaded amber on table 3.2.

3.2.3 It is expected that over time, the template ACS will be modified in the light of experience and changing Accreditation requirements to increase the scope of activities available for SLPs to undertake.

3.2.4 The activities appearing in green on table 3.2 shall always be Contestable (i.e., marked green) on individual Water Companies' ACS.

3.2.5 The activities considered Contestable by a Water Company in its ACS shall not in any event be fewer than those permitted to be carried out by SLPs in that company’s area before the date on which this WSG comes into effect.

3.2.6 In advance of publication, the ACS will be discussed with relevant Customers in a Water Company’s area. Water Companies shall publish their ACS on their website no later than 4 weeks before it takes effect, to allow sufficient time for SLPs to amend their processes if required.

3.2.7 A Water Company will explain within its ACS where it has used its discretion to include an activity within the red category and ensure this is published on its website.

3.2.8 Where providing an adequate Site supply requires Network Reinforcement, elements of this work should be considered as Contestable subject to the scope of works required and impact on existing end-user customers. This concerns additional works to extend from the nearest Point of Connection of suitable size to a more distant Point of Connection specified by the Water Company. Charges shall be by agreement between the SLP and the Water Company and with reference to Water Company Charging Arrangements.

Table 3.2: Template ACS

Table 3.2

	Work categories by number of properties potentially affected by work or strategic nature of Existing Main			
	>49	50-199	200-499	500+/Strategic main
Selection of a proposed POC to serve a Site/Development from records of Existing Mains				
Construction of new mains and service connections				
Construction of new mains as part of Network Reinforcement or associated Site diversion work				
Design of new water network				
Chlorination and pressure testing of Self-lay Works				
Meter installation in conjunction with new service connections				
Undertaking Water Quality samples				

Analysing Water Quality samples (subject to DCS paragraph 17.3)				
Construction of routine mains connections (CRMC) connections				
Main and/or service connection: up to 63mm PE/Barrier pipe to: Parent Network: <12" nominal bore* DI/CI/SI/ AC/PE/ Barrier pipe / steel Permanent Connections (Piece through)				
Connection: 63mm to 300mm PE / Barrier Pipe to: Parent Network: <12" nominal bore * CI/SI/DI/AC/PE/Barrier pipe/steel Operational pressure: up to 50m				
Connections: 63mm to 300mm PE / Barrier pipe to: Parent Network: 12" nominal bore * to 18" nominal bore * / 300mm to 450mm nominal bore * DI/ CI/ SI/ AC/ PE/ Barrier pipe/Steel Operational pressure: 50m to 75m				
Connections: over 300mm to: Parent Network: 18" nominal bore * & above, or high-risk parent Network: material (such as steel) Operational pressure: above 75m				
Valve operation in relation to commissioning new Self-Lay Works*				
Self-certification of SLP for Site water distribution systems designs				
Any size connection to GRP / PVC Network				

Design of Network Reinforcement (upsizing of existing assets) and/or design of Network diversion(s).				
Pipe sizing criteria, and the approval of design by others				
Assessment of network risk, & operating live network				
Commission telemetry links (meters / field equipment)				
Connection, commissioning and/or decommissioning of diverted Network				

* Notes:

- 1 All references to PE are to all Polyethylene pipe materials
- 2 PE pipe sizes are identified by outside (OD) diameter and other pipe materials and sizes refer to internal (nominal bore) diameters
- 3 Strategic main defined by reference to potential impact of work on key customer such as a hospital
- 4 See further paragraph 11.7 of the DCS

3.3 Activities shaded green in the ACS

3.3.1 All activities shaded green in the above table are capable of being performed by SLPs

3.3.2 These green-shaded activities will apply where the SLP has the relevant WIRS or other accreditation (see section 7 below). Where further activities are accredited by WIRS, such activities shall be marked as green in the above table by agreement with the Codes Panel.

3.3.3 The Water Company will set out the procedures it has in place relating to connections to the Existing Main and the forms supporting this. These will be published on the Water Company's website.

3.3.4 Changes will be brought about by the panel procedures set out in appendix H – Governance

3.3.5 References to the Final Connection of the Self-Laid Main to the Existing Main on the Network are;

- of an under-pressure type connection and/or,
- a connection to a previously installed temporary valve-controlled washout installed in conjunction with the connection to the Existing Mains Network at the POC to supply the Site or Development, and/or

- a connection to a previously installed valve-controlled washout, which has been installed on a Self-Laid Main for a future connection off such main.

3.3.6 Where references to the Final Connection of the Self-Laid Main to the Existing Main on the Network require a section to be isolated by a shut (to enable it to be cut-out to install a connection point), and/or if a new branch tee is required to be cut into a Self-Laid Main subsequently adopted by the Water Company (which therefore forms part of the Network), then such connections are excluded from activities shaded green.

3.4 Activities shaded amber in the ACS

3.4.1 The activities shaded amber shall be capable of being performed by an SLP in the area of an individual Water Company where the SLP complies with the requirements of the Water Company as set out below. Such publication shall include information about control measures required to allow the work to be performed. The following paragraphs set out how publication of such information is to be approached.

3.4.2 The Water Company may require additional evidence of competence to carry out activity and/or require the SLP to follow an operational process equivalent to one that the Water Company's direct labour or term contractor would be required to follow.

3.4.3 The company's requirements will relate to the specific site and will take account of the type of connection involved; the location of the connection; the strategic importance of the main Network to be connected to; the potential impact on end user customers; risk to water quality and regulatory impact/consideration; and the resources the SLP proposes to use.

3.4.4 The company will set out the information it needs from the SLP regarding its Accreditation and how its general and specific operations, resources, and procedures will protect the company from any risk of interruption of supply to its end-user customers and/or to water quality. These requirements will be equivalent to those that the Water Company's direct labour or term contractor would be required to follow.

3.4.5 The SLP will need to demonstrate its competence to undertake this activity. Such may be by Self-lay Works being supervised by the Water Company or by the SLP providing details of similar work that it has carried out to a satisfactory standard for other Water Companies.

3.4.6 Valve operation in relation to commissioning of Self-Lay Works: Water Company requirements relative to this contestable activity shall apply as set out in in paragraph 11.7 of the DCS.

3.4.7 The Water Company will set out in the DCS the procedures it has in place to allow connections to the Existing Main and the forms supporting this. These will be published on the Water Company's website.

3.5 Activities shaded red in the ACS

3.5.1 The Water Companies have concluded that activities shaded red in table 3.2 are of such a high risk that they are unlikely to be contestable in most conceivable circumstances.

3.5.2 However, if an SLP wishes to carry out this work, it shall contact the Water Company directly to determine whether conditions can be agreed that enable the SLP to carry out the requested activity.

3.6 Charging

Water Companies' Charging Arrangements shall set out any charges associated with carrying out work in all categories in table 3.2.

3.7 Subcontracting

The SLP may subcontract some or all of the activities referred to in this section provided that the subcontractor meets the requirements (including Accreditation or otherwise) that the SLP would be required to meet in respect of the particular activity and gives the Water Company advance, written notification of the subcontractor appointment.

4. Procedures

4.1 Introduction

4.1.1 The Water Companies have developed an outline set of procedures setting out the activities to be carried out by Water Companies, Developers and SLPs in order to allow Self-Lay Work to be delivered. These are set out in Appendix C (the Procedures). The Procedures are to be read in conjunction with the DCS in Appendix D, the Minimum Information requirements in Appendix E and the Levels of Service in Appendix G.

It may be that over time, the Procedures will be refined under the control of the Code Panel and at that point, consideration will be given to additionally requiring compliance with the Procedures pursuant to the Model Water Adoption Agreement (MWAA).

4.1.2 A summary version of the procedures that are to be followed for the delivery of self-lay schemes is set out in table 4.1. A comparison table setting out the procedures applicable to requisitions is set out in table 4.2.

4.1.3 A key innovation of the new arrangements is the commitment of Water Companies to provide a Source of Water for testing purposes within an agreed period or within a minimum of 42 days of the initial application. This will entail the Water Company working at risk until such time as the WAA is entered into. Water Companies may introduce payments in their Charging Arrangements to reimburse them for abortive costs where a WAA is never entered into. Water Companies will in their application forms specify if they require such reimbursement.

4.1.4 The MWAA provides that if the Water Company has reason to believe that any of the preconditions for connection (either for Testing or at Final Connection) may not be met, it will confer at the earliest opportunity with the SLP – see clause 10.8.

4.2 Service connection notification and call-off

Water Companies shall publish their procedures for calling off service connections on their individual websites alongside the other information which this WSG requires them to publish.

Table 4.1: High Level Adoption Process

	Developer	Water Company / NAV	SLP
Pre-planning enquiry	<ul style="list-style-type: none"> Supply outline plan of Site Expected planning categories Prior usage of Site Submit pre-planning enquiry Calculate costs based on Water Company published charges Can go to Water Company directly, or consultant or SLP to act on their behalf 	<ul style="list-style-type: none"> Process pre-planning enquiry Provide Point of Connection Ensure Network has sufficient capacity to supply site Investigate and respond highlighting any existing Network assets that could affect the site (diversions etc.) 	<ul style="list-style-type: none"> This activity could be carried out by SLP or consultant Apply design criteria to expected usage Submit pre-planning enquiry to water company on behalf of Developer Calculate costs for tendering based on outline design
Determination of costs	<ul style="list-style-type: none"> Provide detailed plan of Site Provide all requisite documentation to SLP e.g. Site investigation and remediation report Request SLPs tender for work and provide results of pre-planning enquiry to SLPs Appraise SLP submissions and appoint chosen SLP 	<ul style="list-style-type: none"> Confirm validity of Point of Connection enquiry (S1/1) Produce overview of where Network Reinforcement / diversions are required on Site including scope of Self-Lay Works Confirm Non-contestable works Issue PoC report (S1/2) 	<ul style="list-style-type: none"> Submit Point of Connection request to Water Company Price the Self-Lay Works work to be undertaken Submit tender to Developer
Design approval and agreement	<ul style="list-style-type: none"> Sign and return Water Adoption Agreement 	<ul style="list-style-type: none"> Confirm application (S2/1) Agree design with SLP Agree costs (S2/2) Agree Delivery Date Issue Water Adoption Agreement (S3) Sign Water Adoption Agreement 	<ul style="list-style-type: none"> Provide all requisite documentation to Water Company Propose Delivery Date for Source of Water to Site Agree design with Water Company Sign Water Adoption Agreement and return 28 days prior to Delivery Date
Construction of mains	<ul style="list-style-type: none"> Agree schedule of work with SLP Provide call-off of Self-Lay Works and agree schedule of work with SLP Communicate any Site layout changes to all parties 	<ul style="list-style-type: none"> Provide Source of Water by agreed Delivery Date (S4/1) Carry out Final Connection (S5/1a) or approve Final Connection (S5/1b) Vest Self-Laid Mains by issue Declaration of Vesting (S6) 	<ul style="list-style-type: none"> Construct Self-Lay Works Provide all minimum information, notifying Water Company of intention to Test and connect Self-Laid Mains (S4/2) Connect Self-Laid Mains on agreed date if accredited and authorised to do so (S5/2)
Construction of services	<ul style="list-style-type: none"> Install private side pipework and provide Approved Plumbers Scheme certificate and postal addresses to SLP Call-off of Service Pipe connections / meter fits Ensure that meters remain in situ once fitted Ensure protection of Network while Site remains live 	<ul style="list-style-type: none"> Make connection and fit meter if requested to do so within agreed timescales (S7/3) Register billing account for new end-user customer 	<ul style="list-style-type: none"> Inform Water Company of intention to connect Service Pipes (S7/1) Connect Service Pipes to newly installed Self Laid Main Arrange meter fit in line with Water Company Local Practice Inform water company of Service Pipe connection (S7/2)
Closedown	<ul style="list-style-type: none"> Provide new occupier with all details required to register water billing account Reconcile all payments and charges 	<ul style="list-style-type: none"> Reconcile all payments and charges Complete final walk-off of Self-Lay Works 	<ul style="list-style-type: none"> Reconcile all payments and charges Carry out rectification of Defects during 12 month liability period

Table 4.2: High-Level Requisition Process

	Developer	Water Company / NAV	WC Service Delivery (contractor)
Pre-planning enquiry	<ul style="list-style-type: none"> Self-serve costings using Water Company published charges Supply outline plan of Site Expected planning categories Prior usage of Site Apply design criteria to expected usage Can go to Water Company directly, or consultant or SLP to act on their behalf 	<ul style="list-style-type: none"> Process pre-planning enquiry Provide Point of Connection details Ensure Network has sufficient capacity to supply site Investigate and highlight any existing assets that could affect the site (diversions etc.) 	
Determination of costs	<ul style="list-style-type: none"> Confirm detailed plan of Site Provide all requisite documentation e.g. Site investigation and remediation report Request Water Company to provide costs of requisition via application process Appraise Water Company costs and compare with other offerings (e.g. SLP) 	<ul style="list-style-type: none"> Confirm Point of Connection Carry out design and provide drawing Confirm costs and provide transferable quote Provide overview of where Network Reinforcement / diversions are required on site 	
Construction of mains	<ul style="list-style-type: none"> Agree schedule of work with Water Company Provide call-off of Water Company Works and agree delivery dates with Water Company Communicate any Site layout changes to all parties 	<ul style="list-style-type: none"> Agree schedule of work with Developer Instruct service delivery department / fixed term contractor to carry out Water Company Works 	<ul style="list-style-type: none"> Construct Water Company Works Provide Source of Water within agreed timescale Chlorinate, pressure test, commission Mains
Construction of services	<ul style="list-style-type: none"> Install private side pipework and provide Approved Plumbers Scheme certificate and postal addresses to Water Company Provide call-off of service connections and meter fits Ensure that meters remain in situ once fitted Ensure protection of assets while Site remains live 	<ul style="list-style-type: none"> Arrange meter fit if requested to do so within agreed timescales Set up billing account for new customer 	<ul style="list-style-type: none"> Connect compliant service pipes to newly installed mains Fit meter and provide meter details to water company
Closedown	<ul style="list-style-type: none"> Provide new occupier with all details required to register water billing account Reconcile all payments and charges 	<ul style="list-style-type: none"> Reconcile all payments and charges Complete final walk-off of site once complete to ensure assets remain operable 	<ul style="list-style-type: none"> Carry out rectification of defects during 12 month liability period

4.3 Deviation

Deviation from the Procedures in Appendix C and from the DCS is not permitted unless:

- the SLP or Water Company has identified a more suitable process for delivering a particular scheme and both parties have agreed in writing to deviate. This includes cases of innovation described in section 4.5 below; or
- the Water Company has established a local practice to reflect the specific circumstances in its area (see further section 4.6).

Adherence to the Procedures shall not prevent changes to the programme arising from identified and documented health and safety risks or unforeseen circumstances, such as the discovery of contaminated land.

In such circumstances, the Procedures shall be re-started at a defined point agreed between the SLP and Water Company for the purpose of Levels of Service.

4.4 Convertible quotations

- 4.4.1 While the self-lay journey is distinct from the requisition route, the two options co-exist during Stages 1 and 2 of the Procedures. Customers shall be offered an equivalent process during those stages.
- 4.4.2 The start of Stage 3 of the Procedures allows the Developer to make an informed choice about who will provide the Contestable Work and Services activities.

4.5 Innovation

Innovation to the Procedures is permitted in the following ways:

- Water Companies and Customers may agree to outperform the Procedures or the requirements of the DCS at any time, eg combine steps together or add in extra communication or coordination activities, providing they do not affect the measurement and consistent reporting of the Levels of Service;
- Water Companies may also facilitate innovation by establishing a local practice under Section 4.6, providing it does not affect the ability of the company to comply with the Levels of Service reporting system. Once a Water Company has established a local practice for a part of the self-lay process, all work in its area shall follow that new procedure.

4.6 Local Practices

4.6.1 Local practices are only permitted in the following areas of the Procedures:

- Meter pairing or commissioning procedures during Stage 7 of the Procedures (note 7.10 refers);
- Plot reference numbers i.e., Stages 3 & 7 of the Procedures (notes 3.5 & 7.4 refer);

- Water Company service offered to provide the design for new mains. I.e., Stage 2 and note 2.4 refer);
 - Design self-certification scheme and design approval criteria offered by Water Company i.e., Stage 2 of the Procedures (note 2.4 refers).
- 4.6.2 These are considered to be local practices pursuant to paragraph 3.1.3 (i) of the Code and shall be published by a Water Company, incorporated into its DCS and be provided to Water UK for publication on the Website.
- 4.6.3 A Water Company wishing to implement a local practice in one of the permitted areas must first publish its proposals and give Customers an opportunity to comment before implementation. Such proposals must be justified under the principles of the Code.
- 4.6.4 Local practices may not be relied on for the purposes of excusing non-performance under any Level of Service measure set out in this Water Sector Guidance and/or reported on nationally as part of D-MeX.
- 4.6.5 If a Water Company requires a local practice, as specified above, affecting the Procedures, it is to be published as follows:
- on its website no less than two months before the implementation date for the WSG and WAA;
 - prior to such implementation date, issue a list of required local practices that the Water Company is to employ to Water UK who will publish such for all Water Companies on its website.

5. Design and Construction Specification (DCS)

5.1 Standard format for Design and Construction Specification

- 5.1.1 Appendix D contains a template Design and Construction Specification (DCS). This will be incorporated into each WAA as part of Schedule 1.
- 5.1.2 The template contains certain sections coloured yellow and in respect of those areas of the document, each Water Company shall provide details of its requirements. The other elements of the DCS which are not coloured yellow may not be modified or added to.
- 5.1.3 Each Water Company shall publish its completed DCS no less than two months before the implementation date for the WSG and WAA.
- 5.1.4 It is intended that over time, the areas for individual Water Company variation shall be examined with a view to increasing the standardised elements of the DCS.

6. Minimum Information and Forms

Appendix E contains a table setting out the Minimum Information required throughout the self-lay process.

7. Competency and Accreditation

An SLP's competence can be demonstrated:

- through WIRS where the Accreditation Body awards scope-specific accreditation against the criteria detailed in the Water Industry Registration Scheme Requirements Document. (Details of the WIRS scheme can be found at <http://www.lr.org/en/utilities-building-assurance-schemes/uk-schemes/water-industry-registration-scheme/>); or
- in the case of communications pipes, or plumbing, those accreditation schemes recognised by WRAS;
- local accreditation arrangements which are specified by the Water Companies in their ACS for the purposes of the “amber” activities (which allows SLPs to carry out works beyond those by WIRS accreditation).

8. Model Water Adoption Agreement (MWAA)

The model water adoption agreement that must be used by Water Companies governing the construction and subsequent Adoption of the Self-Laid Main for individual sites is set out at Appendix F. Amendments to Part 1 General Terms and Conditions of the MWAA may only be made by the mutual, written agreement of the SLP, Developer and Water Company and must set out the reasons for the amendment. When used by a Water Company, this will become a Water Adoption Agreement (WAA).

Schedule 5 of the MWAA sets out an escalating dispute procedure that shall apply where a dispute, claim or difference that has arisen in relation to the MWAA has not been resolved in accordance with the redress procedure in section 10 below.

9. Levels of Service and Reporting

9.1 Application of Levels of Service (“LoS”)

- 9.1.1 Appendix G contains the LoS that Water Companies will comply with in the performance of activities related to the delivery of self-lay schemes.
- 9.1.2 Where a Self-Laid Main is built and connected in Sections, each Section will be measured and reported on as it progresses.
- 9.1.3 Where a Water Company fails to meet a LoS, the procedures set out in section 10 (Redress) apply in addition to any remedies available under the WAA.
- 9.1.4 Water Companies must adhere to Ofwat's Information Principles when reporting or publishing information in relation to the code: <https://www.ofwat.gov.uk/regulated-companies/company-obligations/engaging-with-Customers/>
- 9.1.5 Water Companies shall measure their Levels of Service in accordance with the requirements in appendix G1 and in line with the Water UK Levels of Service manual. This can be found at:

<https://www.dropbox.com/s/mef4zvpuhwl5vig/Water%20UK%20Developer%20Services%20Los%20metrics%2022%20July%202017.pdf?dl=0>.

Data shall be uploaded monthly to the central Water UK Level of Service system and to enable it to be reported on in accordance with the interval specified in appendix G2. For clarity, the levels of service metrics are also annotated on the procedures flow charts in appendix C and on table 4.1.

- 9.1.6 Note that the MWA requires the Water Companies to issue the SLP with a Declaration of Vesting certificate within five Days of notification of the Final Connection. This is reflected in the LoS. Water Companies will use all reasonable endeavours to provide the Declaration of Vesting within a shorter period.
- 9.1.7 In addition, Water Companies shall publish the information specified in appendix G2 at the intervals shown.
- 9.1.8 The information required by appendix G2 shall be published on Water Companies' websites and made available in other appropriate formats as necessary to meet the requirements of the Code.
- 9.1.9 All measures are in working days unless otherwise stated.

10. Redress

- 10.1 Where the Water Company fails to comply with a Metric set out in Appendix G (Levels of Service), without prejudice to any liability on the part of the Water Company under the WAA, the consequences shall be as follows:
- 10.1.1 where the failure arises in relation to a Category One Metric, the Water Company shall within thirty working days of the failure arising and without any requirement on the part of the SLP to notify the Water Company of the failure, send to the Customer a refund for the fee in question.
- 10.1.2 where the failure arises in relation to a Category Two Metric, without any requirement on the part of the SLP to notify the Water Company of the failure, the following procedure shall apply:
- within one working day of the failure, the Water Company shall email the SLP with such information as shall reasonably be available to it regarding the nature and cause of the failure with relevant supporting evidence, and an indication of the proposed remedial action;
 - that email shall also contain a new date for the performance of the service in question (and in the case of a failure to meet the Delivery Date, that email will also contain a new date for the performance of the service which will be as soon as reasonably practicable taking account of the circumstances which led to the original delay);

- the SLP may either confirm acceptance of this information or request escalation to the Compliance Manager;

- 10.2 Where the SLP requests such escalation, the Compliance Manager shall, within five working days of receipt of such notification, issue a written report setting out the causes of the failure, proposals to remedy the failure and lessons learnt by all parties which might prevent a recurrence of similar failures.
- 10.3 If before the due date for performance of an activity to which a Category Two Metric applies, a Water Company anticipates not being able to fulfil its obligations on the due date, it shall instigate the procedures set out in section 10.1.2 above.
- 10.4 Where the SLP considers that it has suffered direct financial loss as a result of any Water Company failure to comply with its obligations under section 10.1.2, it may make a written complaint to the Water Company Compliance Manager. The Water Company shall ensure that its internal complaints procedures are sufficiently robust and capable of processing complaints of this nature and able to make ex gratia payments where SLPs reasonably demonstrate such financial loss.
- 10.5 The above provisions represent a minimum level of redress and where individual companies consider it appropriate, they may adopt other forms of redress in addition to those set out.
- 10.6 Repeated failure may raise questions about the compliance of the Water Company with its competition law obligations and may result in legal/regulatory consequences.

11. Governance

Appendix H contains terms of reference for the Code Panel, as required by paragraph 3.8 of the Code.

Appendix A – DEFINED TERMS

Accredited or Accreditation	means in respect of Contestable Work and Services, demonstrating competence, at all relevant times, by satisfying the following: (i) accreditation under WIRS; and/or (ii) the Water Company’s local accreditation arrangements, agreed with the SLP in relation to a specified activity, published in its Annual Contestability Summary (ACS), pursuant to section 3.2 of the Water Sector Guidance.
Accreditation Body	An organisation appointed by Water Companies (through Water UK) from time to time to accredit SLPs as being competent to undertake Self-Lay Works (against the specific accreditation scopes held by the SLP).
Act or WIA	the Water Industry Act 1991 (as amended).
Adjoining Land	land, owned by a person other than the Developer or the Owner of the Site, not being an adopted highway, where part of the Water Company Works or Self-Lay Works are to be undertaken which adjoins the Site, as shown on the SLP Accepted Design or the Water Company Design.
Adjoining Owner	the owner of the Adjoining Land.
Adopted Self-Laid Main or Adopted Section(s)	the Self-Laid Main (or each Section) after the Adoption Date.
Adopt, Adoption or Adopted	The Adoption Date on which ownership of the Self-Laid Main built by the SLP and/or Developer, or any Section of it is transferred to, and vests in the Water Company under section 179 of the Act.
Adoption Date	the date of the Final Connection stated on the Declaration of Vesting issued by the Water Company in accordance with Clause 11 of the WAA.
Annual Contestability Summary or “ACS”	the standard format document published annually (or more frequently) by the Water Company on its website setting out which works’ and services are Contestable Work and Services and which are Non-contestable Work and Services as described in section 3 of the Water Sector Guidance.
Applicable Law	all relevant, applicable, legislation, whether primary or secondary, regulations or codes of practice having the force of law, determinations of any governmental authority in force from time to time (or other body exercising similar functions), rulings of any UK court applicable to this WAA and includes amongst others:

	<ul style="list-style-type: none"> (i) Bribery Act 2010; (ii) Criminal Finance Act 2017; (iii) Construction (Design and Management) Regulations (CDM) 2015; (iv) Control of Pollution Act 1974; (v) Control of Pollution (Amendment) Act 1989; (vi) Environment Act 1995; (vii) Environmental Permitting (England And Wales) Regulations 2007; (viii) Environmental Protection Act 1990; (ix) Fire and Rescue Services Act 2004; (x) Finance Act 2008 (xi) General Data Protection Regulation 2016 and compliance with the law relating to the use of personal data; (xii) Health and Safety at Work Act 1974; (xiii) Highways Act 1980; (xiv) New Roads and Street Works Act 1991 (NRSWA), Regulations and Codes of Practice; (xv) public safety (including signing, pedestrian re-routing, barriers); (xvi) Traffic Management Act (and permit schemes) 2004; (xvii) UK Modern Slavery Act 2015 (xviii) Water Industry Act 1991; (xix) Water Industry Act 2003; (xx) Water Industry Act 2014; (xxi) Water Supply (Water Fittings) Regulations 1999; (xxii) Water Supply (Water Quality) Regulations 2016; (xxiii) Waste Duty of Care Code of Practice 2016.
Approving Design Engineer	person within the Water Company with responsibility for reviewing and accepting the SLP design of the Self-Laid Main.
Category 1 Metrics	those metrics so classified in Appendix G of the WSG
Category 2 Metrics	those metrics so classified in Appendix G of the WSG
Charging Arrangements	the Water Company's published charges for new connection services in accordance with Ofwat's "Charging Rules for New Connection Services (English Undertakers) 2018".
Code	the code which is binding on all water companies entitled 'Code for Agreements – For water and sewerage companies operating wholly or mainly in England' published by Ofwat in August 2018 as updated or amended.
Commissioned Pipe	A pipe which has passed pressure and chlorination tests and been brought permanently into use by means of connecting it to the Network.
Communication Pipe(s)	that part of the Service Pipe which is the responsibility of the Water Company to maintain, and transfers water from the Network to the boundary to the Premises.
Compliance Manager	a person nominated by a Water Company for the purposes of the redress procedures set out in the Water

	Sector Guidance, whose email address shall be published by the Water Company and who shall be at the minimum level of Regulation Director or other equivalent within the Water Company hierarchy.
Confidential Information	all information (whether written, oral or in some other form) disclosed to or obtained by one party (whether directly or indirectly) from the other (whether before or after the signing of the WAA), including all information relating to that other's business, operations, systems, processes, products, trade secrets, know-how, contracts (including but not limited to the WAA), finances, plans, strategies or current, former or prospective clients, Clients, partners or consultants (together with copies made of any of the foregoing) and which information is marked as being confidential or might reasonably be assumed to be confidential, but excluding information which is: <ul style="list-style-type: none"> (i) available to the public other than because of any breach of the WAA; (ii) when it is supplied, already known to whoever it is disclosed to in circumstances in which they are not prevented from disclosing it to others; or (iii) independently obtained by whoever it is disclosed to in circumstances in which they are not prevented from disclosing it to others.
CDM	Construction (Design and Management) Regulations 2015.
Contestable Work and Services or Contestable	those activities highlighted in green in the Water Company's Annual Contestability Summary (ACS) which can be undertaken by the SLP or those activities which the Water Company agrees the SLP may undertake where it satisfies the requirements of the Water Company in its ACS.
Customer	shall have the meaning given in the Code.
Data Protection Legislation	all applicable data protection and privacy legislation in force from time to time in the UK including the General Data Protection Regulation ((EU) 2016/679), the Data Protection Act 2018, the Privacy and Electronic Communications Directive 2002/58/EC (as updated by Directive 2009/136/EC) and the Privacy and Electronic Communications Regulations 2003 (SI 2003 No. 2426) and the guidance and codes of practice issued by the relevant supervisory authority and applicable to a party.
Day(s)	any working day other than a Saturday or Sunday, or Christmas Day, Good Friday or any day which is a bank holiday in England, under the Banking and Financial Dealings Act 1971.
Declaration of Vesting	the certificate confirming the Adoption Date of the Self-Laid Main or Section by the Water Company issued in

	accordance with clause 11 of the WAA. (See also section 1.9 of the WSG).
Defect	a defect includes: (i) work not constructed in accordance with the Technical Specification; (ii) faults caused by poor workmanship not in accordance with Good Industry Practice, or a flaw in the installed materials; (iii) or damage resulting from the rectification of defects during the Defects Correction Period by the SLP and/or Developer.
Defect Correction Period	the period commencing on the Adoption Date and: i) with respect to Defects relating to permanent reinstatement of a highway (as defined by the Highways Act 1980), expiring on the second anniversary (24 months) of the Adoption Date; and (ii) with respect to all other Defects, expiring on the first anniversary (12 months) of the Adoption Date.
Delivery Date	is the date specified in Schedule 1 of the WAA for the provision of a viable Source of Water connection for Testing, being not less than twenty-eight (28) calendar days from the Day the Water Company receives the signed WAA, or if that date is not a Day, on the next Day.
Delivery Hours	09:00 to 17:00 on a day which is not a Saturday or Sunday or Christmas Day, Good Friday or any day which is a bank holiday in England and Wales, as defined by the Banking and Financial Dealings Act 1971.
Designer	the designer appointed under CDM by the Principal Designer or Client (in the case of a Development, the Client would be the Developer or person(s) acting on their behalf).
Design and Construction Specification (“DCS”)	the contractually binding specification for design and delivery of the Self-Lay Works which forms part of the WAA and is published and updated by the Water Company on its website at least annually. A template DCS can be found at Appendix D of the Water Sector Guidance.
Developer	has the meaning given in the Code and shall be named as a party to the WAA.
Development	the wider project being undertaken by the Developer or Developers. This may be equal to the Site or may be a larger programme of works.
Developer Works	those parts of the Self-Lay Works listed in the Schedule 1 of the WAA to be carried out and completed by the Developer.

Encumbrance	any charge, lien, restriction, hire purchase agreement, option, conditional sale or credit sale agreement or any other interest or right of any other person.
Existing Main	is any part of the Network which is not the subject of a WAA.
Final Connection	the commissioning of the Self-Laid Main by means of the connection between that main and the Existing Main.
Force Majeure	any act, event or circumstances beyond the control of a Party including those which arise from or are attributable to: <ul style="list-style-type: none"> (i) a Network Emergency; (ii) fire, flood, explosion, earthquake, storm or other natural disaster; (iii) civil commotion, hostilities (whether war is declared or not), sabotage, terrorist attack, chemical, biological or nuclear contamination; (iv) compliance with any change in Applicable Law.
Good Industry Practice	the exercise of that degree of skill, diligence, prudence and foresight which would reasonably and ordinarily be expected from a skilled and experienced contractor engaged in the same type of undertaking, under the same or similar circumstances.
Income Offset	Is a sum of money offset against the charges that would otherwise be applied for the provision of a new water main in recognition of revenue likely to be received by the Water Company in future years for the provision of supplies of water to premises connected to the Self-Laid Main.
Insolvency Event	a Party ceasing to trade or having a receiver, administrative receiver, administrator, trustee or manager appointed over the whole or any substantial part of its assets or undertaking, or becoming insolvent or going into liquidation (unless such liquidation is for the purposes of a solvent reconstruction or amalgamation), or making any arrangement or composition with any class or all of its creditors generally or otherwise being unable to meet its debts as they fall due or taking or suffering any similar action in consequence of debt.
Intellectual Property Rights (IPR's)	copyright, patent, trademark, service marks, design rights, registered designs, sui generis rights, know-how, confidential information, trade or business names or other similar rights together with applications for any of the foregoing.
Land Rights	rights, free from Encumbrances in, under or over land for the construction, installation, operation, repair, inspection, maintenance, renewal or use of the Self-Lay

	Works and/or the Water Company Works or for access to them.
Land Rights Criteria	the reasonable criteria issued by the Water Company on or before the date of this WAA, providing the Water Company's requirements for Land Rights.
Levels of Service (LoS)	the service levels set out in Appendix G of the Water Sector Guidance against which the Water Company's performance is measured.
Minimum Information	the requirements of the Water Company in respect of information to be provided in respect of Self-Lay Works, as set out in Appendix E.
Model Water Adoption Agreement ("MWAA");	The model form agreement specified in Appendix F of the WSG setting out the terms and conditions pursuant to s.51A WIA 1991, between an SLP, Developer, Water Company and potentially Owner and Adjoining Owner.
Network	the Water Company's water supply assets comprising: <ul style="list-style-type: none"> (i) any reservoirs and other places of water storage and any treatment works developed or maintained by the Water Company for the purpose of compliance with its duty under section 37 of the Act; (ii) any water mains and other pipes which it is the Water Company's duty to develop and maintain by virtue of section 37 of the Water Industry Act 1991; (iii) any pipes of the Water Company which are used for the purposes of supplying water outside the Water Company's area pursuant to section 66A (8) of the Water Industry Act 1991; (iv) those assets marked on a map of waterworks pursuant to section 198 WIA.
Network Emergency	in this context refers to events falling within any of: <ul style="list-style-type: none"> (i) the Security and Emergency Measures (Water and Sewerage Undertakers) Direction 1998 ("SEMD"); (ii) the Security and Emergency Measures (Water Undertakers) Direction 2006; (iii) advice and guidance issued under the provisions of section 208 of the Water Industry Act 1991 and/or the Civil Contingencies Act 2004 or a national security event.
Network Reinforcement	changes requested by the Water Company prior to the execution of the WAA, to be carried out by either the Water Company, the SLP and/or the Developer as part of the Self-Lay Works that are: <ul style="list-style-type: none"> (i) for the provision of water supply services in addition to those for which the Developer and/or SLP is proposing to construct the Self-Lay Works, where the Water Company considers that the works are, or are likely to be needed for such purpose; (ii) to provide or modify such other water mains, tanks or service reservoirs as is necessary in consequence of the SLP/Developer proposed connections.

Non-Contestable Work and Services or Non-contestable	all work and/or services which are not Contestable Work and Services and which is the responsibility of the Water Company but may in some instances, at the sole discretion and consent of the Water Company, be undertaken by the SLP.
NRSAWA	New Roads and Street Works Act 1991.
Ofwat	The Water Services Regulation Authority which is the economic regulator of the Water and Sewerage Companies in England and Wales.
Owner	An owner of land under which a Self-Laid Main is to be constructed under a WAA.
Permissible Materials	those materials set out by the Water Company in accordance with the section entitled 'Schedule of Permissible Materials and construction' in the DCS.
Plan	a plan forming part of the SLP Accepted Design or Water Company Design showing the routing of the Self-Laid Main.
Point of Connection (POC)	The point (or points) of connection to the Network at which a supply of water can flow between the Self-Lay Works and the Network as set out in Schedule 1 (Technical Specification) of the WAA.
Premises	Buildings or parts of buildings and land within the curtilage of those buildings to which the Water Company provides or will provide (directly or indirectly) a supply of water.
Principal Designer	competent person appointed by the Developer under CDM Regulations (2015), responsible for oversight of competent Designers and, in the case of clean water adoptions work, highlighting all relevant health and safety risks to the Designer(s).
Procedures	the procedures set out in Appendix C of the WSG.
Requisition(s), Requisitioned, Requisitioning etc.	The process, as detailed in the Water Industry Act 1991, by which an owner or occupier or local authority, who owns buildings or proposes to construct buildings on their land and requiring a supply of water for domestic purposes, can apply to the Water Company to provide supplies of water (via an extension of the mains system) to those buildings.
Routine/In-Line Mains Connection	A connection made to a newly laid main that does not supply customers and where the supplying main can be controlled by a valve, or can be squeezed off, without affecting existing customers.
Safe Construction of Routine Mains Connections (SCRMC) procedure	Procedure to be followed by a SLP wishing to undertake Routine/In-Line Mains Connections.
Schedule(s)	The schedules forming part of the WAA.
Section(s)	any completed part of the Self-Laid Main which the SLP requests the Water Company to connect and Adopt.

Self-Laid Main	the new water main and/or any Existing Main which is to be diverted, which is the subject of this WAA (including accessories as defined in the Water Industry Act 1991) to be constructed by the SLP as part of the Self-Lay Works along the route shown approximately on the Plan and is intended to be Adopted by the Water Company.
Self-Laid Main Phasing Programme	the SLP programme of works, where known, listed in Schedule 4 of the WAA and where known, provided for indicative purposes and maintained and updated from time to time.
Self-Lay Works	works and services undertaken by the SLP and/or Developer in connection with the provision of the Self-Laid Main required to serve the Site, together with all necessary works of reinstatement to the land or to any street (as defined by NRSWA).
Service Pipe	that pipe comprised of the Communication Pipe and the supply pipe, being the pipe from the property boundary to the property inside stop tap.
Site	the land and other places shown on the Plan at, on, under, over or through which the Self-Lay Works are to be constructed or installed, or work is to be carried out.
Site Specific Work	As defined in the Code.
SLP or Self-Lay Provider	The company which is Accredited to design and/or construct the Self-Laid Main.
SLP Accepted Design	a version-controlled design issued for construction of the Self-Laid Main and such other plans and drawings listed in Schedule 1, showing the Site, the Adjoining Land and the layout of the Self-Lay Works, which has been produced by the Accredited SLP or its Accredited subcontract or.
SLP Works	those parts of the Self-Lay Works to be carried out by the SLP.
Source of Water Connection	a source of water made available to the SLP for the purpose of Testing.
Special Engineering Difficulties	defined by the Highway Authorities and Utilities Committee, Advice Note number 2009/07 as updated from time to time, including bridges, retaining walls, cuttings, shallow subways, tramway tracks, culverts, undertakers' apparatus and pipelines.
Start Date	the date agreed by the Parties in writing being the date that the Self-Lay Works commence.
Statutory Consents	all consents, licences, permissions and approval of any kind required under any statute or subordinate legislation including planning permission and building regulation approval but excluding any which are made or given under Street Works Legislation.
Street Works Legislation	New Roads and Street Works Act 1991 (" NRSWA "), Traffic Management Act 2004 and any other Act governing the carrying out of Street Works in a Street.

	("Street", "Street Authority" and "Street Works" shall be defined accordingly).
Technical Specification	<p>the design and technical requirements for the Self-Lay Works in Schedule 1, which contains:</p> <ul style="list-style-type: none"> i. either the Water Company Design or the SLP Accepted Design as appropriate, set out in Schedule 1; ii. the Water Company's published DCS in force at the date of this WAA; iii. agreed deviations from the DCS and Site-specific Technical Specifications; iv. Land Rights (including confirmation by Developer of the affected landowner(s); v. a table in Schedule 1, clearly identifying which elements of the Self-Lay Works are Developer Works and SLP Works respectively and allocating responsibility for them.
Testing	the collection of pressure, bacteriological and chemical tests required by a Water Company in the DCS and analysed by an accredited laboratory in accordance with Drinking Water Testing Specification ISO 17025.
Vests or Vesting	conferring ownership of the relevant Self-Laid Main and/or the adoptable element of a Service Pipe on the Water Company.
Water Adoption Agreement or "WAA"	an agreement in the form set out in Appendix F of the WSG, entered into between a Water Company, SLP and Developer (and where appropriate an Owner and Adjoining Owner) relating to the construction of a Self-Laid Main.
Water Company Charge	the sum(s) listed in Schedule 2 of the WAA due to the to the Water Company in respect of the Water Company Work.
Water Company Design	a version-controlled design issued for construction of the Self-Laid Main and such other plans and drawings listed in Schedule 1 of the WAA, showing the Site, the Adjoining Land and the layout of the Self-Lay Works, which has been produced by the Water Company.
Water Company Work	the items listed in Schedule 2 of the WAA to be carried out and completed by the Water Company. Such activities will normally be Non-contestable Work and Services. Where no Water Company Works are to be undertaken, this is specifically stated in Schedule 2.
Water Regulations Fittings	the Water Supply (Water Fittings) Regulations 1999 or the Water Supply (Water Quality) Regulations 2016 or any other regulations made by the Secretary of State in accordance with section 74 of the Act.

Water Main	a pipe which is owned, operated and maintained by the Water Company for the conveyance of water across its Network.
Water Sector Guidance (“WSG”)	the document (as amended from time to time) published by Water UK on behalf of all Water Companies and approved by Ofwat under paragraph 3.2.4 of the Code.
Weekly Whereabouts Schedule	The weekly works schedule submitted by the SLP to the Water Company, in accordance with clause 7.2 of the WAA.
WIRS (Water Industry Registration Scheme)	the Water Industry Registration Scheme operated by Lloyds Register EMEA on behalf of Water UK and its members, which certifies the competence of SLPs undertaking Self-Lay Works or such other scheme as replaces it from time to time.