

# IRISH WATER CHARGES & SELLING YOUR PROPERTY

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Section 48 of the Environment (Miscellaneous Provisions) Act 2015 which was signed into law on the 27<sup>th</sup> July 2015 amends The Water Services Act 2014 to provide that a vendor must pay to Irish Water any water charge owing and provide his or her solicitor with a certificate of discharge or statement confirming that the vendor has no liability to Irish Water (s 48.3A(2)).

This new Section of the Act came into operation on the 1<sup>st</sup> of January, 2016.

Under the section, if a vendor does not provide a certificate of discharge or statement from Irish Water, the vendor's solicitor must request the vendor to provide it (s 48.3A(3)). Where the vendor does not provide it on being requested, the vendors solicitor must seek such a certificate / statement from Irish Water (s 48.3A(4)).

Section 48 provides that the vendor's solicitor must withhold from the net proceeds of sale any amount owing to Irish Water, "after the discharge of all mortgages and other liabilities relating to the sale" and remit it to Irish water within 20 days of the sale. Irish Water will then provide the vendor's solicitor with a receipt in relation to the amount remitted to it. It is provided in s 48.3A.(10) that Irish Water shall provide certificates of discharge, statements and receipts referred to above "without undue delay".

This means that as a solicitor, if my client refuses to pay the Irish Water Bill, then under the legislation, I am obliged to ensure that the Bill is discharged out of the sale proceeds. Therefore, it is important that anyone considering selling their property be aware of this requirement prior to entering into legally binding contracts to sell.

The onus is on the owner of the property to provide to his or her solicitor a certificate/statement from Irish Water confirming that all water charges are paid. This could prove difficult if the property is rented as it is the occupier of the property, the tenant, who is responsible for this utility. If the owner fails to do this, the solicitor must contact Irish Water directly and request the information and certificate directly from Irish Water. If Irish Water then confirms that water charges are outstanding and owed, it will then become the obligation of that solicitor to withhold the arrears from the proceeds of sale and pay it to Irish Water within 20 working days of completing the sale.