

COMMISSION CHANGE PROPOSAL		Draft Form Version 1.2	
This section to be completed by the TP secretary, on behalf of the TP			
Change Proposal Reference.	MCCP097-CC	Version Number	B.1
PART A – SUBMISSION			
1. GENERAL DETAILS			
a.	TITLE	Definition of Vacancy and Occupancy	
b.	CONTACT NAME	David Walters	
c.	CONTACT E-MAIL	David.walters@watercommission.co.uk	CONTACT TEL/MOB 01786 430230
d.	ASSOCIATED DOCUMENTS	Annex 1	
2. MCCP/OCCP DETAILS			
a.	ISSUE or DEFECT WHICH THIS MCCP/OCCP SEEKS TO ADDRESS		
<p>MCCP091-CC contained the Market Code changes needed to support the introduction of the Vacant Site Charging Admin Scheme, which will be implemented with effect from 1 April 2012.</p> <p>To align with those changes, more detailed clarification of what constitutes a vacant premises and an occupied premises is necessary in order to provide additional clarity and transparency and to support the smooth running of the Scheme.</p> <p>After consulting with Licensed Providers and Scottish Water, the Commission is amending the Market Code to provide this clarification of vacancy and occupancy.</p>			

d. DRAFT LEGAL TEXT – required under Market Code Parts 8.7.1 (ii) (d) and 8.8.1 (ii) (d)

In order to accommodate clarification of what constitutes a vacant premises or an occupied premises, a change is required to Clause 5.5.2 of the Market Code as set out below; to Schedule 1 of the Market Code, Definitions, Interpretation and Hierarchy, also as set out below; and to CSD0104 Section 9 as set out in Annex 1 to this Change Proposal.

5.5.2 Errors in SPID Data

- (i) If the CMA identifies an error in any SPID Data it shall request the submission of modified SPID Data from the relevant Data Owner in accordance with CSD 0105 (Error Rectification & Retrospective Amendments). If any Data Owner identifies an error in any SPID Data it shall submit modified SPID Data to the CMA in accordance with CSD 0105 (Error Rectification & Retrospective Amendments) as soon as it becomes aware of such error.
- (ii) The CMA shall be entitled to charge the relevant Data Owner for implementing the correction of the error in SPID Data as an Additional Service in accordance with Part 7 (Cost Recovery), Section 7.3.5.
- (iii) If Scottish Water determines that an error may exist regarding the vacancy status of a Supply Point, it may submit a vacancy change application to the CMA, in accordance with CSD 0105 (Error Rectification & Retrospective Amendments). If such application is subsequently confirmed by Scottish Water, the SPID Data will be modified, in accordance with said CSD. **Clarification of the determination of the occupancy status and vacancy status of a Supply Point is contained in Section 9 of CSD0104 (Maintain SPID Data).**

Schedule 1, Definitions, Interpretation and Hierarchy

1 Definitions

Term

“Occupied Premises”

Means

any Eligible Premises which is in the act, condition or fact of being occupied in accordance with CSD0104, Section 9

Changes to CSD 0104 – see Annex 1

3. TP ACTION REQUIRED

IMPLEMENTATION BY TP

4. ANY OTHER COMMENTS

The implementation date should align with the implementation date of the changes contained in MCCP091–CC.

Annex 1

Change to CSD0104 (Maintain SPID Data) Section 9.1.1

CSD Section 9.1.1

Vacant Premises and Occupied Premises

Licensed Providers should notify the CMA of any Vacant Premises, using Data Transaction T012.1 (Update Chargeable SPID Data). Market Code Schedule 1 defines the period for which premises must be unoccupied before it may be notified as a Vacant Premises.

Where a Licensed Provider becomes aware that any Vacant Premises have been reoccupied, it should notify this to the CMA, using Data Transaction T012.1 (Update Chargeable SPID Data) within 2 Business Days of becoming so aware. This will reactivate Wholesale Charges.

Where any such Vacant Premises is provided with Trade Effluent Services, the Licensed Provider shall also ensure that in accordance with CSD0206 (Trade Effluent Processes):

- i. the Actual Volumes Discharged are updated; and
- ii. shall notify Scottish Water directly, so that Scottish Water can update the TE Schedule 3 notifications.

Licensed Providers shall follow the rules in CSD0301 (the Data Transaction Catalogue) in relation to the update of the vacant status to the CMA.

The following text provides clarification of what constitutes a Vacant Premises and an Occupied Premises. The examples provided may not be exhaustive.

An Occupied Premises includes;

- (i) One which is in use; this includes,
 - Use as a place of work such as a factory, workshop, shop, office, exhibition or catering establishment;
 - Use for the storage of goods, such as a store or warehouse
 - Use for plant and machinery, such as a property used by a utility or for other process control; and
 - Use by animals.
- (ii) Premises which may not be manned and are therefore visited from time to time.
- (iii) Premises which are not manned throughout the year and contain equipment or furniture for the business purpose. Typically this will include properties used for purposes which are seasonal in nature, for example

holiday, student, hostel, hotel and other accommodation, caravan parks, or other seasonal activities such as catering or entertainment, where the property is used from time to time and has furniture and fittings such that they will be used for the activity.

- (iv) Premises which are used, for example car parks, bowling greens, cemeteries, metered troughs or public conveniences.
- (v) A part-occupied or part-used premises is considered as occupied. This will include large sites where a section, building or floor may be vacant or unused but the rest of the premises is occupied or in use.
- (vi) Premises which are in use and maintained by a concierge ready for letting are considered to be occupied.
- (vii) Existing connected premises which are being renovated, refurbished, converted or fitted-out are considered to be occupied as the property is in use. In these circumstances water and sewerage charges will apply but unmeasured building water charges will not apply.
- (viii) Premises which supply a second property under a local arrangement, and the first property, i.e. the one registered in the market, is vacant but the second premises is in use, then the premises registered in the market is also considered to be occupied.

A premises is considered to be a Vacant Premises if all the following criteria at points (i) – (iv) below are met:

- (i) There is no physical occupation by any person, for any purpose;
- (ii) The premise is not open or available to the public or visitors;
- (iii) There is no stock left in the premises;*
- (iv) There are no moveable items left on the premises such as furniture, equipment tools or moveable equipment or machinery, (fixtures and fittings are not considered to be moveable).*

*Except where these items have been abandoned by a former tenant and the premises is not in use.

A property that is prohibited by law from being occupied, for example an unsafe property, is considered to be a Vacant Premises.