

Water Act 1973

CHAPTER 37

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ELIZABETH II



Water Act 1973

1973 CHAPTER 37

An Act to make provision for a national policy for water, for the conferring and discharge of functions as to water (including sewerage and sewage disposal, fisheries and land drainage) and as to recreation and amenity in connection with water, for the making of charges by water authorities and other statutory water undertakers, and for connected purposes. [18th July 1973]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

NATIONAL POLICY AND CENTRAL AND LOCAL ORGANISATION

National policy

1.—(1) It shall be the duty of the Secretary of State and the Minister of Agriculture, Fisheries and Food (in this Act referred to as "the Minister") to promote jointly a national policy for water in England and Wales and so to discharge their respective functions under subsections (2) and (3) below as to secure the effective execution of that policy by the bodies responsible for the matters mentioned in those subsections.

(2) It shall be the duty of the Secretary of State to secure the effective execution of so much of that policy as relates to—

- (a) the conservation, augmentation, distribution and proper use of water resources, and the provision of water supplies;
- (b) sewerage and the treatment and disposal of sewage and other effluents;

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- (c) the restoration and maintenance of the wholesomeness of rivers and other inland water ;
- (d) the use of inland water for recreation ;
- (e) the enhancement and preservation of amenity in connection with inland water ; and
- (f) the use of inland water for navigation.

(3) It shall be the duty of the Minister to secure the effective execution of so much of that policy as relates to land drainage and to fisheries in inland and coastal waters.

(4) Accordingly in the following provisions of this Act “ the appropriate Minister or Ministers ” means—

- (a) in relation to a matter falling exclusively within subsection (2) above, the Secretary of State ;
- (b) in relation to a matter falling exclusively within subsection (3) above, the Minister ; and
- (c) in relation to a matter falling partly within one and partly within the other of those subsections, both the Secretary of State and the Minister acting jointly ;

and “ the Ministers ” means both the Secretary of State and the Minister acting jointly.

(5) It shall be the duty of the Welsh National Water Development Authority established under section 2 below to consider and advise the appropriate Minister or Ministers on any matter concerning that part of the national policy for water which falls to be executed by the Authority and on any other matters (including matters for which the Authority are not responsible) referred to the Authority by the appropriate Minister or Ministers.

(6) It shall be the duty of the Secretary of State to collate and publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England and Wales.

(7) The Secretary of State may also (in so far as he considers it appropriate to do so) collaborate with others in collating and publishing the like information relating to the demand for water, and to water resources, whether in England and Wales or elsewhere.

Water authorities

Establishment
of water
authorities.

2.—(1) For the purpose of exercising functions conferred on them by or by virtue of Part II of this Act, there shall be established in accordance with the following provisions of this section authorities to be known as regional water authorities, being the authorities named in column 1 of Schedule 1 to this Act,

and also an authority to be known as the Welsh National Water Development Authority (in this Act referred to as "the Welsh authority").

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(2) Subject to subsection (5) below and Part IV of Schedule 5 to this Act—

- (a) the regional water authorities shall exercise their functions as respects the existing areas described in column 2 of Schedule 1 to this Act (being, in general, areas established for the purposes of functions relating to water resources or land drainage); and
- (b) the Welsh authority shall exercise their functions as respects the existing areas of the Dee and Clwyd, Glamorgan, Gwynedd, South West Wales, Usk and Wye River Authorities.

In this subsection any reference to an existing area is a reference to that area as existing immediately before the passing of this Act except that, in the case of an area which is altered after the passing of this Act under any enactment other than this section, it is a reference to the altered area.

(3) In this Act and any other enactment "water authority" means an authority established in accordance with this section and "water authority area" means, in relation to any functions of a water authority, the area as respects which the water authority are for the time being to exercise those functions.

(4) Each of the authorities mentioned in subsection (1) above shall be established by an order made by the Ministers and shall come into existence on a day appointed by the order, and—

- (a) the order or orders establishing the regional water authorities shall be made not later than one month after the passing of this Act; and
- (b) the order establishing the Welsh authority shall be made in accordance with section 3(10) below.

(5) The Ministers may by order change the name of any water authority or alter the boundaries of a water authority area for the purposes of any functions specified in the order.

(6) Without prejudice to any power exercisable by virtue of section 34 below, an order under this section may contain such transitional, incidental, supplementary or consequential provision as the Ministers consider necessary or expedient for the purposes of the order.

(7) Part I of Schedule 2 to this Act shall have effect in relation to the boundaries of water authority areas, Part II of that Schedule shall have effect in relation to maps of such areas and of watercourses in them and Part III shall have effect in relation to the alteration of such boundaries.

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(8) The supplementary provisions contained in Part I of Schedule 3 to this Act and the administrative and financial provisions contained in Part III of that Schedule shall have effect with respect to water authorities.

Members of water authorities.

3.—(1) A regional water authority shall consist of the following members, that is to say—

- (a) a chairman appointed by the Secretary of State ;
- (b) such number of members appointed by the Minister as may be specified in an order under section 2 above, being not less than two or more than four ;
- (c) such number of members appointed by the Secretary of State as may be so specified ; and
- (d) such number of members as may be so specified appointed by local authorities in accordance with subsections (6) to (8) below ;

and any such order shall be so framed that the total number of members appointed by the Secretary of State and the Minister is less than the number of those appointed by local authorities.

(2) The members appointed by the Minister shall be persons who appear to him to have had experience of, and shown capacity in, agriculture, land drainage or fisheries.

(3) The members appointed by the Secretary of State shall be persons who appear to the Secretary of State to have had experience of, and shown capacity in, some matter relevant to the functions of water authorities.

(4) One of the members of the Severn-Trent Water Authority appointed by the Secretary of State shall be a member of the Welsh authority.

(5) In appointing the members of a regional water authority the Minister concerned shall have regard to the desirability of members of the authority being familiar with the requirements and circumstances of the authority's area.

(6) Subject to subsections (8) and (9) below, if a quarter or more of the population of any county is resident within the area of a regional water authority, then,—

- (a) in the case of a metropolitan county, the county council may appoint two members, and the councils of the districts within the county may between them appoint two members, of the water authority ;
- (b) in the case of a non-metropolitan county or of a county in Wales, the county council may appoint one member, and the councils of the districts within the county may between them appoint one member, of the water authority ;

and if one-sixth or more, but less than one-fourth, of the population of any county is resident within that area, the

county council may, after consultation with the councils of the districts within the county and wholly or partly within that area appoint one member of the water authority.

Where the area of a water authority is different for different functions, that area shall be taken for the purposes of this subsection to be the area as respects which the authority discharge any functions or, as respects the period between the passing of this Act and 1st April 1974, the area as respects which they will discharge any functions as from that date.

(7) In the case of the Thames Water Authority, the Greater London Council may appoint ten members, and the London borough councils and the Common Council of the City of London may between them appoint ten members, of the Authority.

(8) In the case of the South West Water Authority, the Cornwall and Devon county councils may each appoint two members, the councils of the districts in Cornwall may between them appoint two members, and the councils of the districts in Devon may between them appoint two members, of the Authority.

(9) The Ministers may by order vary the membership of any regional water authority, but any such order which makes different provision in relation to a regional water authority from the provision made by this section in relation to that authority shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

(10) The constitution of the Welsh authority shall be prescribed by the order establishing it under section 2 above, but—

- (a) an order establishing that authority or any order varying the constitution of the authority shall not be made unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament; and
- (b) a draft of the order establishing that authority shall be so laid not later than one month after the passing of this Act.

In reckoning that period for the purposes of this subsection no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

(11) An order made under or by virtue of this section which is required to be laid before Parliament shall, notwithstanding that it makes different provision in relation to one water authority from the provision made by this section or any order under it in relation to any other water authority or authorities, proceed in Parliament as if its provisions would, apart from this section,

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(9) The Council may furnish to any person or body for the benefit of any country or territory outside the United Kingdom technical assistance in connection with training and education in relation to any services corresponding to those provided in England and Wales by water authorities.

(10) The appropriate Minister or Ministers may, after consultation with the Council, give to the Council—

- (a) directions of a general character as to the exercise and performance by the Council of their functions in relation to matters which appear to the appropriate Minister or Ministers to affect the execution of the national policy for water or otherwise to affect the national interest ; and
- (b) directions to discontinue any activity, either wholly or to a specified extent, or not to extend any activity or not to extend it beyond specified limits.

(11) A direction under subsection (10)(b) above shall be given by statutory instrument, of which a draft shall be laid before Parliament.

(12) The Council shall have power, if so authorised by any two or more water authorities, to perform services for or to act on behalf of those bodies in relation to matters of common interest to them ; and if the Council perform services on behalf of water authorities, they may perform similar services on behalf of statutory water companies in England and Wales and public authorities and other bodies in Scotland, Northern Ireland, the Channel Islands and the Isle of Man who have functions similar to any of those exercisable in England or Wales by a water authority.

Supplementary provisions as to water authorities

Directions to water authorities.

5.—(1) The Minister may give water authorities directions of a general character as to the exercise by such authorities of their functions with respect to fisheries and land drainage, so far as the exercise of those functions appears to the Minister to affect the execution of the national policy for water or otherwise to affect the national interest.

(2) The Secretary of State may give water authorities directions of a general character as to the exercise by such authorities of any other functions of theirs, so far as the exercise of those functions appears to the Secretary of State to affect the execution of the national policy for water or otherwise to affect the national interest.

(3) A direction under this section may be given either to a particular water authority or to water authorities generally, but before giving a direction to water authorities generally the appropriate Minister or Ministers shall consult the Council about the proposed direction.

6.—(1) Subject to any express provision contained in this Act or any Act passed after this Act, a water authority may arrange for the discharge of any of their functions—

Arrangements
for discharge
of functions
of water
authorities.

(a) by a committee, a sub-committee or an officer of the authority ; or

(b) by any other water authority ;

and two or more water authorities may arrange to discharge any of their functions jointly or may arrange for the discharge of any of their functions by a joint committee of theirs.

(2) Where by virtue of this section any functions of a water authority or two or more water authorities may be discharged by a committee, then, unless the authority or authorities otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or by an officer of the authority or one of those authorities, and where by virtue of this section any such functions may be discharged by a sub-committee, then, unless the water authority or authorities or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the authority or one of those authorities.

(3) A water authority may not make arrangements under this section for the discharge of any functions, so far as they are exercisable by their regional land drainage committee or any of their local land drainage committees, and may not make any such arrangements for the discharge of the authority's functions with respect to issuing precepts, making drainage charges or borrowing money.

(4) Any arrangements made by a water authority under this section for the discharge of any functions shall not prevent the authority from discharging those functions.

(5) References in the foregoing provisions of this section to the discharge of any functions of a water authority include references to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of those functions.

(6) For the purpose of discharging any functions in pursuance of arrangements under this section—

(a) a water authority may appoint a committee of the authority ; or

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- (b) two or more water authorities may appoint a joint committee of those authorities ; or
- (c) any such committee may appoint one or more sub-committees ;

and the number of members of any such committee and their term of office shall be fixed by the appointing authority or authorities, or, in the case of a sub-committee, by the appointing committee.

(7) A committee appointed under subsection (6) above may include persons who are not members of the appointing authority or authorities or, in the case of a sub-committee, the authority or authorities of whom they are a sub-committee, but at least two-thirds of the members appointed to any such committee shall be members of that authority or those authorities, as the case may be.

(8) A water authority may appoint a committee, and two or more water authorities may join in appointing a committee, to advise the appointing authority or authorities on any matter relating to the discharge of their functions, and any such committee—

- (a) may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities ; and
- (b) may appoint one or more sub-committees to advise the committee with respect to any such matter.

(9) A person who is disqualified for being a member of a water authority shall be disqualified also for being a member of a committee or sub-committee appointed under this section.

Supply of goods and services, etc. 1970 c. 39.

7.—(1) The powers conferred by section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services to local authorities and public bodies)—

- (a) shall be exercisable by a local authority within the meaning of that section as if a water authority and the Council were each a public body within the meaning of that section ;
- (b) shall be exercisable by a water authority as if another water authority, any such local authority or a development corporation, and no other body, were a public body within the meaning of that section ; and
- (c) shall, so far as concerns the discharge of sewerage or sewage disposal functions, be exercisable by a development corporation as if a water authority, and no other body, were a public body within the meaning of that section.

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(2) A water authority may require an existing local authority who between the passing of this Act and 1st April 1974 are discharging functions transferred by this Act to the water authority or, where that local authority is abolished by the 1972 Act, the local authority or one of the local authorities who replace the abolished authority, to enter into an agreement under section 1(1) of the said Act of 1970 with the water authority for a period of not more than five years from that date, and it shall be the duty of the local authority who have been so required to enter into such an agreement, unless it is determined by the Secretary of State that the requirement is unreasonable having regard to the discharge of those functions immediately before that date and the operation of any enactment which comes into force on that date.

(3) An existing local authority who between the passing of this Act and 1st April 1974 discharge functions transferred by this Act to a water authority, or, where that local authority is abolished by the 1972 Act, the local authority or one of the local authorities who replace the abolished authority, may require the water authority to enter into an agreement under section 1(1) of the said Act of 1970 with the requiring authority for a period of not more than five years from that date, and it shall be the duty of the water authority to enter into such an agreement, unless it is determined by the Secretary of State that the requirement is unreasonable having regard to the circumstances of the existing local authority immediately before that date and the operation of any enactment which comes into force on that date.

(4) If an authority who have required another authority, and an authority who have been required, to enter into an agreement under subsection (2) or (3) above, are unable to agree on all or any of the terms of the agreement, the terms or term may be determined by the Secretary of State; and any question whether a local authority replace an existing local authority shall also be determined by him.

(5) A water authority and a statutory water company may enter into an agreement providing that either of the parties shall do any of the following things, that is to say—

- (a) supply goods or materials to the other party;
- (b) provide administrative, professional or technical services for the other party;
- (c) allow the other party to use any vehicle, plant or apparatus and, without prejudice to paragraph (b) above, place at the disposal of the other party the services of any person employed in connection with the vehicle or other property in question;

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- (d) carry out works of maintenance in connection with land or buildings for the maintenance of which the other party is responsible ;

and any such agreement may contain such terms as to payment or otherwise as the parties consider appropriate.

(6) Either party to an agreement under subsection (5) above may purchase and store any goods or materials which in their opinion they may require for the purposes of paragraph (a) of that subsection, but nothing in paragraphs (a) to (c) of that subsection shall authorise a party to any such agreement to construct any buildings or works.

**Rationalisation
of holdings
of property,
and of
functions.**

8.—(1) It shall be the duty of every water authority to consider, in consultation with any other water authority concerned, the desirability, in the interest of rationalisation, of doing either or both of the following, that is to say—

- (a) altering the boundaries of their area for the purposes of any functions of theirs ;
- (b) transferring property of theirs to some other water authority.

(2) In discharging their duty to consider the desirability of altering the boundaries of their area for the purposes of any functions, a water authority shall first consider those boundaries which are different for the purposes of different functions, and in discharging their duty to consider the desirability of transferring any property, they shall first consider any property of theirs held for the purposes of any functions which is situated outside their area as constituted for the purposes of those functions.

(3) If a water authority decide that it is desirable to do either or both of the things mentioned in subsection (1) above, they shall make a recommendation to the appropriate Minister or Ministers accordingly, and the appropriate Minister or Ministers may—

- (a) if the water authority recommend the alteration of the boundaries of their area, make an order under section 2 above altering those boundaries in accordance with the recommendation ; and
- (b) if the water authority recommend the transfer of any property of theirs, make an order transferring that property and any rights or liabilities of theirs in connection therewith to a water authority specified in the recommendation.

(4) A statutory instrument containing an order under subsection (3)(b) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(5) Where a water authority area adjoins any part of Scotland, and it appears to the water authority that there may be water in watercourses or underground strata in that part of Scotland, or in the water authority area, which could be transferred from that part of Scotland to the water authority area, or from the water authority area to that part of Scotland, as the case may be, the water authority shall, in so far as they consider it appropriate to do so, consult with regional water boards, river purification authorities and other authorities in that part of Scotland with a view to securing the best use of that water in the public interest.

(6) In subsection (5) above "river purification authority" has the same meaning as in section 17 of the Rivers (Prevention of Pollution) (Scotland) Act 1951 c. 66.

PART II

FUNCTIONS OF WATER AUTHORITIES

9. Subject to Part IV of Schedule 5 to this Act and to the provisions of any instrument under this Act, the functions which immediately before 1st April 1974 are exercisable by river authorities as respects their respective areas under any enactment or instrument shall be exercisable by water authorities as respects water authority areas and accordingly, but subject to any such provision, in any enactment or instrument—

Transfer to water authorities of functions of river authorities.

- (a) any reference to a river authority or any reference which falls to be construed as a reference to a river authority shall, except where it is a reference to a specified river authority or is to be construed as such, be construed as a reference to a water authority; and
- (b) any reference to a river authority area or any reference which falls to be construed as a reference to a river authority area shall, except where it is a reference to a specified area or is to be construed as such, be construed as a reference to a water authority area.

10.—(1) It shall be the duty of each water authority to take all such action as the authority may from time to time consider necessary or expedient, or as directions under this Act or the Water Resources Act 1963 may require them to take, for the purpose of conserving, redistributing or otherwise augmenting water resources in their area, of securing the proper use of water resources in their area, or of transferring any such resources to the area of another water authority.

Water conservation. 1963 c. 38.

(2) The reference in this section to action for the purpose of augmenting water resources includes a reference to action for the purpose of treating salt water (whether taken from the sea or elsewhere) by any process for removing salt or other impurities.

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Water supply.

11.—(1) It shall be the duty of a water authority to supply water within their area.

(2) It shall be the duty of every local authority to take such steps from time to time as may be necessary for ascertaining the sufficiency and wholesomeness of water supplies within their area and to notify the water authority of any insufficiency or unwholesomeness in those supplies.

(3) Where the following conditions are satisfied, that is to say—

- (a) a local authority notify a water authority that the supply of water to specified premises in the local authority's area is insufficient or unwholesome to the extent of causing a danger to health ; and
- (b) a supply of wholesome water by the water authority for domestic purposes is required for those premises and it is not practicable to provide such a supply in pipes, but is practicable to provide such a supply otherwise, at a reasonable cost ;

it shall be the duty of the water authority to provide a supply of wholesome water otherwise than in pipes for domestic purposes to, or within a reasonable distance of, those premises.

(4) Any dispute between the local authority and the water authority as to the insufficiency or unwholesomeness of any supply of water or whether it causes a danger to health shall be determined by the Secretary of State.

(5) If any question arises under subsection (3) above whether or not any description of supply of water can be provided at a reasonable cost in the area of a local authority, the Secretary of State, if requested to do so by the local authority, by a parish or community council or by ten or more local government electors in that area, shall after consulting that authority and the water authority, determine that question, and the water authority shall give effect to his determination.

(6) Subject to subsections (7) and (9) below, any functions exercisable by statutory water undertakers as such under any enactment or instrument shall be exercisable also by water authorities and shall not be exercisable by local authorities, and accordingly (but subject as aforesaid) references in any enactment or instrument to statutory water undertakers as such shall be construed as references to water authorities, statutory water companies, joint water boards and joint water committees, and to no other body.

(7) The following provisions shall have effect with respect to the supply of water:—

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1945 c. 42.

(a) in sections 27, 36 and 37 of the Water Act 1945 (miscellaneous duties as to the supply of water) references to statutory water undertakers shall be construed as references only to water authorities;

(b) subject to any provision to the contrary contained in any instrument made under or by virtue of this Act, Parts VII and IX of Schedule 3 to that Act (supply of water for domestic purposes, and duties as to constancy of supply and pressure) shall apply throughout every water authority area, whether or not applied by or under any other enactment; and

(c) references in those Parts to statutory water undertakers shall be construed as references only to water authorities.

(8) Section 10 of that Act (variation of limits of supply) shall not authorise the Secretary of State to vary the boundary between two water authority areas.

(9) No functions shall be exercisable by local authorities under Part IV of the Public Health Act 1936, except under sections 123, 124(1) and (2), 125(1) and (2), 137, 138, 140 and 141, and accordingly that Part of that Act, except those provisions and section 142, shall cease to have effect.

1936 c. 49.

(10) In this section, except subsection (6), "local authority" does not include a county council or the Greater London Council.

12.—(1) Where the area of a water authority includes the whole or part of the limits of supply of a statutory water company, the authority shall discharge their duties with respect to the supply of water within those limits through the company.

Supply of water by statutory water companies on behalf of water authorities.

(2) Where it appears to a water authority that subsection (1) above will apply to their area on 1st April 1974 they shall, on or before 1st November 1973, or such later date as the Secretary of State may authorise in the case of that authority generally or in any particular case, send to the company concerned a draft of arrangements to be entered into between the authority and the company whereby the company undertake to act on behalf of the authority for the purposes of that subsection and provision is made for such incidental, supplementary and consequential matters (including matters of a financial nature) as the authority think desirable.

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(3) Arrangements for the purposes of subsection (1) above may include provision for—

- (a) the management or operation of sources of supply ;
- (b) the supply of water in bulk by or to the company ;
- (c) the company's charges for the supply of water.

(4) If, within a period of two months beginning with the date on which a draft of any such arrangements was sent by a water authority to the company, the water authority and the company have not entered into the arrangements, the water authority shall, within seven days of the end of that period, notify the Secretary of State of that fact and the Secretary of State shall settle the terms of the arrangements, which shall, subject to subsection (5) below, be binding on the authority and the company.

(5) The parties to any arrangements in force by virtue of the foregoing provisions of this section, as varied (if it be the case) under this subsection, may vary the arrangements or either of the parties may, in default of agreement, apply to the Secretary of State to vary the arrangements and the Secretary of State may by direction to the parties vary the arrangements in a manner specified in the direction and the arrangements as varied shall, subject to a further application of this subsection, be binding on the parties.

(6) The Secretary of State shall not so settle or vary arrangements under this section as to oblige the company to fix their charges at a level which will endanger their ability, so long as their undertaking is managed efficiently, to provide a reasonable return on their paid-up capital, having regard to their probable future expenditure and to the need to provide for any contributions which they may lawfully carry to any reserve fund or contingency fund, to make good depreciation (in so far as provision therefor is not made by any such fund as aforesaid) and to meet all other costs, charges and expenses properly chargeable to revenue.

(7) It shall be the duty of a water authority on whose behalf water is being supplied by a statutory water company to take all reasonable steps for making water available to the company to enable them to meet the foreseeable demands of consumers within their limits of supply.

(8) Subject to the provisions of any order made under section 254 of the 1972 Act as applied by section 34 below, so much of the enactments relating to the undertaking of a statutory water company as imposes on the company any duty to supply water,

except Part VIII of Schedule 3 to the Water Act 1945 (supply for public purposes) and any local statutory provision which is similar to any provision of that Part, shall cease to have effect. PART II
1945 c. 42.

(9) For sections 12 and 13 of the Water Act 1945 (supply of water in bulk and default powers) there shall be substituted the sections set out in Part I of Schedule 4 to this Act.

(10) Sections 2(1)(b) and (4) and 4(2) to (4) of the Water Act 1948 (which also relate to the supply of water in bulk) shall cease to have effect.

(11) Part II of Schedule 4 to this Act shall have effect in relation to the making and confirmation of orders by a water authority under sections 12 and 13 of the Water Act 1945 as substituted by Part I of that Schedule.

13.—(1) Statutory water undertakers shall have power to make agreements with other statutory water undertakers supply water outside their limits of supply, subject to such conditions as may be specified in the agreement. Power of statutory water undertakers to supply places outside their limits of supply.

(2) An agreement under subsection (1) above may contain such incidental, consequential and supplementary provisions as the statutory water undertakers consider necessary or expedient for the purposes of the agreement.

(3) While statutory water undertakers are supplying water outside their limits of supply in pursuance of an agreement under subsection (1) above, the enactments relating to that part of their limits of supply which is contiguous to the area in which they are supplying water in pursuance of the agreement shall have effect, subject to subsection (4) below, as if the area within which they are thus supplying water were an area within their limits of supply and to which those enactments extend apart from this subsection.

(4) Where an area in which undertakers are supplying water in pursuance of such an agreement is contiguous to areas within the undertakers' limits of supply but to which different enactments apply, the Secretary of State may determine, upon the application of the undertakers, which of those enactments are to apply to the area in which the undertakers are supplying water in pursuance of the agreement; and the Secretary of State may determine under this subsection that different enactments shall apply to different parts of the area and that any enactment is to apply to the whole of the area or to any part of it subject to such modifications or exceptions as he may specify.

PART II
Sewerage
and sewage
disposal.

1936 c. 49.

14.—(1) It shall be the duty of every water authority to provide, either inside or outside their area, such public sewers as may be necessary for effectually draining their area and to make such provision, whether inside or outside their area, by means of sewage disposal works or otherwise, as may be necessary for effectually dealing with the contents of their sewers; and accordingly section 14 of the Public Health Act 1936 (general duty of local authority with respect to sewerage and sewage disposal) and section 16 of that Act (provision of sewers and sewage disposal works outside a local authority's district) shall cease to have effect.

(2) Subject to subsection (3) below, the functions conferred on local authorities by the following enactments, that is to say—

(a) sections 15 to 24, 27 to 31, 33 to 36 and 42 of the Public Health Act 1936 and so much of Part XII of that Act as relates to those sections ;

1937 c. 40.

(b) the Public Health (Drainage of Trade Premises) Act 1937 ;

1953 c. 26.

(c) section 13 of the Local Government (Miscellaneous Provisions) Act 1953 ; and

1961 c. 64.

(d) sections 12 to 14 and Part V of and Schedule 2 to the Public Health Act 1961 ;

shall be exercisable by water authorities, and accordingly references in those enactments to a local authority and their district, except any such reference in section 24(4) of the said Act of 1936, shall be construed respectively as references to a water authority and their area, and any reference in Part II of the Public Health Act 1936 and, subject to any order made by virtue of this Act, in any other enactment, to a sewerage authority and their district shall be similarly construed.

(3) Notwithstanding anything in subsection (2) above, the power conferred on local authorities by section 21(1)(a) of the Public Health Act 1936 (use of highway authorities' drains and sewers to carry off surplus water) shall be exercisable by local authorities as well as being exercisable by water authorities.

(4) In section 34(1) of the said Act of 1936 (right to drain into public sewers) for all the words before the proviso there shall be substituted the words " Subject to the provisions of this section, the owner or occupier of any premises or the owner of any private sewer shall be entitled to have his drains or sewer made to communicate with the public sewers of any water authority and thereby to discharge foul water and surface water from those premises or that private sewer ".

PART II

(5) Before constructing, diverting or closing a public sewer in the area of a local authority a water authority shall consult the local authority and the water authority shall inform a local authority of the construction, diversion or closure of a public sewer by the water authority in the area of the local authority.

(6) Where it is proposed to erect or extend a building over a water authority's sewer of which a map is kept under section 32(1) of the said Act of 1936 and plans of the building or extension are in accordance with building regulations deposited with the council of a district or outer London borough, or notice of the building or extension is served on the proper officer of the Greater London Council under section 83 of the London Building Acts (Amendment) Act 1939, the council of the district or borough or the Greater London Council, as the case may be, shall notify the water authority of the proposal. 1939 c. xcvi.

(7) A water authority may give directions to the council of a district or outer London borough as to the manner in which the council are to exercise their functions under section 25(1) of the said Act of 1936 (requirement for local authority's consent to erection or extension of buildings over sewers).

(8) In this section "local authority" does not include a county council and, except in subsection (2), does not include the Greater London Council.

15.—(1) Subject to subsection (6) below, it shall be the duty of a water authority and every relevant authority whose area is wholly or partly situated in the water authority's area to endeavour to make arrangements for the relevant authority to discharge as respects their area the functions of the water authority under Part II of the Public Health Act 1936, other than those excepted by subsection (3) below. Arrangements for discharge of sewerage functions. 1936 c. 49.

(2) Arrangements under subsection (1) above shall—

- (a) require the relevant authority to prepare and annually revise a programme for the discharge of the said functions as respects their area, having regard to any guidance given to them by the water authority, and to submit every such programme to the water authority for their approval;
- (b) require the relevant authority to carry out any programme approved by the water authority under paragraph (a) above;
- (c) provide for vesting in the water authority any public sewer provided by the relevant authority in pursuance of the arrangements;

PART II

- (d) require the relevant authority to provide such vehicles and equipment as may be necessary for maintaining the sewers which it is their function to maintain under the arrangements ;
 - (e) provide for the water authority to reimburse the relevant authority any expenses incurred by the latter in the discharge of the said functions ;
 - (f) provide for the relevant authority to conduct on behalf of the water authority any prosecutions or other legal proceedings in connection with the discharge of those functions ; and
 - (g) provide for the transfer to the water authority of officers of the relevant authority in the event of the ending of the arrangements under subsection (7) below and for the compensation of any such officers who suffer loss as a result of any variation or the ending of the arrangements under that subsection.
- (3) Subsection (1) above shall not apply to any functions of a water authority relating to—
- (a) sewage disposal ;
 - (b) the maintenance or operation of any sewer which immediately before 1st April 1974 was vested in a joint sewerage board or the Greater London Council.
- (4) Subject to subsection (6) below, a water authority shall, not later than 1st November 1973, or such later date as the Secretary of State may authorise in the case of that authority generally or in any particular case, send to every relevant authority with whom they are under a duty to endeavour to make arrangements under subsection (1) above a draft of the arrangements with the relevant authority.
- (5) Subject to subsection (6) below, if within a period of two months beginning with the date on which any such draft was sent by a water authority to a relevant authority, the two authorities have not entered into the arrangements, the water authority shall, within seven days of the end of that period, notify the Secretary of State of that fact and the Secretary of State shall settle the terms of the arrangements, which shall be binding on both authorities.
- (6) If at any time before arrangements are settled under this section a water authority and a relevant authority come to the conclusion that in the interests of efficiency it would be inexpedient to enter into any arrangements under subsection

PART II

(1) above or, as the case may be, to be bound by arrangements settled by the Secretary of State under subsection (5) above—

- (a) the water authority shall not take the action required by subsection (4) or (5) above ; or
- (b) where the water authority have already notified the Secretary of State under subsection (5) above that arrangements have not been entered into, they shall further notify him of the conclusion and he shall not settle the terms of the arrangements.

(7) The parties to any arrangements in force by virtue of subsection (1) or subsection (5) above, as varied (if it is the case) under this subsection, may vary or end the arrangements, or either of the parties may, in default of agreement, apply to the Secretary of State to vary or end the arrangements and the Secretary of State may by direction to the parties vary the arrangements in a manner specified in the direction or end the arrangements, and—

- (a) in the case of variation, the arrangements shall (subject to a further application of this subsection), be binding on the parties ; and
- (b) the ending of the arrangements shall not preclude the parties from entering into further arrangements under this section.

(8) Where by virtue of this section any functions of a water authority are to be discharged by a local authority, then, subject to the terms of the arrangements, the local authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs and—

- (a) where by virtue of this subsection any such functions may be discharged by a committee of a local authority, then, unless the water authority or local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the local authority ; and
- (b) where by virtue of this subsection any such functions may be discharged by a sub-committee of a local authority, then, unless the water authority, the local authority or the committee otherwise direct, the sub-committee may arrange for the discharge of any of those functions by an officer of the local authority.

(9) Any arrangements made by a local authority or committee under subsection (8) above for the discharge of any functions by a committee, sub-committee or officer shall not prevent the authority or committee by whom the arrangements are made from discharging those functions.

PART II

1965 c. 59.

(10) In this section "relevant authority" means—

- (a) except in relation to a new town as respects which an order is in force under section 34 of the New Towns Act 1965, the council of a district or London borough or the Common Council of the City of London ; and
- (b) in relation to any such new town, whichever of the following bodies is selected by the water authority, that is to say, the development corporation and any such council within whose area the town is wholly or partly situated.

Requisitioning
of sewers for
domestic
purposes.

16.—(1) It shall be the duty of a water authority to provide any public sewer to be used for domestic purposes for the drainage of premises in their area—

- (a) if the owners or occupiers of the premises require the authority to provide a public sewer, otherwise than for the drainage of new buildings which they propose to erect on the premises, and the conditions mentioned in subsection (2) below are satisfied ; or
- (b) if the owners of the premises require the authority to provide a public sewer for the drainage of new buildings which they propose to erect on the premises and the conditions mentioned in subsection (3) below are satisfied ; or
- (c) if the conditions specified in subsection (4) below are satisfied.

(2) In a case to which paragraph (a) of subsection (1) above applies, the conditions which must be satisfied are—

- (a) that the reckonable charges payable in respect of the premises will not be less than the qualifying amount ; and
- (b) that the persons making the requisition agree severally with the water authority to pay the reckonable charges in respect of the premises for three years at least from the date on which the laying of the sewer is completed.

(3) In a case to which paragraph (b) of subsection (1) applies, the conditions which must be satisfied are—

- (a) that the sewer which the owners of the premises require the water authority to provide is a sewer communicating (in such manner and in such place as the authority consider appropriate) with a private sewer provided by the owners ; and
- (b) that the owners undertake to meet any relevant deficit.

(4) The conditions mentioned in paragraph (c) of subsection (1) above are—

- (a) that the reckonable charges payable in respect of the premises will be less than the qualifying amount ; and
- (b) that the local authority in whose area the premises are situated undertake to meet any relevant deficit.

(5) Any obligation to pay an annual sum under subsection (3) or (4) above shall cease on the expiration of a period of twelve years from the date on which the laying of the sewer is completed.

(6) A water authority may require a landowner (other than a public authority) to deposit with them, as security for the payment of an annual sum under subsection (3) above, such sum, not exceeding the total expense of laying the sewer, as the water authority may require.

(7) The water authority shall pay interest at a rate prescribed by regulations made by the Secretary of State or, if no rate is for the time being prescribed, at 4 per cent. per annum, on any sum in their hands by virtue of subsection (6) above, and—

- (a) shall, on the request of the landowner appropriate out of that sum any amount due under his undertaking ; and
- (b) when the undertaking is finally discharged, repay to him any sum remaining in their hands.

(8) A water authority may agree with a local authority or any other person who is obliged by virtue of this section to meet any portion of the expense of providing a sewer that the whole or any part of the amount for which that person is liable shall be deemed to be satisfied by payment of a capital sum.

(9) If the conditions mentioned in subsection (2), (3) or (4) above are satisfied and the water authority do not lay the necessary sewer within six months or such longer period as may be agreed between the parties or be determined under subsection (10) below, they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable on summary conviction to a fine not exceeding £400.

(10) Any dispute arising under this section—

- (a) as to the qualifying amount in the case of any premises ;
- (b) as to the nature or extent of the work necessary for laying a sewer ; or
- (c) as to the period within which a sewer is to be laid,

shall be determined by a referee appointed by the parties or in default of agreement by the President of the Institution of Civil Engineers.

PART II

(11) In this section—

“ local authority ” does not include a county council or the Greater London Council ;

“ qualifying amount ”, in relation to any premises, means one eighth of the expense of providing such a sewer as is sufficient to satisfy the requirements of subsection (1) above in the case of those premises and of providing any other sewer which it is necessary or appropriate to provide in consequence ;

“ reckonable charges ”, in relation to a sewer, means charges in respect of the drainage of premises attributable to its use and includes such proportion of any charge payable under Part III of this Act for services which include sewerage as is stated by the water authority to be so attributable ;

“ relevant deficit ” means the difference between the qualifying amount and the reckonable charges received by a water authority in respect of each year.

(12) A sewer shall be treated for the purposes of this section as used for domestic purposes if it is used for removing the contents of a lavatory or removing water used for cooking or washing other than water used for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises.

(13) It shall be the duty of a water authority, at the request of any person, to state the proportion of any charge under Part III of this Act which is a reckonable charge for the purposes of this section.

(14) Nothing in section 14 above or any arrangements made under section 15 above shall be taken to impose on a water authority any such obligation to provide a public sewer as may be imposed on them under this section without the requirements of this section being satisfied.

River
pollution.

17.—(1) The Rivers (Prevention of Pollution) Acts 1951 to 1961 shall have effect in relation to new or altered outlets or discharges of a water authority subject to such exceptions and modifications as may be prescribed by regulations made by the Secretary of State.

(2) Any such regulations may in particular provide for securing—

(a) that consent to the bringing into use of a new or altered outlet or the making of a new discharge shall be granted (or be deemed to be granted) by the Secretary of State ;

(b) that, in such cases and subject to such conditions as may be prescribed by the regulations, any necessary consent shall be deemed to be granted by the Secretary of State unless the Secretary of State requires an application for it to be made to him by the water authority; and

(c) that where a consent is deemed to be granted as mentioned in paragraph (b) above, the water authority shall give such notice of that fact as may be prescribed by the regulations.

(3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In section 7 of the Rivers (Prevention of Pollution) Act 1951 (restrictions on new or altered outlets for the discharge of trade or sewage effluents), subsection (9) and the proviso to subsection (16) shall cease to have effect.

(5) Where an estuary is situated in the areas of two or more water authorities, the Secretary of State may direct those authorities to make arrangements under section 6 above for the discharge by a joint committee of theirs of their functions relating to the restoration and maintenance of the wholesomeness of rivers and other waters.

18.—(1) It shall be the duty of every water authority—

Fisheries.

(a) to maintain, improve and develop the salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries in the area for which they exercise functions under the Salmon and Freshwater Fisheries Acts 1923 to 1972;

(b) to establish advisory committees of persons who appear to them to be interested in any such fisheries in that area and consult them as to the manner in which the authority are to discharge their duty under paragraph (a) above.

(2) The duty to establish advisory committees imposed by paragraph (b) of subsection (1) above is a duty to establish a regional advisory committee for the whole of the area mentioned in paragraph (a) of that subsection and such local advisory committees as the water authority consider necessary to represent the interests referred to in paragraph (b) of that subsection in different parts of that area.

19.—(1) A water authority shall exercise a general supervision over all matters relating to land drainage in their area but shall arrange for the discharge by their regional land drainage committee (without prejudice to any scheme for the appointment of local land drainage committees) of all their land drainage

Land drainage.

PART II

functions except the making of drainage charges, the levying of precepts and the borrowing of money.

(2) A water authority may give their regional land drainage committee directions as to the exercise of any land drainage function other than an internal drainage function, so far as the exercise of that function appears to the authority likely to affect materially the authority's management of water for purposes other than land drainage.

(3) In subsection (2) above "internal drainage function" means the functions of a water authority under the following enactments (which relate to internal drainage boards and internal drainage districts) namely—

1930 c. 44.

(a) sections 4, 7, 10, 11, 21 and 24(6) and (7) of the Land Drainage Act 1930 ;

1961 c. 48.

(b) sections 18, 21(1), 26(3), (4) and (7), 27 and 36 of the Land Drainage Act 1961.

(4) Parts I to III of Schedule 5 to this Act shall have effect in relation to the land drainage functions of water authorities.

(5) Land drainage functions relating to the London excluded area shall continue to be exercised by the Greater London Council and other authorities by whom they are exercisable immediately before the passing of this Act, and in accordance with the enactments by virtue of which they are exercisable, but Part IV of Schedule 5 to this Act shall have effect for the purposes of their exercise.

(6) Nothing in sections 29 to 32 below shall apply in relation to a water authority's land drainage functions until a charges option order comes into force for the area of that authority.

(7) If—

(a) at any time after 31st March 1978 a water authority apply to the Minister for a charges option order ; and

(b) the Ministers are satisfied that—

(i) the authority's regional land drainage committee recommended the authority to make the application ; and

(ii) the making of an order would be in the public interest,

the Ministers may make such an order.

(8) In this section "charges option order" means an order that sections 1 and 1A of the Land Drainage Act 1961 (general drainage charges), and Part II of Schedule 5 to this Act shall cease to have effect in relation to a water authority area and shall thereupon be treated for the purposes of section 38(2) of the Interpretation Act 1889 (effect of repeals) as if they had been repealed in relation to that area by another Act.

1889 c. 63.

(9) When a charges option order comes into force for a water authority area, sections 29 to 32 below shall apply to the water authority for that area in relation to their land drainage functions, but with the substitution of references to the Ministers for references to the Secretary of State in relation to any direction—

- (a) which is proposed to be given to the authority after the date when the order comes into force; and
- (b) which relates to the authority's land drainage functions.

(10) A charges option order shall be subject to special parliamentary procedure.

(11) A charges option order may make such incidental, consequential, transitional or supplemental provision as the Ministers consider necessary or expedient.

20.—(1) Every water authority and all other statutory water undertakers may take steps to secure the use of water and land associated with water for the purposes of recreation and it shall be the duty of all such undertakers to take such steps as are reasonably practicable for putting their rights to the use of water and of any land associated with water to the best use for those purposes. General provisions as to recreation.

(2) In discharging their duty under subsection (1) above statutory water undertakers other than a water authority shall consult the water authority for the area in which the water or land in question is situated and shall take account of any proposals formulated by the authority for discharging their own duty under that subsection.

(3) A water authority may, with the consent of the owner of an inland water which they have no right to use for the purposes of recreation or of land associated therewith and of any other person having a right to use the water or an estate or interest in the land, use the water or land for those purposes.

(4) In exercising their functions under subsection (1) or (3) above a water authority shall not obstruct or otherwise interfere with navigation which is subject to the control of a harbour or navigation authority without the consent of the harbour or navigation authority.

In this subsection "harbour authority" has the same meaning as in the Harbours Act 1964 and "navigation authority" has the same meaning as in the Water Resources Act 1963. 1964 c. 40.
1963 c. 38.

(5) Where the Secretary of State makes an order under section 23 of the Water Act 1945 or section 67 of the Water Resources Act 1963 authorising a water authority to carry out works for 1945 c. 42.

PART II

or in connection with the construction or operation of a reservoir in England or conferring compulsory powers for that purpose on a water authority, and it appears to him that the works to be carried out may permanently affect the area in which they are situated and are not primarily intended to benefit the inhabitants of that area, he may include in the order provision with respect to facilities for recreation or other leisure-time occupation for the benefit of those inhabitants.

Discharge of functions with respect to recreation in Wales.

21.—(1) The Welsh authority shall, after consultation with the Severn-Trent Water Authority, prepare a plan for the use for the purposes of recreation of the rights of both authorities to the use of water in Wales and of any land in Wales associated with water.

(2) Any such plan, in so far as it falls to be carried out in the area of the Severn-Trent Water Authority, shall be carried out by that authority in accordance with a scheme agreed between them and the Welsh authority or, in default of agreement, in accordance with any directions of the Secretary of State.

(3) Without prejudice to paragraph 2 of Schedule 3 to this Act, the Welsh authority may acquire by agreement any right to use water in Wales and any estate or interest in, or right over, land in Wales which is associated with water for the purpose of using the water or land for the purposes of recreation.

(4) Where the Welsh authority acquire any estate, interest or right under subsection (3) above which relates to water or land in the area of the Severn-Trent Water Authority, they may instead of using it themselves for the purposes of recreation grant the Severn-Trent Water Authority such derivative estate, interest or right as may be appropriate for enabling that authority to use it for those purposes.

(5) It shall be the duty of a water authority who are carrying out works for or in connection with the construction or operation of a reservoir in Wales which permanently affect one or more communities and are not primarily intended by the authority to benefit the inhabitants of that or those communities to provide, or assist others to provide, facilities for recreation or other leisure-time occupation for the benefit of those inhabitants.

(6) A water authority shall, in discharging their duty under subsection (5) above, consult the community councils of the communities affected in the case of communities having such councils, and in any case the council of any district in which any community affected is situated.

Duties with regard to nature conservation and amenity.

22.—(1) In formulating or considering any proposals relating to the discharge of any of the functions of water authorities, those authorities and the appropriate Minister or Ministers shall have regard to the desirability of preserving natural beauty,

of conserving flora, fauna and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural, archaeological or historic interest and shall take into account any effect which the proposals would have on the beauty of, or amenity in, any rural or urban area or on any such flora, fauna, features, buildings or objects.

(2) In formulating or considering any such proposals, water authorities and the appropriate Minister or Ministers shall have regard to the desirability of preserving public rights of access to areas of mountains, moor, heath, down, cliff or foreshore and other places of natural beauty and shall take into account any effect which the proposals would have on the preservation of any such rights of access.

(3) Where the Nature Conservancy Council are of opinion that any area of land, not being land for the time being managed as a nature reserve, is of special interest by reason of its flora, fauna or geological or physiographical features and may at any time be affected by schemes, operations or activities of a water authority, it shall be the duty of that council to notify that fact to the water authority in whose area the land is situated.

23.—(1) For the purpose of exercising the functions conferred on them by this section there shall be a body to be known as the Water Space Amenity Commission consisting of—

- (a) a chairman appointed by the Secretary of State from among the members of the Council ;
- (b) the chairmen of the water authorities ; and
- (c) not more than ten other members appointed by the Secretary of State.

(2) Of the members of the Commission, other than the chairman, appointed by the Secretary of State—

- (a) one shall be appointed after consultation with the Countryside Commission ;
- (b) one shall be appointed after consultation with the English Tourist Board ;
- (c) one shall be appointed after consultation with the Sports Council or some other organisation appearing to him to be concerned with the encouragement of sport and recreation and prescribed for the purposes of this paragraph by an order made by him ;
- (d) the remainder shall be appointed after consultation with such associations of local authorities, and such bodies representing persons interested in the use of water and of any land associated with water for the purposes

PART II

of recreation or in the enhancement and preservation of amenity, as the Secretary of State considers desirable, and with the Greater London Council.

(3) It shall be the duty of the Commission—

- (a) to advise the Secretary of State, after consultation with the Countryside Commission, the English Tourist Board and either the Sports Council or an organisation prescribed for the purposes of subsection (2)(c) above, on the formulation, promotion and execution of the national policy for water so far as relating to recreation and amenity in England ;
- (b) to advise the Council and water authorities on the discharge of their respective functions so far as so relating ;
- (c) to submit to water authorities any proposals which the Commission consider appropriate for the discharge of the authorities' functions so far as so relating ; and
- (d) to encourage and assist the water authorities in the preparation of plans and programmes under section 24 below for the discharge of those functions so far as so relating.

(4) The Commission may collate and publish information and reports on matters relating to recreation and amenity in connection with water.

(5) The members of the Commission, other than the chairmen of the water authorities, shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to hold office, be eligible for reappointment ; but any such member may at any time by notice addressed to the Secretary of State resign his office.

(6) The Council shall provide the Commission with such officers and such accommodation as the Secretary of State considers appropriate and shall defray any expenditure incurred by the Commission with the approval of the Secretary of State in the discharge of their functions.

(7) The Council may pay members of the Commission, other than the chairmen of the water authorities, such allowances as may be determined by the Secretary of State with the consent of the Minister for the Civil Service.

(8) Paragraph 40 of Schedule 3 to this Act shall have effect with respect to annual reports of the Commission.

24.—(1) It shall be the duty of each water authority, as soon as practicable after 1st April 1974, in consultation with any water authority or authorities likely to be affected by the matters mentioned below—

PART II
Periodical
reviews, plans
and
programmes.

- (a) to carry out a survey of the water in their area, the existing management of that water, the purposes for which it is being used and its quality in relation to its existing and likely future uses, and to prepare a report setting out the results of the survey ;
- (b) to prepare an estimate of the future demand for the use of that water during the period of twenty years from the date on which the survey is completed or such longer or shorter period from that date as the appropriate Minister or Ministers may in any particular case direct ; and
- (c) to prepare a plan as to action to be taken during that period by the authority (whether by way of executing works or securing the execution of works by other persons or otherwise) for the purpose of securing more efficient management of water in their area, including the meeting of future demands for water and the use of water and restoring or maintaining the wholesomeness of rivers and other inland or coastal waters in their area.

(2) Where a statutory water company are supplying water in a water authority area, the water authority may require that company—

- (a) to carry out a survey of the existing consumption of and demand for water supplies in the part of the water authority area within their limits of supply ;
- (b) to prepare an estimate of the future water supply requirements of that part of the area ;
- (c) to formulate proposals for meeting the existing or future water supply requirements of that part of the area, including proposals for the joint use with any other statutory water undertakers of any existing or proposed new source of water supply ; and
- (d) to submit a report on any of the matters mentioned in paragraphs (a) to (c) above to the water authority within such time as the authority may specify.

(3) Each water authority shall keep under review the particulars contained in any report or estimate prepared by them, and any plan prepared by them, under subsection (1) above, and shall at the times required by subsection (4) below revise those particulars and that plan, either by way of amendment or by taking fresh steps under subsection (1) above, or both,

PART II as the authority may consider appropriate having regard to changes which have occurred since the previous survey or (as the case may be) the revision last effected by them under this subsection.

(4) The times at which a water authority are to carry out a revision under subsection (3) above shall be at intervals of not more than seven years, and, subject to that requirement, such times as they consider appropriate having particular regard to the times at which like revisions are proposed to be carried out by other water authorities.

(5) Subsection (1) above shall not apply to water authorities' land drainage functions, but it shall be the duty of each water authority to carry out from time to time, and in any event at such times as the Minister may direct, a survey of their area in relation to those functions.

(6) A water authority shall from time to time prepare, in the light of the most recent surveys (if any) carried out and the most recent plan (if any) prepared by them under the foregoing provisions of this section, one or more programmes of a general nature for the discharge of their functions over a period of not more than seven years and shall submit any such programme for the approval of the appropriate Minister or Ministers, and, if the appropriate Minister or Ministers so direct, shall at such time or times as may be specified in the direction, prepare and submit for his or their approval one or more such programmes, containing particulars of any description so specified, for the carrying out by the authority during a period so specified of projects of any class so specified.

(7) Any programme of a water authority under subsection (6) above relating to the supply of water shall take account of any operations proposed under subsection (2) above to be undertaken in their area by a statutory water company, joint water board or joint water committee and involving a substantial outlay on capital account.

(8) In carrying out their duty under the foregoing provisions of this section a water authority shall—

(a) consult every local authority whose area is wholly or partly included in the area of the water authority; and

(b) have regard to any of the following plans prepared for any part of that area under the Town and Country Planning Act 1971, that is to say, a structure plan, a local plan and any development plan within the meaning of Schedule 5 to that Act.

PART II

(9) A water authority or other statutory water undertakers shall, in carrying out any project involving substantial outlay on capital account, act in accordance with any approved programme for the time being applicable to the discharge of their functions or the carrying out of their operations under subsection (6) above.

(10) Each water authority shall make arrangements for the carrying out of research and related activities (whether by the authority or by others) in respect of matters affecting the authority's functions, and in particular, but without prejudice to the generality of this subsection, may make arrangements for the carrying out of research and related activities in respect of such matters by subscribing or otherwise financially contributing to an organisation formed for that purpose.

(11) The appropriate Minister or Ministers may give directions to a water authority with respect to the making of arrangements under subsection (10) above.

(12) In the performance of their functions under this section a water authority shall consult the appropriate Minister or Ministers ; and every authority—

- (a) shall send to the appropriate Minister or Ministers, to every local authority whose area is wholly or partly included in the area of the water authority and to the Water Space Amenity Commission a copy of any report prepared by the water authority in consequence of a survey under this section and of any amendments made by them to any such report ;
- (b) shall furnish a copy of any such report or amendments to any person on payment of such reasonable sum as the authority may determine ; and
- (c) shall furnish the appropriate Minister or Ministers with such other information as he or they may reasonably require with respect to anything done by the water authority in pursuance of this section.

25.—(1) The Thames Water Authority shall, after consulting the interested bodies, submit to the Secretary of State not later than 1st April 1975 proposals for the transfer to the Greater London Council of the recreation and amenity functions of water authorities as respects the whole or part of the watercourses and land to which this section applies and, subject to subsection (3) below, the Secretary of State may by order give effect to the proposals, either as submitted to him or with modifications.

Discharge of recreation and amenity functions in and around Greater London.

PART II

(2) The Secretary of State may himself at any time after consulting the interested bodies amend or revoke an order under subsection (1) above or, where any such order has been revoked, provide for the transfer of all or any of the recreation and amenity functions of water authorities as respects the whole or part of the watercourses or land to which this section applies to the Greater London Council.

(3) If it appears to the Secretary of State that it is desirable to make an order under subsection (1) above giving effect to any proposals with modifications which appear to him to be substantial, he shall direct the Thames Water Authority, after consulting the interested bodies, to reconsider the proposals and submit revised proposals to him under that subsection within a time specified in the direction, but the foregoing provisions of this subsection shall not apply to an order under this subsection giving effect to the revised proposals.

(4) While any recreation and amenity functions are exercisable by the Greater London Council by virtue of an order under this section, section 23(3) above shall have effect as if references therein to water authorities included references to the Greater London Council.

(5) In this section "the interested bodies" means—

- (a) the Water Space Amenity Commission ;
- (b) the Greater London Council ;
- (c) in the case of proposals made by the Secretary of State under subsection (2) above, the Thames Water Authority and in any case any other water authority whose recreation and amenity functions will be affected by these proposals in question ;
- (d) the Port of London Authority ;
- (e) the Common Council of the City of London ;
- (f) the London Boroughs Association ;
- (g) such other bodies representing persons interested in the use of the watercourses and land to which this section applies as the Thames Water Authority consider desirable or the Secretary of State directs in the case of proposals submitted to him and as he considers desirable in the case of his own proposals.

(6) In this section "recreation and amenity functions" means, in relation to any authority, the authority's functions under section 20 above and, so far as relating to those functions, their functions under sections 22 and 24 above, not being in any case functions with respect to navigation conferred by or under any enactment.

(7) The watercourses to which this section applies are—

PART II

- (a) so much of the River Thames as lies within Greater London ;
- (b) every watercourse, other than the River Thames, which is for the time being a main metropolitan watercourse within the meaning of Schedule 14 to the London 1963 c. 33. Government Act 1963 ;
- (c) so much of the River Beam, the River Ingrebourne and the River Roding as lies within Greater London ; and
- (d) so much of any other watercourse situated wholly or partly within, or adjoining the boundary of, Greater London as lies within the flow and reflow of the tides of the River Thames ;

and the land to which this section applies is any land associated with any watercourse to which this section applies.

(8) Without prejudice to any power exercisable by virtue of section 34 below, an order under this section may contain such transitional, incidental, supplementary or consequential provision as the Secretary of State considers necessary or expedient for the purposes of the order.

(9) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26.—(1) Each water authority and all other statutory water undertakers shall make provision for advancing the skill of persons employed by them and in doing so shall comply with any scheme for training and education in force under section 4 above.

Duties of statutory water undertakers and Council to their staff.

(2) Except so far as the Council are satisfied that adequate machinery exists for the purpose it shall be the duty of the Council to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the Council and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Council, the water authorities and other statutory water undertakers with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

(3) It shall be the duty of every water authority and all other statutory water undertakers to comply with any such agreement.

(4) The Council shall send copies of any such agreement, and of any instrument varying the terms of any such agreement, to the Secretary of State.

PART II
Superannua-
tion of
employees of
statutory
water
undertakers.

27.—(1) Statutory water undertakers may establish and administer pension schemes and pension funds in the interests of persons who are or have been employed by them, and may pay pensions, allowances and gratuities to or in respect of such persons or enter into and carry into effect agreements or arrangements with any other person for securing or preserving pension rights for any such persons.

(2) It shall be the duty of all statutory water companies, by participating in a scheme for or in respect of persons who are or have been employed by any such company, to secure benefits in respect of their service after their entry into the scheme not less in amount than the corresponding benefits for employees and former employees of water authorities in the standard water authority scheme and on terms (including terms as to the transferability of benefits) not less favourable to the persons entitled to the benefits than the terms of that scheme ; and in this section “standard water company scheme” means a scheme under this subsection and “standard water authority scheme” means a scheme designated by an order under subsection (3) below.

(3) The Secretary of State may by order—

- (a) designate any scheme made for or in respect of employees and former employees of water authorities (including in particular a scheme contained in regulations under section 7 of the Superannuation Act 1972) as the standard water authority scheme ;
- (b) designate a corporation to manage the standard water company scheme ; and
- (c) prescribe a date before which any person who is in the employment of a statutory water company on 31st March 1974 and intends to remain in the employment of such a company after that date, and for whom on that date superannuation arrangements will be in operation, may opt that the standard water company scheme shall not apply to him.

(4) A person who has exercised the option conferred by subsection (3)(c) above may revoke it at any time after 31st March 1974.

(5) Every employee of a statutory water company who is eligible for membership of the standard water company scheme shall be a member of that scheme unless he has exercised the option conferred by subsection (3)(c) above and has not revoked it.

(6) Any question whether the terms of the standard water company scheme are less favourable than the terms of the standard water authority scheme shall be determined by the Secretary of State.

(7) The powers conferred on statutory water undertakers by this section are without prejudice to any of their other powers. PART II

28. Where an emergency or disaster involving destruction of property or damage to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster and a water authority are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants in a way connected with the discharge of their functions, they shall assist any principal council within the meaning of section 138 of the 1972 Act in taking any action under that section which is calculated to avert, alleviate or eradicate in the water authority area or among its inhabitants the effects or potential effects of the event. Emergencies and disasters.

PART III

FINANCIAL PROVISIONS

29.—(1) It shall be the duty of every water authority so to discharge their functions as to secure that, taking one year with another, their revenue is not less than sufficient to meet their total outgoings properly chargeable to revenue account. General duties and powers relating to finance.

(2) The Secretary of State may with the approval of the Treasury and after consultation with the Council by order direct—

(a) that an authority shall discharge their functions during any period specified in the direction with a view to securing that they achieve in respect of that period a rate of return on the value of their net assets (as for the time being defined for the purposes of this section by the Secretary of State) which is not less than such rate as the Secretary of State specifies in the direction as the rate of return which he considers it is reasonable for the authority to achieve ;

(b) that an authority shall in the discharge of their functions be under any such other financial obligation (in addition to or instead of an obligation imposed by virtue of paragraph (a) above) as the Secretary of State may think fit.

(3) An order made by virtue of paragraph (a) of subsection (2) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) An order shall not be made by virtue of paragraph (b) of subsection (2) above unless a draft of the order has been laid before, and approved by resolution of, each House of Parliament.

PART III

(5) It shall be the duty of every water authority to secure that their charges make a proper contribution to the discharge of their duty under this section and Part III of Schedule 3 to this Act, taking into account their present circumstances and future prospects and any directions given to them under this section.

Water charges.

30.—(1) Subject to the provisions of this Act, a water authority shall have power to fix, and to demand, take and recover such charges for the services performed, facilities provided or rights made available by them (including separate charges for separate services, facilities or rights or combined charges for a number of services, facilities or rights) as they think fit.

(2) A water authority may fix any of their charges by means of a scheme under section 31 below or by agreement with any person.

(3) Subject to subsections (4) to (6) below, a water authority may fix their charges by reference to such criteria, and may adopt such system for the calculation of their amount, as appears to them to be appropriate.

(4) In fixing charges for services, facilities or rights a water authority shall have regard to the cost of performing those services, providing those facilities or making available those rights.

(5) A water authority may make different charges for the same service, facility or right in different cases, but it shall be the duty of every water authority to take such steps as will ensure that, as from a date not later than 1st April 1981, their charges are such as not to show undue preference to, or discriminate unduly against, any class of persons.

(6) The Secretary of State may, after consultation with the Council, give all or any of the water authorities directions as to the criteria to be applied or the system to be adopted by them under subsection (3) above and in giving a direction under this subsection the Secretary of State shall have regard to the provisions of subsections (4) and (5) above.

(7) Where a water authority introduce a new system of charges, they may make such transitional charging arrangements as they think fit applying for a period not exceeding five years.

(8) Nothing in any enactment passed before this Act shall so operate, in relation to a water authority, as to oblige them to fix separate charges for separate services, facilities or rights.

(9) No local statutory provision, other than one which expressly provides, in relation to any service, facility or right, that no charge shall be made for it, shall limit the discretion of a

PART III

water authority or of a statutory water company through whom such an authority are supplying water as to the charges to be made by them, whether it purports to limit them by specifying or providing for specifying the charges to be made, or by fixing or providing for fixing maximum charges, or otherwise.

(10) Any such limitation in a local statutory provision shall cease to have effect on 1st April 1974, but water authorities and companies through whom water authorities are supplying water shall, in fixing their charges as respects any period beginning not earlier than 1st April 1974 and ending before 1st April 1981, have regard to any special circumstances which appear to them to be relevant and, in particular, to any differences in the levels of charges which would, apart from the cesser, have been likely to be in force after the former date in different parts of the area to which the provision applied.

31.—(1) A water authority may make a scheme (in this Act referred to as a “charges scheme”) for the charges to be paid for any services performed, facilities provided or rights made available by the authority.

(2) The charges to be paid to an authority for any services, facilities or rights to which a charges scheme of that authority relates shall be those for which the scheme provides.

(3) The Secretary of State may give directions to all water authorities or any particular water authority as to the services, facilities or rights for which provision is to be made in a charges scheme.

(4) All charges schemes shall be so framed as to show the methods by which and the principles on which the charges are to be made, and shall be published in such manner as in the opinion of the authority will secure adequate publicity for them.

(5) A charges scheme may revoke or amend any previous charges scheme made by the authority.

(6) Nothing in any charges scheme shall affect any power of a water authority to make any such agreement as to charges as they are empowered to make by any enactment passed before this Act, and in particular by—

- (a) section 7 of the Public Health (Drainage of Trade Premises) Act 1937 (reception and disposal of trade effluents);
- (b) section 27 of the Water Act 1945 (supply of water for non-domestic purposes); and
- (c) section 63 of the Water Resources Act 1963 (special charges in respect of spray irrigation).

PART III
Meters.

32.—(1) In any case where charges are payable to a water authority by reference to the volume of water supplied to any premises or the volume of effluent discharged therefrom (whether or not the charges are payable by reference to any other factors), the authority may install on those premises a meter for measuring that volume, and the register of the meter shall, subject to the provisions of any regulations under this section, be prima facie evidence of that volume.

(2) The Secretary of State may by regulations make provision with respect to the installation of meters, whether under this section or otherwise, their connection and disconnection and their maintenance, authentication and testing and other related matters, and a statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any officer authorised by a water authority may at all reasonable times, on the production of some duly authenticated document showing his authority, enter any premises in the water authority's area in which there is a service pipe connected with the water authority's main, or a drain or private sewer connected with a public sewer, for the purpose of—

- (a)** installing meters under this section, or connecting or disconnecting them ;
- (b)** inspecting or examining any such meters, together with any ancillary fittings and associated works, and ascertaining from any such meter the volume of water supplied or effluent discharged ;

but admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(4) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a)** that admission to any premises has been refused or that refusal is reasonably apprehended, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of entry ; and
- (b)** that there is reasonable ground for entry into the premises for any purpose mentioned in subsection (3) above ;

the justice may by warrant authorise the water authority by any authorised officer to enter the premises, if need be by force, but shall not issue such a warrant unless he is satisfied that notice of the intention to apply for it has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry.

PART III

(5) An authorised officer entering any premises by virtue of this section or any warrant issued thereunder may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has so entered shall leave them as effectually secured against trespassers as he found them.

(6) Every warrant under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(7) If any person who in compliance with the provisions of this section or a warrant thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be liable on conviction on indictment to a fine and on summary conviction to a fine not exceeding £400.

(8) A person who wilfully obstructs another person exercising any power conferred by this section or any warrant thereunder shall be liable on summary conviction to a fine not exceeding £50.

(9) In this section—

“drain” has the same meaning as in the Public Health 1936 c. 49. Act 1936;

“effluent” means any liquid, with or without particles of matter in suspension therein; and

“main” and “service pipe” have the same meanings as in Schedule 3 to the Water Act 1945. 1945 c. 42.

PART IV

MISCELLANEOUS

33. The following bodies shall cease to exist on 1st April 1974, that is to say—

(a) the Water Resources Board;

(b) the Central Advisory Water Committee;

(c) all river authorities;

(d) the Conservators of the River Thames and the Lee Conservancy Catchment Board;

(e) the Isle of Wight River and Water Authority;

(f) all statutory water undertakers existing immediately before the passing of this Act, except statutory water companies, joint water boards, joint water committees and existing local authorities and other bodies exercising functions not affected by this Act;

Abolition of
existing
central and
local bodies.

PART IV

(g) all joint sewerage boards and joint committees of sewerage authorities existing immediately before the passing of this Act ;

(h) the Water Supply Industry Training Board ;

and section 263 of the 1972 Act (continuation of existing joint boards and committees) shall not apply to bodies which cease to exist by virtue of this section.

Consequential,
transitional
and
supple-
mentary
provision.

34.—(1) The following provisions of the 1972 Act, that is to say—

section 254 (consequential orders, etc.) and section 68 (transitional agreements as to property and finance) as applied by section 254 ;

section 255 (transfer of officers) ;

section 256 (continuity of employment) ;

section 257 (staff commission) ;

section 259 (compensation for loss of office) ;

section 260 (option for early retirement) ;

shall apply for the purposes of this Act as they apply for the purposes of that Act or, as the case may be, Part IV of that Act, but subject to the exceptions and modifications contained in Part I of Schedule 6 to this Act.

(2) The provisions of Part II of that Schedule, being provisions which reproduce with modifications certain provisions of section 262 of the 1972 Act (local Acts and instruments), shall have effect with respect to local statutory provisions in force immediately before 1st April 1974.

(3) An order under section 2(5) above altering the boundaries of a water authority area and an order under section 25 above may include the like provision in relation to the order as may be made by regulations of general application under section 67 of the 1972 Act by virtue of subsection (2) of the latter section.

Isles of
Scilly.

35.—(1) The Secretary of State may, on the application of the Council of the Isles of Scilly, make an order providing for the exercise as respects the Isles of Scilly of functions corresponding to any of those transferred to water authorities by this Act.

(2) Without prejudice to section 254 of the 1972 Act as applied by section 34 above, an order under this section may—

(a) apply, with or without modifications, any provision of this Act to the Isles of Scilly ;

(b) save the application to the Isles of Scilly of any enactment applying there immediately before 1st April 1974 and repealed as respects England in general by this Act.

(3) Except as provided by an order under this section, this Act shall not extend to the Isles of Scilly. PART IV

36.—(1) Any power to make orders or regulations conferred on the appropriate Minister or Ministers by or by virtue of this Act shall be exercisable by statutory instrument. Orders,
regulations
and byelaws.

(2) Any power to make an order conferred by or by virtue of any provision of this Act shall include power to make an order varying or revoking any order previously made under or by virtue of that provision.

(3) Part I of Schedule 7 to this Act shall have effect with respect to the making of byelaws by the appropriate Minister or Ministers by virtue of any enactment under which water authorities discharge their functions and Part II of that Schedule shall have effect with respect to the making of byelaws by water authorities, other statutory water undertakers and internal drainage boards under any enactment.

37. There shall be defrayed out of moneys provided by Parliament— Expenses.

- (a) any expenses incurred by any Minister under this Act ;
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

38.—(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say— Interpretation.

- “the appropriate Minister or Ministers” and “the Ministers” have the meanings assigned to them by section 1 above ;
- “the Council” means the National Water Council ;
- “county”, “district”, “county council”, and “district council”, mean respectively a county, district, county council and district council established by the 1972 Act ;
- “development corporation” means a development corporation established under the New Towns Act 1965 or 1965 c. 59. any Act replaced by that Act ;
- “existing local authority” means a local authority within the meaning of the Local Government Act 1933 ; 1933 c. 51.
- “joint water board” and “joint water committee” mean respectively a joint board and a joint committee which has been constituted under section 9 of the Water Act 1945 and on which a statutory water company is represented ; 1945 c. 42.

PART IV

“land drainage” includes defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems, and “land drainage functions” shall be construed accordingly;

“local authority” means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London;

“local land drainage committee” and “regional land drainage committee” mean respectively the committees established by those names under Schedule 5 to this Act;

“local land drainage district” means a local land drainage district established under that Schedule and any part of a water authority area which is to be treated as a local land drainage district for the purposes of Parts II and III of that Schedule;

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect to some area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

“London excluded area” means so much of Greater London, and of any area adjoining Greater London, as—

(a) in relation to a time before 1st April 1974, does not at that time lie within the Thames catchment area, the Lee catchment area or the area of any river authority;

(b) in relation to a time after 31st March 1974, does not at that time lie, for the purpose of the exercise of land drainage functions, within the area of any water authority;

1972 c. 70.

“the 1972 Act” means the Local Government Act 1972;

“public authority” includes a statutory water company;

1936 c. 49.

“public sewer” has the same meaning as in the Public Health Act 1936 and “private sewer” shall be construed accordingly;

1967 c. 78.

“regional water board” and “water development board” have the same meanings respectively as in the Water (Scotland) Act 1967;

“ river authority ”, “ underground strata ”, “ inland water ”, **PART IV**
 “ watercourse ” and “ water resources ” have the same
 meanings respectively as in the Water Resources Act 1963 c. 38.
 1963 ;

“ statutory water company ” means a company authorised
 immediately before the passing of this Act by any local
 statutory provision to supply water or a company in
 whom the assets of any company so authorised have
 subsequently become vested ;

“ statutory water undertakers ” has the meaning assigned
 to it by section 11(6) above ;

“ supply of water in bulk ” and “ water fittings ” have the
 same meanings as in the Water Act 1945 ; **1945 c. 42.**

(2) Section 269 of the 1972 Act (which relates to the meaning
 of “ England ” and “ Wales ” in Acts passed after 1st April
 1974) shall apply to this Act as if this Act had been passed
 after that date.

(3) Except in so far as the context otherwise requires, any
 reference in this Act to an enactment shall be construed as a
 reference to that enactment as amended, applied or extended
 by or under any other enactment, including this Act.

39.—(1) The following provisions of this Act shall come into **Commence-**
 operation on 1st April 1974, that is to say— **ment.**

section 9, except so far as relating to sections 21 and 22 of
 the Land Drainage Act 1930, Part VI of the Local **1930 c. 44.**
 Government Act 1948, section 21 of the Land Drain- **1948 c. 26.**
 age Act 1961 and section 82 of the Water Resources **1961 c. 48.**
 Act 1963 ;

section 10 ;

section 11, except subsection (6) so far as relating to section
 12 of the Water Act 1945 ;

section 12(1) and (6) to (11), except subsections (9) and (11)
 so far as relating to section 12 of the Water Act 1945 ;

section 13(3) and (4) ;

section 14 ;

section 16 ;

section 17 ;

section 18 ;

section 19(6) to (11) ;

section 20 ;

section 21(3) to (6).

section 24 ;

PART IV

section 25 ;
 section 28 ;
 section 29(1) ;
 section 33 ;
 section 40(2), except so far as relating to the amendments
 of the House of Commons Disqualification Act 1957
 made by Schedule 8 ;
 section 40(3).

1957 c. 20.

(2) Any provision of, or any instrument made under, another Act which is modified or amended by a provision of this Act which comes into operation before 1st April 1974 shall between the passing of this Act and that date have effect both as modified or amended by this Act and as it would have had effect without the modification or amendment.

Short title,
 minor
 amendments,
 repeals and
 extent.

40.—(1) This Act may be cited as the Water Act 1973.

(2) The enactments specified in Schedule 8 to this Act shall have effect subject to the amendments, modifications and adaptations set out in that Schedule, being amendments, modifications and adaptations which are consequential on the foregoing provisions of this Act and minor amendments.

(3) The enactments specified in Schedule 9 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in column 3 of that Schedule.

(4) The following provisions of this Act, that is to say—

(a) section 4(5) to (8), so far as relating to the matters mentioned in section 4(5)(d) and (e) ;

(b) section 9, so far as relating to any enactment which extends to Scotland ;

(c) section 18 ;

(d) paragraphs 43, 69 and 93 of Schedule 8 ;

1967 c. 78.

(e) in Schedule 9, the repeals in the Water (Scotland) Act 1967 ; and

(f) so much of this Act as relates to the interpretation or commencement of the foregoing provisions ;

extend to Scotland, but except as aforesaid this Act does not extend to Scotland.

(5) This Act, except section 4(5) to (8), so far as relating to the matters mentioned in section 4(5)(d) and (e) and paragraph 69 of Schedule 8 and so much of this Act as relates to the interpretation of those provisions, does not extend to Northern Ireland.

1920 c. 67.

(6) For the purposes of section 6 of the Government of Ireland Act 1920 (which relates to the powers of the Parliament of Northern Ireland) this Act shall be deemed to be an Act passed before the appointed day.

SCHEDULES

SCHEDULE 1

Section 2.

REGIONAL WATER AUTHORITY AREAS

<i>Name of Authority</i>	<i>Area</i>
North West Water Authority.	The areas of the Cumberland, Lancashire and Mersey and Weaver River Authorities.
Northumbrian Water Authority.	The area of the Northumbrian River Authority.
Yorkshire Water Authority.	The area of the Yorkshire River Authority.
Anglian Water Authority.	The areas of the East Suffolk and Norfolk, Essex, Great Ouse, Lincolnshire and Welland and Nene River Authorities, except the part of the area of the Essex River Authority which is included in the area of the Thames Water Authority.
Thames Water Authority.	<p>The Thames Catchment Area, the Lee Catchment Area and the London excluded area.</p> <p>The part of the area of the Essex River Authority the drainage of which is directed to the Thames above the point where the western boundary of the catchment area of the Mar Dyke meets the Thames.</p> <p>The part of the area of the Kent River Authority the drainage of which is directed to the Thames above Greenhithe.</p>
Southern Water Authority.	The Isle of Wight and the areas of the Hampshire, Kent and Sussex River Authorities, except the part of the area of the Kent River Authority which is included in the area of the Thames Water Authority.
Wessex Water Authority.	<p>The areas of the Avon and Dorset, Bristol Avon and Somerset River Authorities, except the part of the area of the Avon and Dorset River Authority which is included in the area of the South West Water Authority.</p> <p>The part of the area of the Severn River Authority the drainage of which is directed to the Severn below Sharpness.</p>

SCH. 1

<i>Name of Authority</i>	<i>Area</i>
South West Water Authority.	The areas of the Cornwall and Devon River Authorities. The part of the area of the Avon and Dorset River Authority the drainage of which is directed to the River Lim.
Severn-Trent Water Authority.	The areas of the Severn and Trent River Authorities, except the part of the area of the Severn River Authority which is included in the area of the Wessex Water Authority.

Section 2.

SCHEDULE 2

BOUNDARIES OF WATER AUTHORITY AREAS AND AREA AND
MAIN RIVER MAPS

PART I

BOUNDARIES OF WATER AUTHORITY AREAS

General

1.—(1) An order under section 2 above which establishes a water authority or alters the boundaries of a water authority area shall define the water authority area to which it relates, and any waters comprised in it which it is necessary to define for the purpose of the exercise of any of the water authority's functions, in such a way that that area and any such waters can be identified by members of the public and, without prejudice to the generality of this paragraph, any such order may define the whole or any part of a water authority area or of any such waters—

- (a) by reference to areas or waters defined for the purposes of the exercise of functions relating to water in enactments in force immediately before the passing of this Act;
 - (b) by reference to any map;
 - (c) by reference to any instrument made under an enactment;
- or partly by one of those means and partly by another or the others.

(2) For the purposes of this Schedule a map of any area or any waters may consist of a number of maps of parts of that area or those waters and there may be different maps in relation to different functions of a water authority.

(3) In this Part of this Schedule "low-water mark" means low-water mark of ordinary spring tides, and "the sea" includes any bay, estuary or arm of the sea.

*Seaward boundaries of water authority areas for
general purposes*

1961 c. 48.

2.—(1) Without prejudice to section 19(1) of the Land Drainage Act 1961, the seaward boundary of a water authority area for the purposes of the functions of the authority shall, except as provided

by an order under section 2 above or paragraph 3, 4 or 5 below, be low water mark on the coast of the area.

SCH. 2

(2) Subject to any order made under section 2 above, where a river, stream or other watercourse, whether natural or artificial and whether tidal or not, or any creek in so far as it does not form part of such a watercourse, discharges into the sea, the whole of the mouth of the watercourse within a line from low-water mark at the seaward extremity of one bank to low-water mark at the seaward extremity of the other bank, or the whole of the creek within such a line, as the case may be, shall form part of a water authority area, and, if both banks are in the same water authority area, shall form part of that water authority area.

(3) Where the entrance to a dock is on the coast, the whole of the dock shall form part of a water authority area, and, if both sides of the dock are in the same water authority area, shall form part of that water authority area.

(4) Where sub-paragraph (2) or sub-paragraph (3) above applies, but the banks of the watercourse or creek or the sides of the dock, as the case may be, are in different water authority areas, an order under section 2 above may designate the water authority area in which any part of the watercourse, creek or dock is to be comprised.

3. In any such case as is mentioned in paragraph 2(4) above, an order under section 2 above may designate any tidal waters and direct that, so far as they are below low-water mark, they shall be excluded from all the water authority areas; and an order made solely for that purpose may designate the waters to which it applies as being all tidal waters which, in so far as they are below low-water mark, lie to seaward of a line specified in the order by reference to a map.

Seaward boundaries for the purposes of fisheries functions

4.—(1) Subject to any order under section 2 above, for the purposes of the functions of a water authority relating to fisheries, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the water authority area in which Her Majesty's subjects have the exclusive right of fishing.

(2) Any question arising under this paragraph as to the extent of the area of a water authority shall be determined by the Minister, whose decision shall be final.

Seaward boundaries for the purposes of river pollution functions

5.—(1) Subject to any order under section 2 above, for the purposes of the functions of a water authority relating to the restoration and maintenance of the wholesomeness of rivers and other waters, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the water authority area to which any of the provisions of the Rivers (Prevention of Pollution) Act 1951 1951 c. 64. apply—

(a) by virtue of an order made, or having effect as if made, under section 6 of that Act; or

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1961 c. 50.

1960 c. 54.

(b) by virtue of section 9(2) of the Rivers (Prevention of Pollution) Act 1961 (which applies certain provisions of that Act to controlled waters as defined in the Clean Rivers (Estuaries and Tidal Waters) Act 1960).

(2) Any question arising under this paragraph as to the extent of the area of a water authority shall be determined by the Secretary of State, whose decision shall be final.

PART II

MAPS

6. In this Part of this Schedule—

“area map” means a map of a water authority area ;

“main river map” means a map of a water authority area relating to a water authority’s land drainage functions—

(a) which shows by a distinctive colour the extent to which any watercourse in that area is to be treated as the main river, or part of the main river, for the purposes of Part II of the Land Drainage Act 1930, and

(b) which indicates (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 3 of the Land Drainage Act 1961 (designation of watercourses for drainage works in the interests of agriculture).

1930 c. 44.

1961 c. 48.

7. As soon as practicable after the coming into force of an order under section 2 above establishing a water authority or altering a water authority area, the Secretary of State shall send the authority one or more maps which are to be their area map in relation to their functions, except their land drainage functions, or shall notify them of one or more maps which are to be their area map as aforesaid, or partly one and partly the other.

8. The main river maps on 1st April 1974 shall consist of the following maps, in so far as not replaced by maps sent to water authorities under paragraph 9 below:—

(a) in the case of the areas which immediately before that date consisted of the Thames Catchment Area and the Lee Catchment Area, of maps prepared under section 5 of the Land Drainage Act 1930 and current immediately before that date,

(b) in the case of other areas, of main river maps kept by river authorities immediately before that date under section 11 of the Water Resources Act 1963,

1963 c. 38.

and in either case, shall also consist of any maps sent to water authorities under paragraph 9 below.

9. The Minister may at any time send a water authority one or more new maps to be substituted for the whole or part of the main river map of the authority’s area, and containing a statement to that effect specifying the date on which the substitution is to take effect; and the substitution shall take effect in accordance with the statement.

10. Until a main river map of a water authority area has been prepared showing the boundaries of that area for the purposes of the water authority's land drainage functions, the boundaries of the water authority area as shown on the area map for the purposes of the authority's functions relating to water conservation shall be treated also as the boundaries of the water authority area for the purposes of their land drainage functions.

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11.—(1) Where—

- (a) the area of a water authority is altered so as to affect any of the particulars shown on their main river map, or
- (b) the Minister confirms a scheme under section 3 of the Land Drainage Act 1961, or
- (c) a water authority apply to the Minister for the variation of their main river map, so far as it shows the extent to which any watercourse is to be treated as the main river or part of the main river,

1961 c. 48.

the Minister shall take such action as he considers appropriate either—

- (i) by requiring the relevant water authority to send him any part of their main river map, altering it and sending it back to them, or
- (ii) by preparing a new main river map and sending it to the water authority, or
- (iii) by notifying the authority that he does not intend to vary their main river map.

(2) Before altering a map or preparing a new map under paragraph (c) of sub-paragraph (1) above the Minister shall give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected, and shall consider any objections made to him within the time and in the manner specified in that notice, and may then alter or prepare the map, whether in accordance with the proposals contained in the notice or otherwise.

12.—(1) Every water authority shall, subject to paragraph 11(1) above, keep their area maps at their principal office and provide reasonable facilities for inspecting those maps and taking copies of and extracts from them.

(2) Any local authority whose area is wholly or partly within a water authority area shall, on application to the water authority, be entitled to be furnished with a copy of any of the authority's area maps, on payment of such sum as the local authority and the water authority may agree.

13.—(1) An area map relating to any functions shall be conclusive evidence for all purposes as to the boundaries of the water authority area in relation to those functions.

(2) A main river map shall be conclusive evidence for all purposes as to what is the main river.

(3) An area map shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as that Act applies 1868 c. 37. to the Secretary of State and the Minister; and that Act, as it so applies shall have effect—

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- (a) in relation to an area map other than a main river map, as if it had been issued by the Secretary of State and the Minister acting separately and not jointly ;
- (b) in relation to a main river map, as if it had been issued by the Minister.

PART III

ALTERATION OF BOUNDARIES

14.—(1) Before making an order altering the boundaries of a water authority area the Ministers shall—

- (a) consult with such persons or representative bodies as they consider it appropriate to consult at that stage ;
- (b) prepare a draft order ;
- (c) cause a notice to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected—
 - (i) stating their intention to make the order and its general effect ;
 - (ii) specifying the places where copies of the draft order and of any map to which it refers may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date on which the notice is first published otherwise than in the London Gazette ; and
 - (iii) stating that any person may within that period by notice in writing to the Ministers object to the making of the order.

(2) The Ministers shall also cause copies of the notice and of the draft order to be served on any public authorities who appear to them to be concerned.

15.—(1) Before making an order altering the boundaries of a water authority area, the Ministers shall consider any objections which may be duly made to the draft order, and may if they think fit cause a local inquiry to be held with respect to any such objections ; and the Ministers may make the order either in the form of the draft or in that form as altered in such manner as they may think fit, but no order shall be made so as to include in any water authority area any tidal waters which would have been outside all the water authority areas if the order had been made in the form of the draft.

(2) Subsections (2) to (5) of section 250 of the 1972 Act shall apply in relation to a local inquiry under this paragraph as they apply to a local inquiry which a Minister causes to be held under subsection (1) of that section, but with the substitution in subsection (4) for the words “such local authority or” of the words “such water authority or”.

16.—(1) Where an objection has been duly made by any body on whom notice is required to be served under paragraph 14 above and has not been withdrawn, then, if the order is made, the Ministers shall serve notice of the making of the order on every such body who has duly made an objection which has not been withdrawn.

(2) Where a notice is required to be served under sub-paragraph (1) above, the order shall not have effect before the expiry of a period of twenty-eight days from the date of service of that notice; and if within that period any such body gives notice to either of the Ministers objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

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17. A statutory instrument containing an order altering the boundaries of a water authority area which is not subject to special parliamentary procedure shall be subject to annulment in pursuance of a resolution of either House of Parliament.

18. After making an order altering the boundaries of a water authority area the Ministers shall publish in the London Gazette, and in such other manner as they think best adapted for informing persons affected, a notice stating that the order has been made and naming the places where a copy of the order may be seen at all reasonable hours:

Provided that, in the case of an order to which paragraph 16(2) above applies, the notice shall not be published until the expiry of the period of twenty-eight days referred to in that sub-paragraph, and shall state whether or not the order is to be subject to special parliamentary procedure.

19.—(1) Subject to sub-paragraph (2) below, if any person desires to question the validity of an order altering the boundaries of a water authority area on the ground that it is not within the powers of this Act, or that any requirement of this Act has not been complied with, he may, within six weeks after the first publication of the notice required by paragraph 18 above, make an application for the purpose to the High Court; and if any such application is duly made, the court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirements of this Act not having been complied with, may quash the order either generally or in so far as it affects the applicant.

(2) Sub-paragraph (1) above shall not apply to any order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if for the reference to the first publication of the notice required by paragraph 18 above there were substituted a reference to the date on which the order becomes operative under the said Act of 1945.

(3) Except as provided by sub-paragraph (1) above, the validity of an order altering the boundaries of a water authority area shall not, either before or after the order has been made, be questioned in any legal proceedings whatsoever.

SCHEDULE 3

Sections 2, 4 and 23.

ADMINISTRATION, FINANCE, ETC., OF WATER AUTHORITIES AND THE NATIONAL WATER COUNCIL

PART I

WATER AUTHORITIES

General

1. A water authority shall be a body corporate.

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2. A water authority shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which in the opinion of the authority is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

Terms of office of members of water authorities

3. The chairman of a water authority and the other members appointed by a Minister shall hold and vacate office in accordance with the terms of their appointment.

4.—(1) This paragraph applies to members of a water authority appointed by a local authority or local authorities.

(2) The first members to whom this paragraph applies shall come into office on the day on which the water authority comes into existence, or, in the case of a member who is for any reason appointed after that day, on the day on which the appointment is made, and, subject to the following provisions of this Schedule, shall hold office until the end of May in such year as may be specified for the purposes of this paragraph in the order establishing the authority.

(3) Any other members to whom this paragraph applies shall come into office at the beginning of the June next following the day on which they are appointed, and, subject to the following provisions of this Schedule, shall hold office for a term of four years:

Provided that if for any reason any member is appointed on or after the day on which he ought to have come into office, he shall come into office on the day on which he is appointed and shall hold office for the remainder of the said term.

Vacation of office by members

5.—(1) A member of a water authority may resign his office at any time by giving notice in writing to the chairman of the authority and also, if he was appointed by a Minister, to that Minister.

(2) The chairman of a water authority may resign his office at any time by giving notice in writing to the Secretary of State.

6.—(1) The office of a member of a water authority shall become vacant upon the happening of any of the following events, namely, if he—

- (a) is adjudged bankrupt, or makes a composition or arrangement with his creditors; or
- (b) is convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
- (c) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or under Part VIII of the 1972 Act; or

(d) has, for a period of six consecutive months, been absent from meetings of the authority, otherwise than by reason of illness or some other cause approved during that period by the authority.

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(2) For the purposes of sub-paragraph (1)(d) above, the attendance of a member of a water authority at a meeting of any committee of the authority of which he is a member, or at any joint committee to which he has been appointed by the authority, shall be treated as attendance at a meeting of the authority.

Appointments to fill casual vacancies

7. Where, for any reason whatsoever, the place of a member of a water authority becomes vacant before the end of his term of office the vacancy—

(a) shall, if the unexpired portion of the term of office of the vacating member is six months or more, be filled by the appointment of a new member ; and

(b) may be so filled in any other case.

8. A person appointed by virtue of paragraph 7 above to fill a casual vacancy shall hold office so long only as the former member would have held office.

Disqualification for, and re-appointment to, membership of water authorities

9.—(1) Subject to the following provisions of this paragraph, a person shall be disqualified for appointment as a member of a water authority if he—

(a) is a paid officer of the authority ; or

(b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors ; or

(c) has within the period of five years ending on the day on which his qualification for appointment falls to be determined, been surcharged by a district auditor to an amount exceeding £500 under Part X of the Local Government Act 1933 ; or

(d) has within five years before the day of his appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine ; or

(e) is disqualified for being elected or for being a member of a local authority or water authority under Part III of the Representation of the People Act 1949 or Part VIII of the 1972 Act.

(2) Where a person is disqualified under sub-paragraph (1) above by reason of having been adjudged bankrupt, then—

(a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment ;

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(b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge ; and

(c) if he is discharged without such a certificate his disqualification shall cease on the expiration of five years from the date of his discharge.

(3) Where a person is disqualified under sub-paragraph (1) above by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(4) For the purposes of sub-paragraph (1)(c) and (d) above, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails by reason of non-prosecution shall be taken to be the date of the surcharge or conviction, as the case may be.

(5) Section 92 of the 1972 Act (proceedings for disqualification) shall apply in relation to disqualification under this paragraph for appointment as a member of a water authority as it applies in relation to disqualification for acting as a member of a local authority.

10. Subject to the provisions of this Schedule, a member of a water authority shall be eligible for reappointment.

Remuneration and allowances

11.—(1) A water authority—

(a) shall pay their chairman and the chairmen of their regional land drainage committee and their local land drainage committees such remuneration and such allowances as may be determined by the Ministers with the consent of the Minister for the Civil Service ; and

(b) if the Ministers with the consent of the Minister for the Civil Service so determine in the case of any person who is or has been chairman of a water authority or any such committee, shall pay or make arrangements for the payment of a pension, allowance or gratuity to or in respect of that person in accordance with the determination.

(2) Sections 173 to 175 of the 1972 Act (allowances to members of local authorities) shall apply to water authorities, and for the purposes of those sections as applied by this paragraph a member of a committee or sub-committee of a water authority shall be deemed to be a member of that authority.

Officers

12. Sections 114 to 119 of the 1972 Act (which contain miscellaneous provisions relating to officers and former officers) shall each have effect in relation to a water authority and to officers of a

water authority subject to the necessary modifications and, in particular, but without prejudice to the generality of this paragraph, with the substitution in section 115 of that Act for the reference to the proper officer of the local authority of a reference to such officer of the water authority as that authority may appoint for the purposes of this paragraph.

13. Without prejudice to paragraph 2 above, a water authority may—

- (a) provide housing accommodation for persons employed by them (whether by constructing, converting, enlarging or acquiring any buildings and whether by selling such accommodation or letting it or permitting it to be occupied with or without requiring the payment of rent or other charges);
- (b) permit a person for whom the authority provided housing accommodation while employed by them to occupy such accommodation provided by them after ceasing to be so employed.

Meetings and proceedings of water authorities and committees

14.—(1) In paragraph 1 of the Schedule to the Public Bodies 1960 c. 67. (Admission to Meetings) Act 1960 (bodies to which in England and Wales that Act applies), for paragraph (c) there shall be substituted the following paragraph:—

“(c) water authorities”.

(2) Without prejudice to section 2(1) of that Act (application of section 1 of that Act to any committee of a body whose members consist of or include all members of that body), section 1 of that Act shall apply to every committee appointed or established by one or more water authorities under any provision of this Act or otherwise.

(3) Where section 1 of that Act applies to a committee by virtue of this paragraph, then, for the purposes of subsection (4)(c) of that section, premises belonging to the water authority or one or more of the water authorities which established or appointed the committee shall be treated as belonging to the committee.

15.—(1) Subject to the following provisions of this paragraph, a person nominated by one or more local authorities may act as deputy for a member of a water authority appointed by that local authority or those local authorities and may accordingly (instead of that member) attend and vote at a meeting of the water authority or any committees or sub-committees to which the member for whom he is a deputy belongs.

(2) A person acting as deputy for a member of a water authority shall be treated for the purposes for which he is nominated as a member of that authority.

(3) A person shall not act as deputy for a member of a water authority unless his nomination has been notified to an officer of the authority appointed to receive such nominations.

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(4) A nomination shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the nomination is revoked.

(5) A person shall not act as deputy for more than one member of a water authority.

(6) The reference to committees and sub-committees in this paragraph does not include a reference to regional or local land drainage committees.

16. The proceedings of a water authority, or of any committee or sub-committee of such an authority, shall not be invalidated by any vacancy in their number, or by any defect in the appointment, or the qualification for appointment, of any person as a member or as chairman.

17.—(1) Subject to the following provisions of this paragraph, the provisions of sections 94 to 98 of the 1972 Act (pecuniary interests of members of local authorities) shall apply in relation to members of a water authority, or of any committee or sub-committee of a water authority, as those provisions apply in relation to members of local authorities.

(2) In their application by virtue of this paragraph the said provisions shall have effect in accordance with the following provisions—

- (a) for references to meetings of the local authority there shall be substituted references to meetings of a water authority or of any committee or sub-committee of such an authority ;
- (b) in section 94(4) for the reference to provision being made by standing orders of a local authority there shall be substituted a reference to provision being made by rules of the water authority ;
- (c) in section 96 for references to the proper officer of the local authority there shall be substituted a reference to an officer of the water authority appointed for the purposes of this paragraph ;
- (d) in the case of members of a committee or sub-committee of a water authority, the right of persons who are members of the committee or sub-committee but not members of the authority to inspect the book kept under section 96(2) shall be limited to an inspection of the entries in the book relating to the members of that committee or sub-committee ;
- (e) section 97 shall apply as it applies to a local authority other than a parish or community council.

(3) Without prejudice to section 97(4) of the 1972 Act, section 94 of that Act shall not by virtue of this paragraph apply—

- (a) to any interest which a member of a water authority or committee or sub-committee may have in the preparation or revision of a charges scheme or in the raising of any drainage rates, the levying of any general or special drainage charges or the levying of any other charges by a water authority ; or

(b) to any interest in any other matter which such a member may have as the holder of, or as an applicant or prospective applicant for, a licence under the Water Resources Act 1963 where it is an interest which he has in common with all other holders of, or applicants or prospective applicants for, such licences, or in common with all other persons belonging to a class of such holders, applicants or prospective applicants.

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1963 c. 38.

18.—(1) A minute of the proceedings of a meeting of a water authority, or of any committee or sub-committee of such an authority, purporting to be signed at that or the next ensuing meeting by the chairman of the meeting to the proceedings of which the minute relates or by the chairman of the next ensuing meeting, shall be evidence of the proceedings and shall be received in evidence without further proof; and, until the contrary is proved, every meeting in respect of the proceedings of which a minute has been so signed shall be deemed to have been duly convened and held, and all the proceedings had at the meeting to have been duly had, and, where the proceedings are the proceedings of a committee or sub-committee, that committee or sub-committee shall be deemed to have been duly constituted and have had power to deal with the matters referred to in the minute.

(2) Subject to sub-paragraph (3) below, the minutes of proceedings of meetings of a water authority shall be open to the inspection of any local government elector for any part of the water authority area, and any such local government elector may make a copy of or extract from the minutes.

(3) Sub-paragraph (2) above does not apply to any part of such minutes which contains information with respect to any manufacturing process or trade secret obtained in the exercise of powers under this Act or any enactment amended by this Act.

(4) In this paragraph "local government elector" means a person registered as a local government elector in the register of electors in accordance with the provisions of the Representation of the People Acts.

Authentication of documents

19. Any notice or other document which a water authority are required or authorised to give, make or issue by or under this Act or any other enactment may be signed on behalf of the authority by any member or officer of the authority generally or specially authorised for that purpose by a resolution of the authority; and any document purporting to bear the signature of a person expressed to be so authorised shall be deemed, until the contrary is proved, to be duly given, made or issued by authority of the water authority.

In this paragraph "signature" includes a facsimile of a signature by whatever process reproduced.

Contracts

20.—(1) A water authority shall make rules with respect to the making by or on behalf of the authority of contracts for the supply of goods or materials or for the execution of works.

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(2) Rules made by a water authority with respect to contracts for the supply of goods or materials or for the execution of works shall include provision for securing competition for such contracts and for regulating the manner in which tenders are invited, but may exempt from any such provision contracts for a price below that specified in the rules and may authorise the authority to exempt any contract from any such provision where the authority are satisfied that the exemption is justified by special circumstances.

(3) A person entering into a contract with a water authority shall not be bound to inquire whether the rules of the authority which apply to the contract have been complied with ; and non-compliance with such rules shall not invalidate any contract entered into by or on behalf of the authority.

Interpretation

21. In this Part of this Schedule references to a committee or sub-committee of a water authority include references to a committee or sub-committee of two or more such authorities and to a committee or sub-committee established under Schedule 5 to this Act or by a scheme thereunder.

PART II

THE NATIONAL WATER COUNCIL

22. The Council shall be a body corporate.

23. The Council shall have power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which in the opinion of the Council is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

24. The members of the Council, other than the chairmen of the water authorities, shall hold and vacate office in accordance with the terms of their respective appointments, but those terms shall not provide for any of them to hold office for more than five years at a time.

25.—(1) Any such member of the Council may by notice in writing addressed to the Minister who appointed him resign his office.

(2) A member of the Council who ceases to be a member shall be eligible for re-appointment.

26. Paragraphs 6 and 9 above, except sub-paragraph (1)(a) of paragraph 9, shall apply to the Council as they apply to a water authority.

27.—(1) The Council—

(a) shall pay to the appointed members such remuneration and such allowances as may be determined by the appointing Minister with the consent of the Minister for the Civil Service ; and

(b) if the appointing Minister with the consent of the Minister for the Civil Service so determines in the case of any person who is or has been an appointed member of the Council, shall pay or make arrangements for the payment of a

pension, allowance or gratuity to or in respect of that person in accordance with the determination ;

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and if a person ceases to be an appointed member of the Council and it appears to the appointing Minister that there are special circumstances which make it right that that person should receive compensation, that Minister may require the Council to pay to that person a sum of such amount as that Minister may with the consent of the Minister for the Civil Service determine.

(2) In sub-paragraph (1) above "appointed member" means any member of the Council other than the chairmen of the water authorities and, in relation to any such member, "appointing Minister" means the Minister by whom he was appointed.

(3) Without prejudice to the generality of paragraph 23 of this Schedule, the Council may establish and administer pension schemes and pension funds in the interest of persons who are or have been employed by them and may pay pensions, allowances and gratuities to or in respect of such persons, or enter into and carry into effect agreements or arrangements with any other person for securing or preserving pension rights for any such persons.

28.—(1) The quorum of the Council and the arrangements relating to its meetings shall, subject to any directions given by the Ministers, be such as the Council may determine.

(2) A person who is a member of the Council by virtue of his office as chairman of a water authority may authorise another person, being a member of that authority, to attend in his stead at a meeting of the Council, and any person so attending shall be treated for the purposes of that meeting as a member of the Council.

(3) Any authorisation under sub-paragraph (2) above shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the authorisation is revoked.

29. The Council may arrange for the discharge of any of their functions, except their power to borrow money or require contributions from the water authorities to the expenses of the Council, by a committee, a sub-committee or an officer of the Council, and any such committee may, unless the Council otherwise direct, arrange for the discharge of any of their functions by a sub-committee or officer of the Council.

30. The validity of any proceedings of the Council shall not be affected by any vacancy among the members of the Council or any defect in the appointment of any of their members.

PART III

FINANCIAL AND ADMINISTRATIVE PROVISIONS

Revenue and reserves

31.—(1) A water authority shall charge to revenue account in every year all charges which are proper to be made to revenue account, including such allocations to reserve as they consider adequate or as may be necessary to comply with any directions under paragraph 32 below and including any payments to the Council under paragraph 33 below.

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(2) Revenue raised by a water authority in a local land drainage district—

- (a) under or by virtue of Part II of Schedule 5 to this Act ;
- 1930 c. 44. (b) by contributions required under section 21(1) of the Land Drainage Act 1930 (contributions from internal drainage boards); or
- 1961 c. 48. (c) by special drainage charges under section 3 of the Land Drainage Act 1961 ;

shall, except for any amount which they consider appropriate to set aside towards research or related activities and paying their administrative expenses and an appropriate proportion of any amount allocated to reserve under sub-paragraph (1) above and of any payment to the Council under paragraph 33 below, be spent only in the discharge of their land drainage functions in or for the benefit of that district.

(3) Any amount specified in a resolution under section 21(1) of the Land Drainage Act 1961 (resolution passed by a water authority who are the drainage board of an internal drainage district allocating a portion of their revenue in lieu of contributions which they would require from the drainage board of that district under section 21(1) of the Land Drainage Act 1930) shall be treated for the purposes of this paragraph as if it were revenue actually raised by contributions required under section 21(1) of the said Act of 1930.

32.—(1) The Ministers may with the approval of the Treasury and after consultation with the Council direct a water authority—

- (a) to allocate to reserve generally or to reserve for a particular purpose either a specified amount or such amount as the authority consider adequate, or
- (b) to re-allocate for a specified purpose the whole or part of any amount previously allocated for some other purpose, or
- (c) with respect to the application of amounts allocated to reserve.

(2) Directions under this paragraph requiring the allocation of any amount to reserve may provide for it to be so allocated either at a specified time or during the course of a specified period.

33. Expenditure of the Council shall, so far as not defrayed out of their own resources, be defrayed, if it is properly chargeable to revenue account, by the water authorities and any payment of a water authority towards defraying that expenditure shall be such proportion of that expenditure as the Secretary of State may direct.

Loans and grants

34.—(1) A water authority and the Council may borrow money in accordance, and only in accordance, with the provisions of this paragraph.

(2) Subject to sub-paragraph (5) below, a water authority and the Council may borrow temporarily, by way of overdraft or otherwise, such sums as they may require for meeting their obligations and discharging their functions—

- (a) in sterling from the Secretary of State, or

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(b) with the consent of the Secretary of State and the approval of the Treasury, or in accordance with any general authority given by the Secretary of State with the approval of the Treasury, either in sterling or in a currency other than sterling from a person other than the Secretary of State.

(3) Subject to sub-paragraph (5) below, a water authority and the Council may borrow otherwise than by way of temporary loan such sums as they may require for capital purposes—

(a) in sterling from the Secretary of State, or

(b) with the consent of the Secretary of State and the approval of the Treasury, in a currency other than sterling from a person other than the Secretary of State.

(4) Subject to sub-paragraph (5) below, a water authority and the Council may, with the consent of the Secretary of State and the approval of the Treasury, borrow (otherwise than by way of temporary loan) from the Commission of the European Communities or the European Investment Bank sums in any currency.

(5) The aggregate amount outstanding in respect of the principal of—

(a) sums borrowed by water authorities and the Council; and

(b) sums borrowed or treated by or by virtue of any enactment as borrowed by local authorities, towards the discharge of the principal or interest of which water authorities are making contributions;

shall not exceed £3,750 million or such greater sum not exceeding £5,000 million as the Secretary of State may by order specify.

(6) The Secretary of State may also by order specify a limit for the borrowing of any water authority or of the Council.

(7) No order shall be made under sub-paragraph (5) above unless a draft of the order has been laid before the House of Commons, and has been approved by a resolution of that House.

35.—(1) The Secretary of State may with the approval of the Treasury—

(a) make to a water authority out of money provided by Parliament grants of such amounts as the Secretary of State thinks fit;

(b) give a water authority a direction providing that the whole or part of a grant made in pursuance of paragraph (a) above is not to be used by the authority otherwise than for the purpose of such of the authority's functions as are specified in the direction, not being land drainage functions.

(2) The Secretary of State may, with the approval of the Treasury, lend to a water authority or to the Council any sums which they have power to borrow by virtue of paragraph 34 above.

(3) Any loan which the Secretary of State makes in pursuance of sub-paragraph (2) above shall be repaid to him at such times and by such methods, and interest on the loan shall be paid to him at such rates and at such times, as the Secretary of State may with the approval of the Treasury from time to time determine.

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(4) The Treasury may issue out of the National Loans Fund to the Secretary of State such sums as are necessary to enable him to make loans in pursuance of sub-paragraph (2) above, and any sums received by the Secretary of State in pursuance of sub-paragraph (3) above shall be paid into that Fund.

36.—(1) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of and the payment of interest on any sums which an authority or the Council borrow from a person other than the Secretary of State.

(2) Immediately after a guarantee is given under this paragraph the Treasury shall lay a statement of the guarantee before each House of Parliament; and where any sum is issued for fulfilling a guarantee so given the Treasury shall, as soon as possible after the end of each financial year (beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of the interest thereon is finally discharged), lay before each House of Parliament a statement relating to that sum.

(3) Any sums required by the Treasury for fulfilling a guarantee under this paragraph shall be charged on and issued out of the Consolidated Fund.

(4) If any sums are issued in fulfilment of a guarantee given under this paragraph, the authority or, as the case may be, the Council shall make to the Treasury, at such times and in such manner as the Treasury so direct, payments of such amounts as the Treasury so direct in or towards repayment of the sums so issued and payments of interest, at such rate as the Treasury so direct, on what is outstanding for the time being in respect of sums so issued.

(5) Any sums received by the Treasury in pursuance of sub-paragraph (4) above shall be paid into the Consolidated Fund.

37. It shall be the duty of the Secretary of State as respects each financial year—

(a) to prepare, in such form and manner as the Treasury may direct, an account of sums issued to the Secretary of State in pursuance of paragraph 35 above and of any sums required to be paid into the National Loans Fund in pursuance of that paragraph and of the disposal by the Secretary of State of those sums respectively; and

(b) to send a copy of the account to the Comptroller and Auditor General not later than the end of the month of November next following that year;

and the Comptroller and Auditor General shall examine, certify and report on the account and shall lay copies of it and of his report on it before each House of Parliament.

Accounts and audit of authorities and Council

38.—(1) It shall be the duty of a water authority and of the Council—

(a) to keep proper accounts and proper records in relation to the accounts;

(b) to prepare in respect of each financial year a statement of accounts, in such form as the Ministers may direct with the approval of the Treasury, showing the state of the affairs of the body preparing the statement.

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(2) Without prejudice to sub-paragraph (1) above, the Minister may direct a water authority to keep such accounts and records and to prepare such statements with regard to money expended in the performance of their land drainage functions as he may think fit.

(3) As soon as the accounts and statements mentioned in sub-paragraphs (1) and (2) above for any financial year have been audited under paragraph 39 below, the authority or the Council shall send to the Ministers a copy of the statement together with a copy of any report made by the auditor on it or on their accounts, and the Ministers shall lay a copy of every statement and report of which a copy is received by them in pursuance of this sub-paragraph before each House of Parliament.

(4) A copy of any document required under sub-paragraph (3) above to be sent by a water authority to the Ministers shall also be sent by the authority, as soon as the accounts kept and each statement prepared for any financial year in pursuance of sub-paragraph (1) or (2) above have been audited under paragraph 39 below, to every local authority whose area is wholly or partly included in the water authority's area.

(5) Any person, on application to an authority or to the Council, shall be entitled to be furnished with copies of the statements of their accounts prepared under this paragraph and of the auditor's report on those accounts on payment of such reasonable sum as the authority or the Council may determine, and to inspect and to take copies of, or extracts from, an abstract of the accounts of the authority or Council free of charge.

39. All accounts of a water authority and the Council shall be audited in accordance with Part VIII of the 1972 Act by a district auditor or an approved auditor appointed under that Part of that Act, and accordingly the relevant provisions of that Part of that Act, that is to say, sections 154 to 167, shall apply to all such accounts as they apply to the accounts of a county council, and in section 161(2)(b) and (7) (disqualification), as applied by this paragraph, the references to a local authority shall include references to a water authority and the Council.

*Annual reports of authorities, Council and
Water Space Amenity Commission*

40.—(1) Each water authority, the Council and the Water Space Amenity Commission shall make to the Ministers, as soon as possible after the end of each financial year, a report on the discharge by them of their functions during that year and of their policy and programme.

(2) If the Ministers so direct, a report under sub-paragraph (1) above shall be in such form and contain such information as is specified in the direction.

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(3) A water authority shall send a copy of their report for any year to the Council and to every local authority whose area is wholly or partly situated in the area of the water authority.

(4) The Council shall send a copy of their report for any year to every water authority.

(5) The Water Space Amenity Commission shall send a copy of their report for any year to the Council, every water authority and every county council.

(6) The report for any year of a water authority or of the Council shall set out any direction given to them during that year under this Act.

(7) The Ministers shall lay a copy of every such report before each House of Parliament.

(8) Any person shall be entitled to be furnished with a copy of the report of a water authority, the Council or the Water Space Amenity Commission for any year on applying to the body who made the report and on payment of such reasonable sum as that body may determine.

41. It shall also be the duty of every water authority to furnish the Ministers and the Council with such information as they may from time to time require with respect to the authority's property, financial position, activities or proposed activities, and with respect to the water resources in the authority's area, and to afford to the Ministers facilities for the verification of information so furnished.

Relationship of Welsh and Severn-Trent Water Authorities

42.—(1) The Severn-Trent Water Authority shall consult the Welsh authority on any substantial development or matter of policy arising from the exercise of the former's functions, in so far as the development or matter affects so much of their area as is within Wales.

(2) It shall be the duty of the Welsh authority to keep the Secretary of State informed of their views on all matters about which they are in consultation with the Severn-Trent Water Authority.

43.—(1) Where the Severn-Trent Water Authority acquire an estate or interest in land in Wales for or in connection with the construction and operation of a reservoir, they shall convey the estate or interest in the land to the Welsh authority who shall grant the Severn-Trent Water Authority, for the purposes for which the latter originally acquired the estate or interest, a lease or sub-lease of the land or such other interest in it as may be appropriate.

(2) A conveyance or grant under sub-paragraph (1) above shall be on such terms as may be agreed between the two water authorities or as, in default of agreement, may be settled by the Secretary of State.

SCHEDULE 4

Section 12.

SUPPLY OF WATER IN BULK AND DEFAULT POWERS

PART I

SECTIONS TO BE SUBSTITUTED FOR SECTIONS 12 AND 13 OF THE
WATER ACT 1945

12.—(1) An agreement may be made between any statutory water undertakers and any other persons, whether statutory undertakers or not, for the giving by those other persons, and the taking by the statutory water undertakers, of a supply of water in bulk for any period and on any terms and conditions, and, where the supply is to be given by persons who are themselves statutory water undertakers, either within or outside the limits of supply of those undertakers. Supply of water in bulk by agreement or compulsorily.

(2) An agreement under this section to which a statutory water company is a party shall require the approval of the water authority on whose behalf the company are supplying water, and the water authority shall withhold their approval in any case where a supply of water is to be given by a statutory water company if it appears to the authority that the giving of the supply would be likely to interfere with the supply of water for any purpose within the company's limits of supply.

(3) Where it appears to a water authority that it is expedient—

- (a) that any statutory water company through whom the authority are supplying water should give a supply of water in bulk to any other such statutory water company or to the authority and that that other company or the authority should take such a supply, or
- (b) that the authority should give such a supply to such a company,

and the water authority are satisfied that the giving and taking of such a supply cannot be secured by agreement, they may by order require the giving and taking of such a supply for such period and on such terms and conditions as may be provided in the order.

(4) The power conferred by subsection (3) above may be exercised jointly by two or more water authorities in any case where the transfer of a supply of water in bulk between their areas appears to them to be expedient.

(5) Where it appears to the Secretary of State that it is expedient that one water authority should give to another a supply of water in bulk, and he is satisfied that the giving and taking of such a supply cannot be secured by agreement, he may by order require the respective authorities to give and to take such a supply for such period and on such terms and conditions as may be provided in the order.

(6) For the purpose of laying any pipes or installing any apparatus connected therewith, being pipes or apparatus required for giving

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and taking a supply of water in pursuance of an agreement or order made under this section, statutory water undertakers may exercise, either within or outside their limits of supply, the like powers as are exercisable under Parts V and VI of Schedule 3 to this Act for the purpose of laying mains by undertakers to whose undertaking those Parts apply, but subject to the like conditions and obligations.

1972 c. 70.

(7) Without prejudice to section 254 of the Local Government Act 1972, as applied by section 34 of the Water Act 1973, where immediately before 1st April 1974 statutory water undertakers are under an obligation to give a supply of water in bulk to any other statutory water undertakers, and the obligation arises otherwise than under an agreement or order made under this section, the obligation shall, as from that date, be deemed to be created by an agreement under this section, and—

- (a) the parties may accordingly by agreement vary or terminate the obligation to supply water in bulk and the terms and conditions relating to it; but
- (b) the Secretary of State may, on the application of either of them, terminate that obligation on such terms and conditions as he thinks fit.

Default powers.

13.—(1) If a complaint is made to the Secretary of State that a water authority have failed—

- (a) to give an adequate supply of water, either as respects quantity or quality, to any part of their area, or to give any supply which they have been lawfully required to give, or
- (b) to take such steps as are reasonably practicable to obtain new powers or to extend their existing powers for the purpose of remedying any such failure, or
- (c) to do anything which they are required to do by or under this Act,

or the Secretary of State is of the opinion that an investigation should be made as to whether a water authority have failed in any of the matters mentioned in paragraphs (a) to (c) above, he may cause a local inquiry to be held into the matter.

(2) Where a statutory water company are supplying water on behalf of a water authority and a complaint is made to the water authority that the company have failed—

- (a) to give an adequate supply of water, either as respects quantity or quality, to any part of the water authority area which they are supplying, or to give any supply which they have been lawfully required to give, or
- (b) to take such steps as are reasonably practicable to obtain new powers or to extend their existing powers for the purpose of remedying any such failure, or
- (c) to do anything which they are required to do by or under this Act,

or a water authority are of opinion that an investigation should be made as to whether any statutory water company through whom

they are supplying water have failed in any of the matters mentioned in paragraphs (a) to (c) above, the authority may cause a local inquiry to be held into the matter.

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(3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply in relation to a local inquiry under subsection (2) above as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section—

(a) with the substitution of a reference to the water authority holding the inquiry for any reference to the Minister, and

(b) with the omission from subsection (4) of the word “local”.

(4) If after a local inquiry has been held in pursuance of subsection (1) or (2) above it appears to the Secretary of State or, as the case may be, the water authority holding the inquiry, that there has been such a failure as is mentioned in subsection (1) or (2) above on the part of the statutory water undertakers in question, the Secretary of State or the water authority, as the case may be, may make an order declaring the undertakers to be in default and directing them for the purpose of remedying the default to discharge such of their functions in such manner and within such time or times as may be specified in the order or, as the case may be, to take such steps within such time or times as may be specified in the order to obtain new powers or to extend their existing powers.

(5) If a water authority declared to be in default by an order made under subsection (4) above fail to comply with any requirement of the order within the time limited by it for compliance with that requirement, the Secretary of State, in lieu of enforcing the order by mandamus or otherwise, may make an order transferring to himself such of the functions of the water authority as he thinks fit.

(6) If a statutory water company declared to be in default by an order made under subsection (4) above fail to comply with any requirement of the order within the time limited by that requirement for compliance with the requirement, the water authority, in lieu of enforcing the order by mandamus or otherwise, may make an order suspending the whole or any part of any arrangements made with the statutory water company in question under section 12 of the Water Act 1973, as appears to them necessary in view of the failure, and transferring to themselves such of the functions of the company as they think fit.

(7) Where functions transferred to the Secretary of State under this section include the function of applying to the Secretary of State for any new powers or for an extension of existing powers, the Secretary of State may grant the new powers or the extension as if an application had been made therefor, and shall give all such notices and do all such other things as would have been required to be given or done in connection with such an application, and any enactment relating to the application for and grant of such new powers or extension of existing powers shall have effect with the necessary adaptations and modifications.

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(8) Where any functions have been transferred to the Secretary of State or a water authority under this section, any expenses incurred by the Secretary of State or the water authority in discharging those functions shall be paid in the first instance by the Secretary of State or the authority, but the amount of those expenses as certified by the Secretary of State or the authority shall on demand be paid to the Secretary of State or, as the case may be, the authority, by the body in default, and shall be recoverable accordingly, and the body in default shall have the like power of raising the money required as they have of raising money for defraying expenses incurred directly by them.

(9) Any order made under subsection (5) or (6) above may provide for the transfer to the Secretary of State or the water authority, as the case may be, of such of the property and liabilities of the body in default as, in the opinion of the Secretary of State or the water authority, may be necessary or expedient, and when any such order is revoked the Secretary of State or the authority may, either by the revoking order or by a subsequent order, make such provision as appears to him or them to be desirable with respect to any property or liabilities held by him or them for the purposes of the functions transferred.

Interpretation
of ss. 12 and 13.

13A.—(1) Expressions used in either of the last two foregoing sections and in the Water Act 1973 have the meanings assigned to them by that Act.

(2) Any reference to a statutory water company in the last two foregoing sections includes a reference to a joint water board or joint water committee, and in relation to such a board or committee any reference to the water authority on whose behalf a statutory water company are supplying water is a reference to the water authority on whose behalf a statutory water company represented on the board or committee are supplying water.

PART II

MAKING AND CONFIRMATION OF WATER AUTHORITY ORDERS

1945 c. 42.

1. No order made by a water authority under section 12 or 13 of the Water Act 1945 shall have effect until confirmed by the Secretary of State under this Part of this Schedule.

2. A water authority shall, at least one month before they apply for the confirmation of any such order,—

(a) cause a notice of their intention to make the application to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected, and

(b) cause copies of the notice to be served on the bodies to whom the order relates and any other public authorities who appear to them to be concerned.

3. For at least one month before an application is made for the confirmation of such an order, a copy of it shall be deposited at the offices of the water authority.

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4. The water authority shall provide reasonable facilities for the inspection without charge of an order deposited under paragraph 3 above.

5. Any person on application to the water authority shall be entitled to be furnished free of charge with a printed copy of such an order.

6. The Secretary of State, with or without a local inquiry, may refuse to confirm an order submitted for confirmation under this Part of this Schedule, or may confirm the order either with or without modifications; and the authority shall, if so directed by the Secretary of State, cause notice of any proposed modifications to be given in accordance with such directions.

7. The Secretary of State may fix the date on which an order confirmed under this Part of this Schedule is to come into operation, and if no date is so fixed the order shall come into operation at the end of the period of one month beginning with the date of confirmation.

8. An order confirmed under this Part of this Schedule shall be printed and deposited at the office of the water authority and copies of it shall, at all reasonable hours, be open to public inspection without charge.

9. Any person on application to the water authority shall be entitled to be furnished with a copy of it, on payment of such reasonable sum as the authority may determine.

10. Subsections (2) to (5) of section 250 of the Local Government Act 1972 shall apply in relation to a local inquiry under this Part of this Schedule as they apply to a local inquiry which a Minister caused to be held under subsection (1) of that section but with the omission of the word "local" from subsection (4). 1972 c. 70.

SCHEDULE 5

Section 19.

LAND DRAINAGE

PART I

REGIONAL AND LOCAL LAND DRAINAGE COMMITTEES

Regional Land Drainage Committees

1.—(1) Every water authority shall establish not later than 1st December 1973 or such later date as may be authorised in their case under sub-paragraph (2) below a committee, to be known as a regional land drainage committee.

(2) The Minister may, on the application of any water authority, authorise them to establish their regional land drainage committee not later than such date after 1st December 1973, but not after 31st March 1974, as he may specify.

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(3) A regional land drainage committee shall consist of—

- (a) a chairman and a number of other members appointed by the Minister ;
- (b) two members appointed by the water authority ; and
- (c) a number of members appointed by or on behalf of constituent councils.

(4) If any part of a county is in a water authority area, the council of that county shall be a constituent council for the authority's regional land drainage committee.

(5) If any part of Greater London is in a water authority area, the council of any London borough wholly or partly within that area shall be a constituent council for the authority's regional land drainage committee.

(6) The Greater London Council shall be a constituent council for the Thames Water Authority's regional land drainage committee.

(7) Subject to the following provisions of this paragraph, the water authority shall determine the total number of members of their regional land drainage committee and may from time to time make a determination varying that number.

(8) The total number of such members shall be not less than eleven and, except where an order under sub-paragraph (11) below provides otherwise, not more than seventeen.

(9) A water authority shall submit any determination under sub-paragraph (7) above to the Minister.

(10) Any determination that a regional land drainage committee should consist of more than seventeen members shall be provisional, and shall only take effect if the Minister makes an order under sub-paragraph (11) below.

(11) If the water authority submit a provisional determination to the Minister, he may by order—

- (a) confirm it ; or
- (b) substitute for the number of members determined by the water authority some other number not less than seventeen.

(12) When the number of members of a regional land drainage committee has been fixed under this paragraph (whether on the first or any subsequent determination), the Minister shall by order specify, subject to paragraphs 3 and 15 below, the number of members to be appointed to the committee by or on behalf of constituent councils.

(13) An order under sub-paragraph (12) above shall be so framed that the total number of members appointed under sub-paragraph (3)(a) and (b) above is one less than the number of those appointed by or on behalf of constituent councils.

2.—(1) The chairman of a regional land drainage committee shall be one of the members of the water authority appointed to that authority by the Minister.

(2) The remaining members appointed to such a committee by the Minister under paragraph 1(3)(a) above shall be appointed from among persons who in his opinion have had experience of, and have shown capacity in, or otherwise have special knowledge of, matters relating to land drainage or agriculture and, in particular, matters so relating which affect the area of the water authority or part of that area.

3.—(1) In determining for the purposes of an order under paragraph 1 above the number of persons to be appointed to a regional land drainage committee by or on behalf of each constituent council, the Minister shall have regard to the appropriate penny rate product for each relevant area of that council for the relevant year; and where, having regard to the proportion which that product bears to the aggregate of the appropriate penny rate products for the relevant areas of all the constituent councils for that year—

- (a) he considers it to be inappropriate that that council should appoint a member of the committee, or
- (b) he considers that one or more members should be appointed jointly by that council and one or more other constituent councils,

he may by the order so provide.

(2) Where, in accordance with sub-paragraph (1)(b) above, an order provides for the joint appointment of one or more members of a regional land drainage committee, and the councils by whom that appointment is to be made are unable to agree on an appointment, the member or members in question shall be appointed by the Minister on behalf of those councils.

(3) In the appointment of members of a regional land drainage committee, that committee's constituent councils or the Minister, as the case may be, shall, so far as may be practicable, select persons appearing to them or him to have a practical knowledge of land drainage or agriculture.

(4) In this paragraph "relevant year" means, in relation to any determination, the latest financial year for which, at the time when that determination falls to be made, precepts have been issued under section 87 of the Water Resources Act 1963 (precepts by 1963 c. 38. river authorities) or paragraph 11 below.

Local Land Drainage Committees

4.—(1) It shall be the duty of every regional land drainage committee, subject to any direction given under sub-paragraph (3) below, to submit to the water authority for their area not later than 1st January 1974 or such later date as may in their case be authorised under sub-paragraph (5) below a local land drainage scheme, and any scheme submitted under this sub-paragraph is hereafter in this Part of this Schedule referred to as an initial scheme.

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(2) In this Part of this Schedule "a local land drainage scheme" means a scheme—

- (a) for the creation in a water authority area of one or more districts to be called "local land drainage districts"; and
- (b) for the constitution, membership, functions and procedure of a committee for each such district, to be called the "local land drainage committee" for that district.

(3) The Minister may, on the application of any water authority, direct—

- (a) that no initial scheme is required for their area; or
- (b) that such a scheme is required for part of their area, but no such scheme is required for the remainder.

(4) It shall be the duty of a water authority to send any scheme submitted to them under sub-paragraph (1) above to the Minister not later than 1st February 1974 or such later date as may in their case be authorised under sub-paragraph (5) below.

(5) The Minister may, on the application of any water authority—

- (a) authorise their regional land drainage committee to submit an initial scheme to them not later than such date after 1st January 1974, but not later than 31st March 1974, as he may specify;
- (b) authorise the authority to submit an initial scheme to him on such date after 1st February 1974, but not after 31st March 1974, as he may specify.

(6) A regional land drainage committee may at any time submit to a water authority a local land drainage scheme for any part of their area for which there is then no such scheme in force.

(7) Before submitting a scheme to a water authority under sub-paragraph (6) above, a regional land drainage committee shall consult—

- (a) the councils of counties and districts any part of which will fall within the area to which the scheme is proposed to relate, and
- (b) such organisations representative of persons interested in land drainage or agriculture as the regional land drainage committee consider to be appropriate.

(8) It shall be the duty of the water authority to send any scheme submitted to them under sub-paragraph (6) above to the Minister.

(9) A local land drainage scheme may define a local land drainage district—

- (a) by reference to areas established for the purposes of functions relating to land drainage under any enactment in force immediately before the passing of this Act;
- (b) by reference to the water authority area in which that district is situated;
- (c) by reference to a map;

or partly by one of those means and partly by another or the others.

(10) A local land drainage scheme may contain incidental, consequential and supplementary provisions.

(11) The Minister may approve a local land drainage scheme with or without modifications, and—

- (a) an initial scheme approved by him shall come into operation on 1st April 1974 ; and
- (b) any other scheme so approved shall come into operation on a date fixed by him.

5.—(1) Subject to sub-paragraphs (2) and (3) below, a local land drainage scheme shall provide that any local land drainage committee to which it relates shall consist of not less than eleven and not more than fifteen members.

(2) A regional land drainage committee may include in a local land drainage scheme which they submit to the water authority a recommendation that a committee to which the scheme relates should consist of a number of members greater than fifteen ; and a scheme so submitted shall be taken to provide for the number of members of a committee if it contains a recommendation under this sub-paragraph relating to that committee.

(3) The power conferred on the Minister by paragraph 4(11) above shall include power to direct that a committee to which a recommendation under sub-paragraph (2) above relates shall consist either of the recommended number of members or of some other number of members greater than fifteen.

(4) A local land drainage committee shall consist of—

- (a) a chairman appointed from among their own members by the regional land drainage committee ;
- (b) other members appointed by that committee ; and
- (c) members appointed, in accordance with and subject to the terms of the local land drainage scheme, by or on behalf of constituent councils.

(5) If any part of a county is in a local land drainage district, the council of that county shall be a constituent council for the local land drainage committee for that district.

(6) If any part of Greater London is in a local land drainage district, the Greater London Council and the council of any London borough wholly or partly within that district shall each be constituent councils for the local land drainage committee for that district.

(7) The total number of members appointed to a local land drainage committee by the regional land drainage committee shall be one less than the number of those appointed by or on behalf of constituent councils.

(8) The members of a local land drainage committee appointed to that committee by the regional land drainage committee shall be appointed from among persons who in the opinion of the regional land drainage committee are qualified to be appointed to the local land drainage committee by their knowledge and experience of land drainage or agriculture.

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6.—(1) A regional land drainage committee may at any time submit to the water authority for their area a scheme varying a local land drainage scheme or revoking such a scheme and, if the committee think fit, replacing it with another such scheme.

(2) Sub-paragraphs (7) to (11) of paragraph 4 above and paragraph 5 above shall apply to a scheme under this paragraph as they apply to a local land drainage scheme which is not an initial scheme.

General

7.—(1) Members of a regional or local land drainage committee other than those appointed by or on behalf of constituent councils shall hold and vacate office in accordance with the terms of their appointment.

(2) The chairman of a regional land drainage committee may resign his office at any time by giving notice in writing to the chairman of the water authority and to the Minister.

(3) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee and also to the Minister if he was appointed by him.

(4) Section 3(12) of this Act shall apply in relation to members of a regional or local land drainage committee appointed by or on behalf of a constituent council or constituent councils as it applies in relation to members of a water authority appointed by a local authority or authorities.

(5) Any member of a regional or local land drainage committee appointed by or on behalf of a constituent council who at the time of his appointment was a member of that council shall if he ceases to be a member of that council, cease also to be a member of the committee at the expiration of the period of three months beginning with the date when he ceases to be a member of the council or on the appointment of another person in his place, whichever first occurs; but for the purposes of this sub-paragraph a member of a council shall not be deemed to have ceased to be a member of the council by reason of retirement if he has been re-elected a member thereof not later than the date of his retirement;

(6) The chairman of a local land drainage committee may resign his office at any time by giving notice in writing to the chairman of the regional land drainage committee.

(7) Any other member of such a committee may resign his office at any time by giving notice in writing to the chairman of the committee.

(8) Paragraph 4 of Schedule 3 above shall apply in relation to members of a regional or local land drainage committee appointed by or on behalf of a constituent council or constituent councils as it applies in relation to members of a water authority appointed by a local authority or authorities, but with the substitution in sub-paragraph (2) of a reference to the resolution or scheme establishing the committee for the reference to the order establishing the authority.

(9) A person shall, so long as he is, and for twelve months after he ceases to be, a member of a water authority's regional land drainage committee or any of their local land drainage committees.

be disqualified from being appointed to any paid office by the water authority other than the office of chairman of the authority or chairman of their regional land drainage committee or one of their local land drainage committees.

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8.—(1) Paragraphs 6 to 10 and 19 of Schedule 3 above shall also apply in relation to regional and local land drainage committees and their proceedings as they apply in relation to water authorities and their proceedings, but as if paragraph 19 gave any such committee power to authorise the signature of documents on their behalf by an officer of the water authority.

(2) Subsections (1) and (2), (4) to (7) and (9) of section 6 above shall apply to every regional and local land drainage committee as they apply to a water authority, but a regional land drainage committee shall not make arrangements under those provisions, as applied by this paragraph, for the discharge in a local land drainage district of any functions which fall to be discharged there by the local land drainage committee.

(3) A water authority may not make rules with regard to the proceedings of their regional land drainage committee or any of their local land drainage committees.

9.—(1) Subject to the following provisions of this paragraph, a person nominated by one or more constituent councils may act as deputy for a member of a regional or local land drainage committee appointed by or on behalf of that council or those councils and may accordingly (instead of that member) attend and vote at a meeting of the committee.

(2) A person nominated under sub-paragraph (1) above as deputy for a member of a regional land drainage committee may by virtue of that nomination attend and vote at a meeting of a sub-committee of that committee (other than a meeting of a local land drainage committee) to which the member for whom he is a deputy belongs.

(3) A person nominated under sub-paragraph (1) above as deputy for a member of a local land drainage committee may attend and vote at a meeting of a sub-committee of that committee to which the member for whom he is a deputy belongs.

(4) A person acting as deputy for a member of a regional or local land drainage committee shall be treated for the purposes for which he is nominated as a member of that committee.

(5) A person shall not act as deputy for a member of a regional or local land drainage committee unless his nomination has been notified to an officer of the water authority appointed to receive such nominations.

(6) A nomination shall be in writing and may apply either to a particular meeting or to all meetings during a stated period or until the nomination is revoked.

(7) A person shall not act as deputy for more than one member of a regional or local land drainage committee.

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PART II

FINANCIAL PROVISIONS FOR LAND DRAINAGE

Notional local land drainage districts

10. For the purposes of this Part of this Schedule and of Part III below, a water authority area in relation to which no scheme under paragraph 4 or paragraph 6 above is in force shall be treated as a single local land drainage district, and any parts of such an area in relation to which no such scheme is in force shall be treated as included in a single such district.

Precepts by water authorities

11.—(1) For the purposes of this paragraph the aggregate amount required to be raised by precepts to local authorities by a water authority in respect of a local land drainage district for any financial year shall be ascertained as follows, that is to say—

(a) subject to paragraph (b) below, that aggregate amount shall be an amount equal to so much of the relevant expenditure of the water authority for that financial year as is neither defrayed out of any reserve fund, replacement fund or sinking fund maintained by the authority nor defrayed out of sums received by the authority in respect of that year and that district otherwise than by virtue of this paragraph ;

(b) there shall also be added to (or, as the case may be, deducted from) that amount—

(i) any amount required to be provided in that financial year by way of new working capital ;

(ii) any amount required to be brought forward from a previous financial year ;

which is required to be added or deducted in accordance with this paragraph.

(2) Not later than the month of February immediately preceding each financial year, each water authority shall estimate the aggregate amount required to be raised for that year by precepts to local authorities in respect of each local land drainage district in their area ; and the amount so estimated shall be apportioned by the water authority among the local authorities any part of whose area is comprised in a local land drainage district on the basis of the appropriate penny rate product for the relevant area for the relevant year (calculated in accordance with Part III of this Schedule).

(3) A water authority may issue precepts to local authorities requiring payments of amounts apportioned to those authorities under sub-paragraph (2) above ; and each such authority shall pay, in accordance with any precept issued to them, the amount demanded by that precept.

(4) If at any time during a financial year it appears to a water authority that the aggregate amount for which they have issued precepts for that year in respect of any local land drainage district will fall short of the aggregate amount required to be raised by precept by them for that year in respect of that district, they shall

estimate the amount of the deficiency ; and sub-paragraphs (2) and (3) above shall have effect in relation to an amount estimated under this sub-paragraph as they have effect in relation to an amount estimated under sub-paragraph (2) above, except that the words from the beginning of sub-paragraph (2) to " financial year " shall be omitted.

(5) Subject to sub-paragraph (6) below, the aggregate amount for which precepts in respect of a local land drainage district may be issued under this paragraph for any one financial year to a local authority shall not, unless special consent has been obtained, exceed 1.7 times the appropriate penny rate product for the relevant area of the authority for the relevant year.

(6) Where a water authority have borrowed or propose to borrow any money under this Act, if a special resolution is passed sub-paragraph (5) above shall have effect, during the currency of the loan, as if for the reference to 1.7 times the appropriate penny rate product for any relevant area there were substituted a reference to such greater amount as may be specified in the resolution.

(7) In this paragraph " special consent " and " special resolution " mean respectively a consent given and a resolution passed—

- (a) in the case of a local land drainage district with a local land drainage committee, by a majority of the whole number of the local authority members of that committee ; and
- (b) in the case of any other local land drainage district, by a majority of the whole number of those of the local authority members of the regional land drainage committee who were appointed to that committee by or on behalf of constituent councils any part of whose area is in the district.

(8) It shall be the duty of a water authority to prepare, in such form as the Minister may direct, a statement of the purposes to which the amount demanded by any precept by the authority under this paragraph is intended to be applied, and of the basis on which it is calculated ; and a local authority shall not be liable to pay the amount demanded by any such precept until they have received such a statement.

(9) It shall also be the duty of a water authority, as soon as practicable after the end of each financial year, to calculate the amount by which the amount demanded by any precept for that year issued under this paragraph to a local authority in respect of any relevant area exceeds, or falls short of, the amount which would have fallen to be so demanded from that authority if the apportionment under sub-paragraph (2) above had been made, in relation to each of the local authorities referred to in that sub-paragraph, on the basis of the actual penny rate product for that year for the relevant area, multiplied by the appropriate factor for that year notified to the authority with the notification of the conclusive calculation of the amount (if any) of the resources element of rate support grant payable to the authority for that year ; and—

- (a) if in any case the calculation under this sub-paragraph shows an excess, the amount of the excess shall be recoverable by the local authority from the water authority ;

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(b) if in any case it shows a deficiency, the amount of the deficiency shall be recoverable by the water authority from the local authority.

(10) As soon as practicable after the end of each financial year, each water authority shall ascertain the actual amount which was the aggregate amount required to be raised by precept by them for that year in respect of each local land drainage district in their area and shall determine whether, and (if so) how far, the aggregate amount for which precepts have been issued by them for that year exceeds or falls short of the amount ascertained under this sub-paragraph.

(11) If the comparison under sub-paragraph (10) above shows an excess or a deficiency, the amount of the excess or deficiency shall be brought forward to the next financial year and (if an excess) shall be deducted, or (if a deficiency) shall be added, in ascertaining the aggregate amount required to be raised by precept by the water authority for that next financial year.

(12) The duty imposed on water authorities by sub-paragraph (2) above shall apply in relation to the financial year beginning on 1st April 1974 as it applies in relation to any subsequent financial year; and the power of a water authority to issue precepts under sub-paragraph (3) above shall accordingly be exercisable before that day.

(13) In this paragraph—

“the appropriate factor” means the appropriate factor as defined by regulations for the time being in force under section 5 of the Local Government Act 1966;

“the conclusive calculation” means the conclusive calculation notified under such regulations;

“local authority” means the council of a county or a London borough;

“local authority members”, in relation to a committee, means the members of that committee appointed by, or on behalf of, constituent councils;

“relevant expenditure”, in relation to a local land drainage district, means expenditure by a water authority in the performance of land drainage functions in or for the benefit of that district;

“the relevant year” means, in relation to any precepts, the financial year for which they are to be issued.

General drainage charges

12.—(1) For section 1 of the Land Drainage Act 1961 (general drainage charges) there shall be substituted the following sections:—

“Power of water authority to raise revenue by means of general drainage charges.

1968 c. 34.

1.—(1) Subject to subsection (2) below, a water authority may raise at an amount per acre of chargeable land in a local land drainage district a charge to be known as a general drainage charge and to be levied on the occupiers of the land in accordance with the following provisions of this Part of this Act and sections 24 to 27 and 29 of the Agriculture (Miscellaneous Provisions) Act 1968.

1966 c. 42.

1961 c. 48.

(2) A water authority shall not levy a general drainage charge in respect of any local land drainage district unless the regional land drainage committee for the authority's area have recommended that such a charge should be raised.

(3) In this section and section 1A below, "local land drainage district" has the meaning assigned to it by the Water Act 1973.

Amount
of general
drainage
charge.

1A.—(1) The general drainage charge raised by a water authority for a local land drainage district for any year shall be at a uniform amount per acre of chargeable land in that district, and that amount shall be ascertained, subject to subsection (2) below, by—

- (a) dividing the aggregate amount demanded by the precepts issued by the water authority under sub-paragraphs (2) and (3) of paragraph 11 of Schedule 5 to the Water Act 1973 in respect of the year for which the charge is raised by the aggregate amount of the appropriate penny rate products on the basis of which the amount so demanded was apportioned in pursuance of the said sub-paragraph (2); and
- (b) multiplying the quotient by one new penny and by such number as the Minister may specify by order made for the purposes of this paragraph.

(2) The number specified in an order made under subsection (1) above shall (apart from any adjustment made to it to take account of rough grazing land) be such as the Minister considers will secure, so far as reasonably practicable, that the aggregate amount produced by any charge levied by reference to a quotient ascertained in pursuance of subsection (1)(a) above will be equal to the aggregate amount which, if the chargeable land in the local land drainage district were liable to be rated, would be produced by a rate levied on that land at an amount in the pound (of rateable value) equal to that quotient multiplied by one new penny.

(3) An order under this section may be made so as to apply either to all general drainage charges or to the general drainage charges proposed to be raised in any one or more water authority areas specified in the order or in any one or more local land drainage districts situated in one or more water authority areas and there specified, and any such order applying to more than one local land drainage district may make different provision as respects the different districts to which it applies.

(4) In subsection (1) above "appropriate penny rate product" has the same meaning as it has for the purposes of Schedule 5 to the Water Act 1973; but the reference

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to precepts in paragraph (a) of that subsection does not include precepts issued by virtue of the application of sub-paragraph (3) of paragraph 11 of the said Schedule to amounts estimated under sub-paragraph (4) (which authorises the issue of supplementary precepts)."

1968 c. 34.

(2) In accordance with sub-paragraph (1) above section 21(1) of the Agriculture (Miscellaneous Provisions) Act 1968 (introduction of system of drainage charges on an acreage basis) shall cease to apply to general drainage charges.

PART III

CALCULATION OF APPROPRIATE PENNY RATE PRODUCT

13.—(1) For the purposes of the application of this Schedule to any water authority area, "relevant area" means, in relation to any local authority, so much of their area as is comprised in any local land drainage district in the water authority area, and the appropriate penny rate product for each relevant area of any local authority for the relevant year shall be calculated in accordance with this paragraph.

(2) There shall be estimated, in such manner as the Ministers may direct, the amount of the product of a rate of one new penny in the pound for each relevant area of the authority for the relevant year.

1966 c. 51.

(3) The appropriate penny rate product for each relevant area of the authority for the relevant year shall be the product of a rate of one new penny in the pound for that area for that year as estimated in accordance with sub-paragraph (2) above, multiplied by the appropriate factor as defined by regulations for the time being in force under section 5(3) of the Local Government Act 1966 and as it was most recently estimated and notified by the Secretary of State to the local authority before the time when the calculation in accordance with this paragraph falls to be made.

(4) In this Part of this Schedule "local authority" has the meaning assigned to it by paragraph 11(13) above and "relevant year"—

(a) has the meaning assigned to it by sub-paragraph (4) of paragraph 3 above in any case where the appropriate penny rate product falls to be calculated for the purposes of that paragraph; and

(b) has the meaning assigned to it by sub-paragraph (13) of paragraph 11 above in any case where the appropriate penny rate product falls to be calculated for the purposes of that paragraph.

PART IV

LONDON

General

14. Nothing in section 9 or section 19(1) above shall make any land drainage function exercisable in the London excluded area by the Thames Water Authority (in this Part of this Schedule referred to as "the water authority") or any other water authority.

15. The Greater London Council shall be entitled to appoint one member of the water authority's regional land drainage committee.

16.—(1) No part of the London excluded area shall be treated as being in the area of the water authority for the purposes of paragraph 1(5) above.

(2) No part of the London excluded area shall be included in any local land drainage district.

*Duties and powers of Greater London Council
and Thames Water Authority*

17.—(1) The following provisions of this Act, namely—

section 4(5)(a) and (b);

section 8(1) to (4);

section 22; and

section 24(5) and (6) and (8) to (12).

shall have effect in relation to the land drainage functions of the Greater London Council as if that Council were a water authority and the London excluded area were their water authority area.

(2) The Greater London Council shall send the water authority a copy of any report which sets out the results of a survey made by them under section 24(5) above, as applied by sub-paragraph (1) above, and of any programme submitted by them to the Minister under section 24(6) above as applied by that sub-paragraph.

18.—(1) If the Greater London Council intend to carry out any works for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the water authority of any of their functions in the London excluded area, the Council shall notify the water authority in writing of their intention.

(2) The water authority may within two months of the date of a notice under sub-paragraph (1) above require the Council to consult with them about any of the matters to which the notice relates.

(3) If, within a period of two months beginning with the date on which a requirement under sub-paragraph (2) above was sent by the water authority to the Council, the authority and the Council have not reached agreement as to any of the matters to which the notice relates, the authority shall notify the Ministers of that fact and the Ministers shall give directions to the Council as to any such matter.

19.—(1) If the water authority intend—

(a) to carry out works in their area for the purpose of their land drainage functions or to exercise any of those functions in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions; or

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- (b) to carry out any works in the London excluded area for the purpose of any of their functions or to exercise any of those functions in that area in a manner which is likely to affect the exercise by the Greater London Council of their land drainage functions ;

the authority shall notify the Greater London Council in writing of their intention.

(2) The Greater London Council may within two months of the date of a notice under sub-paragraph (1) above require the water authority to consult with them about any of the matters to which the notice relates.

(3) If, within a period of two months beginning with the date on which a requirement under sub-paragraph (2) above was sent to the water authority by the Greater London Council, the authority and the Council have not reached agreement as to any of the matters to which the notice relates, the Council shall notify the Ministers of that fact and the Ministers shall give directions to the authority as to any such matter.

20. The Minister may give the Greater London Council directions, either of a general or of a particular character, as to the exercise by the Council of their land drainage functions.

1963 c. 33.

21. Paragraphs 11 to 14 of Schedule 14 to the London Government Act 1963 shall have effect in relation to the expenses incurred by the Greater London Council in the discharge of the functions conferred on them by virtue of this Part of this Schedule as they have effect in relation to the expenses incurred by them in the discharge of the functions conferred on them by virtue of that Schedule.

*Amendments of enactments relating to
London excluded area*

22.—(1) The amendments specified in this paragraph shall have effect in relation to the London excluded area, and in any such amendment “the metropolitan watercourses” and “the main metropolitan watercourses” have the meanings assigned to them by paragraph 15 of Schedule 14 to the London Government Act 1963.

1930 c. 44.

(2) After section 36(3) of the Land Drainage Act 1930 (enforcement of obligations to repair) there shall be inserted the following subsection:—

“(4) The reference in subsection (2) above to the drainage board in whose district a watercourse, bridge or drainage work is situate shall be construed—

(a) in relation to the main metropolitan watercourses, as a reference to the Greater London Council ;

(b) in relation to the metropolitan watercourses, as a reference to that council and the council of the London borough in which it is situate (or if it is situate in the City of London, or in the Inner Temple or the Middle Temple, to the Common Council of the City) ;

and the reference to a drainage board in subsection (3) above shall be construed accordingly.”

(3) After section 44(9) of that Act (obstructions in watercourses) there shall be added the following subsection:— SCH. 5

“(10) Any reference to a drainage board in this section shall be construed—

- (a) in relation to the main metropolitan watercourses, as a reference to the Greater London Council ;
- (b) in relation to the metropolitan watercourses, as a reference to that council and the council of the London borough in which it is situate (or if it is situate in the City of London, or in the Inner Temple or the Middle Temple, to the Common Council of the City).”

(4) In section 34 of the Land Drainage Act 1961 (power of local authorities to undertake drainage works against flooding), after subsection (2A) (which was added to that section by paragraph 25(4) of Schedule 29 to the Local Government Act 1972) there shall be inserted the following subsections:—

“(2B) Neither the council of a London borough nor the Common Council of the City of London shall execute any drainage works authorised by this section in connection with any watercourse, except with the consent of the Minister and in accordance with any reasonable conditions imposed by him.

(2C) A consent required under subsection (2B) of this section shall not be unreasonably withheld and shall, if neither given nor refused within two months after application therefore is made, be deemed to have been given.

(2D) Subsection (2B) of this section shall not apply to any work executed in an emergency, but a council executing any work excepted by this subsection shall as soon as practicable inform the Minister in writing of the execution and all the circumstances in which it was executed.

(2E) It shall be the duty of a council to send a copy of any application to the Minister under subsection (2B) of this section to the Greater London Council ”.

23. In Schedule 14 to the London Government Act 1963 (land drainage etc.)—

(a) in paragraph 8, for the word “lie” there shall be substituted the words “immediately before 1st April 1974 lay”; and

(b) in paragraph 15(3), for the definition of the London excluded area there shall be substituted the following definition—

“London excluded area” has the meaning assigned to it by section 38 of the Water Act 1973 ;

and, notwithstanding anything to the contrary in any enactment or instrument, no part of any of the metropolitan watercourses (within the meaning of that Schedule) shall be or form part of a public sewer.

Section 34.

SCHEDULE 6

CONSEQUENTIAL, TRANSITIONAL AND SUPPLEMENTARY PROVISION

PART I

ADAPTATIONS OF 1972 ACT

General Adaptations of 1972 Act

1. Any reference in any of the applied provisions of the 1972 Act to that Act, other than a reference to a specified provision or Part of that Act, shall be construed as including a reference to this Act.

2. Any reference in any of the applied provisions to another of the applied provisions, as the former provision applies for the purposes of this Act, shall be construed as a reference to that other provision as applied.

3. Any reference in any of the applied provisions to an authority or local authority, as that provision applies for the purposes of this Act, shall—

- (a) if the reference is, or is to be construed as, a reference to an existing authority, be construed as a reference to a transferor body ;
- (b) if the reference is, or is to be construed as, a reference to a new authority, be construed as a reference to a transferee authority ; and
- (c) if the reference is, or is to be construed as a reference to existing and new authorities, be construed as a reference to transferor bodies and transferee authorities.

Specific adaptations of 1972 Act

4. In section 68, as it applies for the purposes of this Act—

- (a) for the reference in subsection (1) to public bodies affected by the alteration, abolition or constitution of any area by an order under Part IV there shall be substituted a reference to transferor bodies and transferee authorities, and the references in subsection (4) to a public body shall be construed accordingly ;
- (b) for the second reference in subsection (1) to alteration, abolition or constitution there shall be substituted a reference to the provisions of this Act ; and
- (c) subsections (6) to (9) shall be omitted.

5.—(1) In section 254, as it applies for the purposes of this Act—

- (a) subsections (2)(f), (g) and (i), (7) and (8) ; and
- (b) in subsection (3), the words “ outside Greater London ”, in both places where they occur ;

shall be omitted, and in subsection (6) the references to Parts I and II shall include a reference to this Act.

(2) An order under that section may include provision—

- (a) with respect to the supply of water in bulk where the relevant source of supply serves areas which by virtue of

this Act become comprised in more than one water authority area ;

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- (b) with respect to the making of financial adjustments or the termination of financial liabilities in connection with the transfer of functions or property by or by virtue of this Act ;
- (c) for the calculation, collection and recovery on behalf of a water authority by a local authority during a transitional period of amounts payable in respect of services provided in the local authority's area by the water authority and for the apportionment during that period of any payment in whole or in part of any demand by a local authority which includes any such amount as between those services and the other purposes for which the demand is made ;
- (d) conferring on a local authority whose interest in any land is on 1st April 1974 transferred to a water authority, or the successor of any such local authority, a right to reacquire the interest on terms provided for by the order if the land subsequently ceases to be used for the purpose for which it was transferred and, while the land is vested in the water authority, a right to use it in circumstances specified in the order ;
- (e) enabling any body whose documents on that date are transferred to a water authority or the successor of any such body to inspect and take copies of those documents.

6.—(1) In section 255(2), as it applies for the purposes of this Act,—

- (a) the reference to a local authority who are a council which ceases to exist by virtue of section 1 or 20 shall include a reference to a transferor body ;
- (b) the second reference to sections 1 and 20 shall include a reference to the transfer of functions and abolition of bodies effected by or under this Act ; and
- (c) the second reference to a local authority shall include a reference to a transferee authority.

(2) Section 255(4) shall not apply for the purposes of this Act.

7. In section 256(1), as it applies for the purposes of this Act, the reference to sections 1 and 20 shall include a reference to this Act.

8.—(1) In section 257, as it applies for the purposes of this Act—

- (a) in subsection (1) the words from “after consulting” to “concerned” and “for England” shall be omitted and the reference to the Secretary of State shall include a reference to the Minister ;
- (b) “relevant authority” means a transferor body and a transferee authority ; and
- (c) subsection (4) shall be omitted.

(2) The staff commission established by virtue of this paragraph shall be known as the Water Services Staff Commission.

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9. In section 259(4), as it applies for the purposes of this Act, for the reference to the reorganisation of local government effected by the 1972 Act there shall be substituted a reference to the provisions of this Act.

Supplemental

10.—(1) In this Part of this Schedule—

“applied” means applied by section 34 above ;

“existing” and “new” have the same meanings as in the 1972 Act ;

“transferee authority” means a water authority or the Council ; and

“transferor body” means a development corporation, the Water Supply Industry Training Board or any authority or statutory water undertakers whose functions will by virtue of this Act become exercisable by a water authority or an association of such other authorities or such undertakers.

(2) Any reference in this Part of this Schedule to any enactment without specifying the Act in which it is contained is a reference to a provision of the 1972 Act.

PART II

LOCAL ACTS AND INSTRUMENTS

11. Subject to paragraph 12 below, any local statutory provision to which this Part of this Schedule applies and which is not continued in force by any other provision of this Act shall—

(a) notwithstanding the transfer of functions and abolition of bodies effected by or under this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after 1st April 1974 to, but only to, the area, things or persons to which or to whom it applies before that date ;

(b) have effect subject to any necessary modifications and to the modifications made by paragraph 13 below ;

but the continuation by this paragraph of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this paragraph.

12. Paragraph 11 above shall have effect subject to the provisions of—

(a) this Act and any Act passed after this Act and before 1st April 1974 ;

(b) any order made under section 254 of the 1972 Act, as applied by section 34 above, or paragraph 14 or 15 below.

13. As from 1st April 1974 any local statutory provision to which this Part of this Schedule applies and which immediately before that date applies to an area which on that date becomes comprised in one or more water authority areas shall have effect, so far as relates to functions which on that date become exercisable by a water authority and to things done or falling to be done in the exercise of those functions, as if for any reference to the body by whom the functions were exercisable immediately before that date there were substituted a reference to that water authority, or where

the former area becomes comprised in two or more water authority areas, the water authority for the water authority area in or as respects which that thing falls to be done.

14. Paragraph 13 above shall have effect subject to any provision to the contrary made by, or by any instrument made under, this Act and, without prejudice to the foregoing, the Secretary of State may by order provide for the exercise of functions conferred by any local statutory provision to which this Part of this Schedule applies and exclude the operation of that paragraph where it would otherwise conflict with any provision of the order.

15. Where any local statutory provision is continued in force in any area by paragraph 11 above or is amended or modified in its application to any area by an order under section 254 of the 1972 Act, as applied by section 34 above, the appropriate Minister or Ministers may by that order, or in the case of a provision continued as aforesaid, by an order under this paragraph—

- (a) extend the provision throughout the water authority area in which it is continued in force or extend it to a part of that area in which it was not previously in force ;
- (b) provide that that provision as so continued, amended, modified or extended shall have effect in that area or part to the exclusion of any enactment for corresponding purposes, including any enactment contained in or applied by this Act ;
- (c) make such modifications of any such enactment in its application to that area or part as would secure that the enactment will operate harmoniously with the said provision in that area or part ;
- (d) repeal or revoke any local statutory provision to which this Part of this Schedule applies and which appears to the appropriate Minister or Ministers to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies ;
- (e) make such modifications of any local statutory provision to which this Part of this Schedule applies in its application to a water authority area or part of such an area as appear to the appropriate Minister or Ministers to be expedient.

16. A statutory instrument containing an order under paragraph 15 above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

17. This Part of this Schedule applies to any local statutory provision in force immediately before 1st April 1974 and relating to—

- (a) a body abolished by section 33 above ;
- (b) functions which immediately before that date are exercisable by an existing local authority and on that date become exercisable by a water authority ; or
- (c) some area constituted for the exercise of functions affected by this Act and situated wholly or partly within Greater London.

Section 36.

SCHEDULE 7
PROCEDURE RELATING TO BYELAWS
PART I

BYELAWS MADE BY THE SECRETARY OF STATE OR THE MINISTER

1. At least one month before a byelaw relating to the whole or part of a water authority area is made by the appropriate Minister or Ministers, by virtue of any enactment under which water authorities perform their functions, the appropriate Minister or Ministers shall cause a notice of his or their intention to make the byelaw to be published in the London Gazette and in such other manner as is in his or their opinion best adapted for informing persons affected.

2. The appropriate Minister or Ministers shall also cause copies of the notice under paragraph 1 above to be served on any public authorities who appear to him or them to be concerned.

3. For at least one month before the date on which the byelaw is to come into operation, a copy of it shall be deposited at the offices of the water authority.

4. A water authority shall provide reasonable facilities for the inspection without charge of a byelaw deposited under paragraph 3 above.

5. Any person, on application to the water authority, shall be entitled to be furnished free of charge with a printed copy of such a byelaw.

6. The appropriate Minister or Ministers may fix the date on which a byelaw is to come into operation, and if no date is so fixed it shall come into operation at the end of the period of one month beginning with the date on which it is made.

7. Any byelaw made in accordance with this Part of this Schedule shall be printed and deposited at the office of the water authority, and copies shall, at all reasonable hours, be open to public inspection without charge.

8. Any person on application to the water authority shall be entitled to be furnished with a copy of it, on payment of such reasonable sum as the authority may determine.

9. If it appears to the appropriate Minister or Ministers that the revocation of a byelaw is necessary or expedient, he or they may, after giving notice to the water authority and considering any objections raised by the authority and, if required by the authority, holding a local inquiry, revoke that byelaw.

10. The production of a printed copy of a byelaw purporting to be made in accordance with this Part of this Schedule and upon which is endorsed a certificate purporting to be signed on behalf of the water authority, stating—

(a) that the byelaw was made in accordance with this Part of this Schedule ;

(b) that the copy is a true copy of the byelaw ;

(c) the date, if any, fixed under paragraph 6 above for the coming into operation of the byelaw, SCH. 7

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

11. Subsections (2) to (5) of section 250 of the 1972 Act shall apply in relation to a local inquiry under this Part of this Schedule as they apply to a local inquiry which a Minister causes to be held under subsection (1) of that section, but with the substitution in subsection (4) for the words "such local authority or" of the words "the water authority or by such".

PART II

BYELAWS MADE BY WATER AUTHORITIES AND OTHER STATUTORY WATER UNDERTAKERS AND INTERNAL DRAINAGE BOARDS

12.—(1) No byelaw made by an authority to whom this Part of this Schedule applies shall have effect until confirmed by the appropriate Minister or Ministers, under this Part of this Schedule.

(2) This Part of this Schedule applies to water authorities and other statutory water undertakers and to internal drainage boards within the meaning of the Land Drainage Act 1930. 1930 c. 44.

13. An authority to whom this Part of this Schedule applies shall, at least one month before they apply for the confirmation of any byelaw,—

- (a) cause a notice of their intention to make the application to be published in the London Gazette and in such other manner as they think best adapted for informing persons affected, and
- (b) cause copies of the notice to be served on any public authorities who appear to them to be concerned.

14. For at least one month before an application is made for the confirmation of any byelaw, a copy of it shall be deposited at the offices of the authority.

15. The authority shall provide reasonable facilities for the inspection without charge of a byelaw deposited under paragraph 14 above.

16. Any person on application to the authority shall be entitled to be furnished free of charge with a printed copy of such a byelaw.

17.—(1) Subject to sub-paragraph (2) below, the appropriate Minister or Ministers, with or without a local inquiry, may refuse to confirm any byelaw submitted for confirmation under this Part of this Schedule, or may confirm the byelaw either without or, if the authority consent, with modifications; and the authority shall, if so directed by the appropriate Minister or Ministers, cause notice of any proposed modifications to be given in accordance with such directions.

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1951 c. 64.

(2) A byelaw made by a water authority under section 5 of the Rivers (Prevention of Pollution) Act 1951 shall not be confirmed without a local inquiry if any written objection to its confirmation has been received by the appropriate Minister or Ministers and has not been withdrawn, unless in the opinion of the appropriate Minister or Ministers the person making the objection has no material interest in the stream or part of a stream to which the byelaw relates ; and in relation to any such byelaw sub-paragraph (1) above shall have effect with the substitution for the words "if the authority consent, with modifications ; and the authority" of the words "after consultation with the water authority making the byelaw, with modifications ; and that authority".

18. The appropriate Minister or Ministers may fix the date on which any byelaw confirmed under this Part of this Schedule is to come into operation, and if no date is so fixed the byelaw shall come into operation at the end of the period of one month beginning with the date of confirmation.

19. Any byelaw confirmed under this Part of this Schedule shall be printed and deposited at the office of the authority and copies of it shall, at all reasonable hours, be open to public inspection without charge.

20. Any person on application to the authority shall be entitled to be furnished with a copy of it, on payment of such reasonable sum as the authority may determine.

21. If it appears to the appropriate Minister or Ministers that the revocation of a byelaw is necessary or expedient, he or they may, after giving notice to the authority and considering any objections raised by them, and, if required by them, holding a local inquiry, revoke that byelaw.

22. The production of a printed copy of a byelaw purporting to be made by an authority to whom this Part of this Schedule applies upon which is indorsed a certificate, purporting to be signed on their behalf, stating—

- (a) that the byelaw was made by the authority ;
- (b) that the copy is a true copy of the byelaw ;
- (c) that on a specified date the byelaw was confirmed under this Part of this Schedule ; and
- (d) the date, if any, fixed under paragraph 18 above for the coming into operation of the byelaw,

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

23. Subsections (2) to (5) of section 250 of the 1972 Act shall apply in relation to a local inquiry under this Part of this Schedule as they apply to a local inquiry which a Minister causes to be held under subsection (1) of that section, but with the omission of the word "local" from subsection (4).

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Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS, ETC.

Salmon and Freshwater Fisheries Act 1923

1923 c. 16.

1. In section 1(2) of the Salmon and Freshwater Fisheries Act 1923 (prohibition of fishing with lights, spears, etc.) for the words "fishery board, or where there is no fishery board, of the Minister" there shall be substituted the words "water authority for the area in which the act was done".
2. In section 5 of that Act (saving for acts done for artificial propagation or scientific purposes) for the words from "fishery board", in the first place where those words occur, to the end of the section there shall be substituted the words "water authority for the area".
3. In section 9(1) of that Act (prohibition of use of explosives, etc.) for paragraph (b) of the proviso (as substituted by section 1 of the Salmon and Freshwater Fisheries Act 1965) and the words following that paragraph there shall be substituted the following paragraph:—

“(b) with the permission in writing of the water authority for the area ;

but as respects the use of any noxious substance such permission shall not be given by a water authority otherwise than with the approval of the Minister.”
4. In section 11(2) of that Act (prohibition of placing or using fixed engines for taking or obstructing salmon or migratory trout) for the words "fishery board, or, where there is no fishery board, by the Minister" there shall be substituted the words "water authority for the area".
5. In section 14(3) of that Act (rules for fishing mill dams) for the words from "and", in the second place where it occurs, to "district", in the second place where it occurs, there shall be substituted the words "and the water authority for the area".
6. In subsections (1) and (3) of section 18 of that Act (supply of water to dams and fish passes) for the words from "fishery board", in the first place where they occur in each subsection, to "the Minister" there shall be substituted the words "water authority for the area".
7. In section 19 of that Act (penalty for making obstructions without fish passes)—
 - (a) in subsection (1), for the words "fishery board, or, where there is no fishery board, by the Minister" there shall be substituted the words "water authority for the area";
 - (b) in subsection (3), for the words from the beginning of the subsection to "Minister" there shall be substituted the words "The water authority".

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8. In section 22(5) of that Act (penalty for injuring or obstructing fish pass or free gap) for the words "fishery board (if any)" there shall be substituted the words "water authority in whose area the dam is or was situated".

9. In section 23(1) of that Act for the words "fishery board (if any)" there shall be substituted the words "water authority for the area".

10. In the provisos to sections 26(2) and 31(2) of that Act (close season) for the words "fishery board (if any)", in each place where they occur, there shall be substituted the words "water authority in whose area the act was done".

11. In section 36(3) of that Act (prohibition on using eel baskets, etc., at certain times) for the words from "fishery board", in the first place where those words occur, to the end of the subsection there shall be substituted the words "water authority for the area with the consent of the Minister".

12. In section 39(1) of that Act (applications for orders) for the words from "fishery" to "Act", in the fourth place where that word occurs, there shall be substituted the words "water authority".

13. In section 54(1) of that Act (general powers) for the words from the beginning to "board", in the second place where that word occurs, there shall be substituted the words "A water authority shall have".

14. In section 59(1) of that Act (byelaws) for the words from the beginning to "Minister" there shall be substituted the words "A water authority".

15. In section 68 of that Act (power to enter lands)—

(a) for the words from the beginning to "board", in the second place where it occurs, there shall be substituted the words "Any water bailiff or other officer of a water authority may, under a special order in writing from the authority,";

(b) after the words "this Act" there shall be inserted the words "or the Salmon and Freshwater Fisheries Act 1972".

1972 c. 37.

16. In section 69 of that Act (order to enter suspected places)—

(a) for the words from "any", in the first place where it occurs, to "Act" there shall be substituted the words "a water bailiff or any other officer of a water authority it appears to any justice of the peace that the officer has good reason to suspect that any offence against this Act or the Salmon and Freshwater Fisheries Act 1972";

(b) for the words "such member or bailiff" there shall be substituted the words "that officer".

17. In section 70 of that Act (warrant to enter suspected premises)—

(a) after the word "Act" there shall be inserted the words "or the Salmon and Freshwater Fisheries Act 1972";

(b) for the words "water bailiff, member of a fishery board" there shall be substituted the words "water bailiff or other officer of a water authority".

18. For section 72 of that Act (powers of officers appointed by Minister) there shall be substituted the following section:—

"72. The Minister may appoint persons to exercise in a water authority area—

(a) the powers of a water bailiff under sections 67 and 71 of this Act; and

(b) the powers of an officer of a water authority under sections 68, 69 and 70 of this Act;

and those sections shall accordingly apply to any such person, except that for the reference in section 67 to a special order from the water authority there shall be substituted a reference to an order in writing from the Minister".

19. For section 77(1) of that Act (certificates of conviction) there shall be substituted—

"(1) Where any person is convicted of an offence against this Act, the clerk of the court before which that person is convicted shall, within one month of the date of conviction, forward a certificate of the conviction to the water authority for the area in which the offence was committed."

Land Drainage Act 1930

1930 c. 44.

20.—(1) In subsection (1) of section 1 of the Land Drainage Act 1930 (drainage districts and drainage boards) for the words from the beginning to "section" there shall be substituted the words "There shall continue to be internal drainage districts for the purpose of the drainage of land".

(2) For subsections (2) and (3) of that section there shall be substituted the following subsections:—

"(2) An internal drainage board shall be a body corporate.

(3) An internal drainage board shall exercise a general supervision over all matters relating to the drainage of land within its district and shall have such other powers and perform such other duties as are conferred or imposed on internal drainage boards by this Act."

(3) In subsection (5) of that section, for the words from the beginning to "districts", in the second place where that word occurs, there shall be substituted the words "Internal drainage districts constituted".

21.—(1) In subsection (1) of section 4 of that Act (schemes) for the words from the beginning to "authority", in the second place where that word occurs in paragraph (a)(i), there shall be substituted the following words:—

"4.—(1) A water authority may at any time and, if so directed by the Minister, shall—

(a) prepare and submit to the Minister for confirmation a scheme making provision—

(i) for the transfer from any drainage authority to the water authority of all rights, powers, duties,

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obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river, and of any property held by the drainage authority.”

(2) For the words from the beginning of paragraph (b) of that subsection to “matters” there shall be substituted the following words:—

“(b) submit to the Minister for confirmation a scheme making provision for any of the following matters:—”.

(3) In the said paragraph (b)—

(a) in sub-paragraph (vii) for the word “existing” there shall be substituted the word “internal”;

(b) for the words in sub-paragraph (ix) from “drainage boards”, in the first place where those words occur, to “drainage boards”, in the second place where they occur, there shall be substituted the words “a water authority or internal drainage board of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the water authority or internal drainage board”.

(4) After the said subsection (1) there shall be inserted the following subsection:—

“(1A) A water authority shall not submit a scheme to the Minister under subsection (1) above by virtue of paragraph (b) of that subsection except one which their regional land drainage committee have submitted to them, but it shall be their duty to present any such scheme which that committee have submitted to them to the Minister without modification.”.

22.—(1) In subsection (1) of section 8 of that Act (power to vary awards) for the word “Where” there shall be substituted the words “Subject to subsection (1A) below, where”.

(2) After the said subsection (1) there shall be inserted the following subsection:—

“(1A) Where any such award relates to an internal drainage district, a water authority shall not submit to the Minister under subsection (1) above any scheme except one which their regional land drainage committee have submitted to them; but it shall be the duty of an authority to submit any scheme which their committee submit to them to the Minister without modification.”.

23. Section 11 of that Act (transfer of functions of internal drainage boards) shall be renumbered as subsection (1) of that section, and after it there shall be added the following subsection:—

“(2) A water authority shall not present a petition under subsection (1) above except one which their regional land drainage committee have submitted to them; but it shall be their duty to present any petition which that committee have submitted to them to the Minister without modification.”.

24.—(1) For subsection (1) of section 22 of that Act (precepts) there shall be substituted the following subsection:—

“(1) A water authority may issue precepts to internal drainage boards requiring payment of any amount required to be contributed by them under section 21 of this Act, and an internal drainage board shall pay, in accordance with any precept so issued to it, the amount thereby demanded.”

(2) For subsection (4) of that section there shall be substituted the following subsection:—

“(4) There shall not be any obligation upon an internal drainage board to pay the amount demanded by any precept issued under this section until they have received the statement referred to in subsection (3) of this section”.

25. In section 23(1) of that Act (expenses) for the words from “under” to “Board” there shall be substituted the words “to a water authority from a county council under the Water Act 1973”.

26.—(1) For subsection (1) of section 24 of that Act (rating powers) there shall be substituted the following subsection:—

“(1) The expenses of an internal drainage board under this or any other Act (including any contribution made by the board towards the expenses of the water authority for their area) shall, in so far as they are not met by contributions from the water authority, be raised by means of drainage rates made by the drainage board under and in accordance with this Act.”

(2) Any reference to a drainage board in subsections (2), (4), (8) and (10) of that section shall be construed as a reference to an internal drainage board.

(3) In subsections (6) and (7) of that section for the words from the beginning of each of those subsections to “Catchment Board” there shall be substituted the words “An internal drainage board, after consultation with the water authority for their district.”

27. In the following provisions of that Act, namely, sections 26 to 31 (rating), section 33 and Schedule 3 (membership and proceedings of board), section 43 (power of entry), section 45 (power to buy, sell or exchange land), section 46 (borrowing by drainage boards) and section 48 (officers), any reference to a drainage board shall be construed as a reference only to an internal drainage board and not to a water authority.

28.—(1) In section 47(1) of that Act (byelaws) for the words from the beginning to “district” there shall be substituted the words “A water authority and an internal drainage board may, subject to the provisions of this Act and to Part II of Schedule 7 to the Water Act 1973 (which relates to the procedure for making byelaws) make such byelaws as they consider necessary for securing the efficient working of the drainage system in their area or, as the case may be, their district”.

(2) In paragraphs (a), (c) and (d) of that subsection for the words “the control of the board”, in each place where they occur, there shall be substituted the words “their control”.

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1961 c. 38.

(3) In subsection (8) of the said section 47, after the word "section" there shall be inserted the words "including a byelaw made under this section as applied by section 34 of the Land Drainage Act 1961".

(4) In subsection (8A) of that section, after the word "section", in the first place where it occurs, there shall be inserted the words "including a byelaw made under this section as so applied, the water authority or".

29. In subsections (1) and (5) of section 49 of that Act (reports and accounts of boards) any reference to a drainage board shall be construed as a reference to an internal drainage board, and for subsection (4) of that section there shall be substituted the following subsection:—

"(4) The accounts of the receipts and expenditure of an internal drainage board and of the officers of such a board shall be made up in such manner and to such date in each year, and shall be audited by such persons and in such manner as the Minister may from time to time direct."

1963 c. 38.

30. In section 76(2) of that Act (accretion of land resulting from drainage works) for the words from "contained" to "with", in the first place where that word occurs, there shall be substituted the words "of the Water Resources Act 1963 with".

31. In section 81 of that Act (interpretation) for the definitions of "internal drainage district" and "internal drainage board" there shall be substituted the following:—

"'internal drainage district' and 'internal drainage board' mean respectively a drainage district within a water authority area and the drainage board for such a district: "

1936 c. 49.

Public Health Act 1936

32. In section 15(1) of the Public Health Act 1936 (power to construct or acquire sewers and sewage disposal works) for the words before paragraph (i) there shall be substituted the words "A water authority may, either inside or outside their area,".

33. For section 20 of that Act (vesting of public sewers and sewage disposal works in a local authority) there shall be substituted the following section:—

Vesting of
sewers and
sewage
disposal
works in
water
authority.

1972 c. 70.

"20.—(1) In addition to the sewers and sewage disposal works vested in a water authority by virtue of section 254 or 68 of the Local Government Act 1972, as either section applies for the purposes of the Water Act 1973, there shall vest in a water authority—

(a) all sewers and sewage disposal works constructed by the water authority at their expense, or vested in the authority in pursuance of arrangements under section 15 of the Water Act 1973, or otherwise acquired by the authority;

- (b) all sewers constructed under Part IX of the Highways Act 1959, except sewers belonging to a road maintained by a highway authority ; SCH. 8 1959 c. 25.
- (c) all sewers and sewage disposal works with respect to which a declaration of vesting under the foregoing provisions of this Part of this Act has taken effect.

(2) Sewers which by virtue of the said section 254 or 68 or this section become vested in a water authority shall be known as, and are in this Act referred to as, public sewers."

34. In section 24(4) of the Public Health Act 1936 (lengths of public sewers to which that section applies) references to the local authority shall be construed, in relation to any area, as references to the local authority who immediately before the commencement of that Act had the function of providing, for the drainage of that area, the sewers within the meaning of the Public Health Act 1875 which by virtue of section 254 or 68 of the 1972 Act, as either section applies for the purposes of this Act, are vested in the water authority in question. 1936 c. 49. 1875 c. 55.

35. Section 28 of that Act (communications between sewerage authorities' sewers) and section 35 of that Act (use of public sewers by persons outside the district) shall cease to have effect.

36.—(1) Notwithstanding the repeal by this Act of section 37 of the London Government Act 1963 (which applied certain provisions of the Public Health Act 1936 to Greater London and the sewerage area of the Greater London Council)— 1963 c. 33.

- (a) the following provisions of the Public Health Act 1936, that is to say, section 32 (map of public sewers) and sections 39 to 41 (miscellaneous provisions as to drainage) shall continue to apply throughout Greater London (except the Inner Temple and the Middle Temple) ; and
- (b) the following provisions of the said Act of 1936, that is to say, section 25 (need for consent to building over public sewers, etc.) and sections 37 and 38 (drainage of new buildings) shall continue to apply to the outer London boroughs.

(2) In the said provisions in their application to a London borough or the City of London references to a local authority shall be construed as references to the borough council or the Common Council of the City, as the case may be, except that references in section 41 of the said Act of 1936 to a local authority shall, in relation to a private sewer or a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough in which the sewer, cesspool or other receptacle is situated or, if it is situated in the City of London, the Common Council of the City.

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(3) At the end of section 32 of the said Act of 1936 there shall be added the following subsection:—

“(4) The council of every inner London borough and the Common Council of the City of London shall supply a copy of the said map to the Greater London Council.”

37.—(1) Where a person proposes under section 34 of that Act (right of owners and occupiers to drain into public sewers) to make a communication between a drain or sewer and a main sewer in Greater London, the grounds on which the local authority may refuse under subsection (3) of that section to permit the communication shall be such grounds as they think fit, and no application to a magistrates' court may be made under the proviso to that subsection in respect of any such refusal by the water authority.

(2) In this paragraph “main sewer” means a public sewer used for the general reception of sewage from other public sewers and not substantially used for the reception of sewage from private sewers and drains.

38. In section 40(4) of that Act (soil pipes and ventilating shafts) after the words “local authority” there shall be inserted the words “or the water authority for the area”.

39.—(1) In section 48(1) of that Act (examination and testing of drains, etc.) for the word “local” there shall be substituted the word “relevant”.

(2) After the said subsection (1) there shall be inserted the following subsection:—

“(1A) In subsection (1) above “relevant authority” means, in relation to a drain or private sewer connecting with a public sewer, the water authority for the area, and in any other case the local authority.”.

40. In section 50(1) of that Act (overflowing and leaking cesspools) after the words “the local authority” there shall be inserted the words “or the water authority for the area”.

1945 c. 42.

41. In section 137(1) of that Act, as amended by section 29 of the Water Act 1945, (securing sufficient water supply to new houses) the words “the local authority or other” shall cease to have effect.

42.—(1) In section 138(1) of the said Act of 1936, as amended by section 30 of the Water Act 1945, (securing sufficient water supply for occupied houses) the words “the local authority or other” shall cease to have effect.

(2) In section 138(4) of the said Act of 1936, as amended by Schedule 4 to the Water Act 1945, for the words from “section thirty-five” to “that section” there shall be substituted the words “section 29 of Schedule 3 to the Water Act 1945 or under that section”.

(3) In section 138(5) of the said Act of 1936, the words "the local authority or other" shall cease to have effect. SCH. 8

Diseases of Fish Act 1937

1937 c. 33.

43. For section 8(2) of the Diseases of Fish Act 1937 (penalties and legal proceedings) there shall be substituted the following subsections—

"(2) In England and Wales a water authority shall have power to take legal proceedings to enforce provisions of this Act as respects waters in their area.

(3) Offences against this Act committed in Scotland (including offences committed in waters with respect to which functions under this Act are exercisable by the North West Water Authority) shall be prosecuted and fines recovered in manner directed by the Salmon Fisheries (Scotland) Act 1868."

1868 c. 123.

Public Health (Drainage of Trade Premises) Act 1937

1937 c. 40.

44. Section 4(4) of the Public Health (Drainage of Trade Premises) Act 1937 (exemption of laundries from need for consent to discharges) shall cease to have effect.

Rural Water Supplies and Sewerage Act 1944

1944 c. 26.

45. In section 1(1) and (4) of the Rural Water Supplies and Sewerage Act 1944 (government contributions towards expenses of rural water supplies and sewerage) for the word "local" there shall be substituted the word "water".

46. Section 2 of that Act (contributions by county councils towards expenses of rural water supplies and sewerage) shall cease to have effect.

Water Act 1945

1945 c. 42.

47. For subsections (1) and (2) of section 10 of the Water Act 1945 (variation of limits of supply) there shall be substituted the following subsections:—

"(1) Subject to section 11(8) of the Water Act 1973 (which relates to the boundaries of water authority areas), the Secretary of State may—

(a) on the application of any statutory water undertakers, by order vary their limits of supply, but not so as to include any area which is within the limits of supply of any other statutory water undertakers ;

(b) on the application of two or more statutory water undertakers, by order provide for the variation by agreement of any common boundary between their respective limits of supply.

(2) Subject to section 11(8) of the Water Act 1973, where it appears to the Secretary of State that it is expedient to vary the limits of supply of any statutory water undertakers and he is satisfied that such variation cannot be secured under the

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last foregoing subsection, the Secretary of State may make an order providing compulsorily for such variation."

48.—(1) In the second paragraph of subsection (10) of section 14 of that Act (control of abstraction and prevention of waste) for the words from "application" to "take" there shall be substituted the words "application of the water authority within whose area the well, borehole or other work is situated, authorise them to take".

(2) In subsection (12) of that section—

- (a) for the words from the beginning to "concerned" there shall be substituted the words "Any officer of a water authority authorised for the purpose by the authority", and
- (b) for the words "area of the river authority" (which were substituted by the Water Resources Act 1963) there shall be substituted the words "water authority area".

1963 c. 38.

49. In the proviso to section 15(1) of that Act (agreements as to drainage, etc.) for the words from "otherwise" to the end of the subsection there shall be substituted the words "into a watercourse otherwise than through public sewers, the undertakers shall before entering into the agreement—

- (a) consult any water authority exercising functions in relation to the watercourse ; and
- (b) if the watercourse is subject to the jurisdiction of a navigation authority, consult that authority."

50. In section 19(1) of that Act (byelaws) for the words from "the provisions" to "Act" there shall be substituted the words "Part II of Schedule 7 to the Water Act 1973".

51. In paragraph (a) of the proviso to section 22(2) of that Act (acquisition of land and execution of works) for the words from "watercourse" to the end of the paragraph there shall be substituted the words "watercourse—

- (i) consult any water authority exercising functions in relation to the watercourse ; and
- (ii) if the watercourse is subject to the jurisdiction of a navigation authority, consult that authority ;".

52. In section 34 of that Act (temporary discharge of water into watercourse)—

- (a) in paragraph (a) of subsection (2), for the words from "to the" to the end of the paragraph there shall be substituted the words "to any water authority exercising functions in relation to any watercourse into which the water is to be discharged ;" and
- (b) in subsection (3), for the words from "under", in the second place where it occurs, to the end of the subsection there shall be substituted the words "to send to a water authority under paragraph (a) of the last foregoing subsection ;".

53.—(1) The following provisions of this paragraph shall have effect for amending and modifying sections 36 to 38 of that Act (obligation to supply water and recovery of water rates) and for adapting references in Schedule 3 to that Act to a water rate and related expressions.

(2) Subject to the following provisions of this paragraph—

(a) any reference in section 38 to a water rate shall be construed as including a reference to any charge payable under Part III of this Act ; and

(b) any reference in Schedule 3 to a water rate shall be construed as including a reference to any such charge for services which include a supply of water for domestic purposes.

(3) Without prejudice to the power of a statutory water company to act as agent for a water authority apart from this sub-paragraph, a statutory water company who are supplying water on behalf of a water authority may recover on behalf of the authority any charge payable under Part III of this Act for services provided by the authority within the company's limits of supply and exercise on behalf of the authority any other powers of the authority under section 38, and references in that section to the undertakers shall be construed accordingly.

(4) Any reference in sections 36 and 37 and in sections 29 and 40 of Schedule 3 to a water rate shall be construed as including a reference to that proportion of any such charge as is stated by the water authority to be payable for a supply of water for domestic purposes, and it shall be the duty of a water authority when fixing any such charge to state the proportion of the charge which is so payable.

(5) In sections 46 and 54 to 58 of Schedule 3 any reference to a water rate shall include a reference to any such charge in the nature of a rate for a supply of water and the provision of other services, and in section 55(1) any reference to the rate poundage shall be construed accordingly.

(6) Any reference in any of the provisions mentioned in this paragraph to an instalment of a charge so mentioned shall be construed as a reference to a payment.

(7) In this paragraph "a supply of water for domestic purposes" has the same meaning as in Schedule 3 to the Water Act 1945. 1945 c. 42.

54. At the end of section 42(2) of that Act (accounts) there shall be added the words "and to any water authority on whose behalf the undertakers are supplying water in pursuance of arrangements made under section 12 of the Water Act 1973."

55. In section 55(1)(c) of that Act (authentication of documents) for the words "not being a local" there shall be substituted the words "other than a water".

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1945 c. 42.

56. In section 59(1) of the Water Act 1945 (interpretation), in the definition of "watercourse", for the words "joint board of local authorities" there shall be substituted the words "water authority".

57. In paragraphs 2 and 11 of Schedule 1 to that Act (procedural provisions) for the words "the Metropolitan Water Board", in both places where they occur, there shall be substituted the words "a water authority".

58. In paragraph 3 of that Schedule, for sub-paragraphs (ii) and (iii) there shall be substituted the following sub-paragraphs:—

"(ii) on any water authority exercising functions in the area affected by the order ; and

(iii) where it is proposed that the order shall authorise the execution of works, on any navigation authority exercising functions in relation to a watercourse affected by the works proposed to be executed."

59. In paragraph 12 of that Schedule—

(a) for sub-paragraph (ii) there shall be substituted the following sub-paragraph:—

"(ii) on any water authority exercising functions in the area affected by the order ; and "

(b) in sub-paragraph (iii) after the word "undertakers" there shall be inserted the words "not being a water authority" ;

(c) for sub-paragraphs (iv) and (v) there shall be substituted the following sub-paragraph:—

"(iv) where it is proposed that the order shall authorise the execution of works, on any navigation authority exercising functions in relation to a watercourse affected by the works proposed to be executed."

60. In section 1(1) (interpretation) of Schedule 3 to that Act (procedural provisions), in the definition of "watercourse" for the words "joint board of local authorities" there shall be substituted the words "water authority".

1948 c. 22.

Water Act 1948

61. For section 9 of the Water Act 1948 (subscriptions to associations of water undertakers) there shall be substituted the following subsection:—

"9. A statutory water company and a joint water board and joint water committee within the meaning of the Water Act 1973 may pay reasonable subscriptions whether annually or otherwise to the funds of any association representing any description of water undertakers and formed for the purpose of consultation as to their common interests and the discussion of matters relating to the supply of water."

62. In section 14(1) of that Act (duty of statutory water undertakers to make reports etc. to Secretary of State) for the words from the beginning to "authorities" there shall be substituted the words "Every statutory water company and every joint water board and joint water committee within the meaning of the Water Act 1973".

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Rivers (Prevention of Pollution) Act 1951

1951 c. 64.

63. In section 2(1) of the Rivers (Prevention of Pollution) Act 1951, for the words "a local authority" there shall be substituted the words "a water authority, a harbour authority within the meaning of the Harbours Act 1964 or a development corporation established under the New Towns Act 1965 or any Act replaced by that Act" and for the words "the local authority" there shall be substituted the word "they".

1964 c. 40.

1965 c. 59.

Town Development Act 1952

1952 c. 54.

64. In section 2(2) of the Town Development Act 1952 (Exchequer contributions to councils of receiving districts), after paragraph (e), there shall be inserted the following paragraph:—

"(ee) payments under section 16 of the Water Act 1973 in respect of the provision of a public sewer needed for the purposes or in consequence of the development."

65.—(1) In section 7 of the Town Development Act 1952 (authorities eligible to participate) for paragraph (d) there shall be substituted the following paragraph:—

"(d) a water authority",

and any other reference to a joint water or sewerage board in sections 7 and 8 of that Act shall be construed as a reference to a water authority.

(2) Section 8(4) of that Act (exercise of sewerage functions by participating authorities) shall cease to have effect.

Local Government (Miscellaneous Provisions) Act 1953

1953 c. 26.

66. For section 12 of the Local Government (Miscellaneous Provisions) Act 1953 (application of provisions of Schedule 3 to the Water Act 1945 to the water undertakings of local authorities) there shall be substituted the following section:—

12.—(1) Subject to any provision to the contrary contained in any instrument made under or by virtue of the Water Act 1973, Part XIII of Schedule 3 to the Water Act 1945 (provisions for preventing waste of water), except section 61 (power to test water fittings), shall apply throughout every water authority area except in the limits of supply of a statutory water company within the meaning of the Water Act 1973.

"Water undertakings of water authorities.

(2) Section 64 of that Schedule (waste of water by non-repair of water fittings) shall have effect, in its application to the undertaking of a water authority, as set out with modifications in the Schedule to this Act.

(3) Notwithstanding anything in section 41(3) of the said Schedule 3 (recovery from owners or occupiers of

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1945 c. 42. expenses incurred by the undertakers in laying communication pipes), as it applies in relation to the water undertaking of a water authority, or in any corresponding provision of a local enactment within the meaning of the Water Act 1945 relating to the supply of water by a water authority, that authority may, if they think fit, themselves bear the whole or any part of any expenses recoverable by them under that subsection or the corresponding provision."

1954 c. 30.

Protection of Birds Act 1954

67. In section 14(1) of the Protection of Birds Act 1954 (interpretation) for the words in paragraph (c) of the definition of "authorised person" from "that is to say" to "1945" there shall be substituted the words "that is to say, the Nature Conservancy Council, a water authority or any other statutory water undertakers, a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966,".

1966 c. 38.

1955 c. 13.

Rural Water Supplies and Sewerage Act 1955

68. In section 1(1) of the Rural Water Supplies and Sewerage Act 1955 (government contributions) for the word "local" there shall be substituted the word "water".

1957 c. 20.

House of Commons Disqualification Act 1957

69. In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (offices the holders of which are disqualified for membership of the House of Commons) there shall be inserted at the appropriate places in alphabetical order—

"(a) Chairman, or other member appointed by a Minister, of the National Water Council;

(b) Chairman of a regional water authority;

(c) Chairman of the Welsh National Water Development Authority".

1959 c. 25.

Highways Act 1959

70.—(1) In subsection (4) of section 103 of the Highways Act 1959 (drainage of highways and proposed highways) for the words "local authority" there shall be substituted the words "water authority".

(2) In subsection (4A) of that section (notice to be given before exercise of powers under subsection (4)) after the word "district" there shall be inserted the words "and the water authority".

71. For section 227(2) of that Act (determination of differences about vesting and use of highway drains and sewers) there shall be substituted the following subsection:—

"(2) Any difference arising under this section—

(a) between a county council and the council of a district—

(i) as to the council in whom a drain is vested, or

(ii) as to the use of a drain or sewer; or

(b) between a county council and a water authority as to the use of a sewer ;
 shall, if either party to the dispute so elect, be referred to and determined by the Secretary of State ”. SCH. 8

Land Drainage Act 1961

1961 c. 48.

72.—(1) In subsection (1) of section 3 of the Land Drainage Act 1961 (designation of watercourses and special drainage charge) for the words from the beginning to “river board”, in the second place where those words occur, there shall be substituted the words “Where it appears to a regional land drainage committee that the interests of agriculture in the water authority’s area or any part of it require the carrying out of drainage works in connection with watercourses in that area, they may pass a resolution to that effect ; and if the committee pass such a resolution, the water authority”.

(2) After the said subsection (1) there shall be inserted the following subsection—

“(1A) A water authority shall not submit a scheme under subsection (1) above except one which their regional land drainage committee has submitted to them ; but it shall be their duty to submit any scheme which that committee has submitted to the Minister without modification.”.

(3) In subsection (5) of that section, for the words from “as modified” to the end of the subsection there shall be substituted the words “and, subject to subsections (7) to (10) of this section, that Act shall apply to such a scheme, except so far as subsection (1) of section 4 enables the Minister to direct a water authority to submit a scheme, as it applies to a scheme under paragraph (b) of that subsection”.

73.—(1) In subsection (1) of section 34 of that Act (power of local authority to undertake drainage works against flooding), after the word “shall”, in the second place where that word occurs, there shall be inserted the words “except as provided by subsections (1A) and (1B) of this section”.

(2) After that subsection there shall be inserted the following subsections :—

“(1A) A byelaw made in pursuance of this section shall not be valid until it has been confirmed by the Minister.

(1B) Notwithstanding subsection (1) of this section, section 236 of the Local Government Act 1972 (and not Part II of Schedule 7 to the Water Act 1973) shall have effect in relation to byelaws made in pursuance of this section ”. 1972 c. 70.

74. In section 40(1) of that Act (powers of entry) for the words “any drainage board other than a river authority” (which were inserted in that subsection by the Water Resources Act 1963) there shall be substituted the words “an internal drainage board”. 1963 c. 38.

75. In section 43 of that Act (provision by drainage board of housing accommodation for employees) for the word “A” there shall be substituted the words “An internal”.

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1961 c. 64.

Public Health Act 1961

76. In paragraph 8 of Schedule 2 to the Public Health Act 1961 (supplementary provisions concerning sewerage contributions) for the words "the clerk of the local authority" there shall be substituted the words "a duly authorised officer of the water authority".

Water Resources Act 1963

1963 c. 38.

77.—(1) In section 16(2) of the Water Resources Act 1963 (inspection and copying of records), for the words from "records kept" to "scheme" there shall be substituted the words "any records kept by them of the rainfall, the evaporation of water and the flow, level and volume of inland water and water in underground strata in their area."

(2) In section 16(3) of that Act for the words from "such fees" onwards there shall be substituted the words "such reasonable fees as the authority may determine".

78. After section 24(9) of that Act (exceptions from general restrictions) there shall be added the following subsection:—

"(10) In this section, 'land drainage' includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea, and also includes warping and irrigation other than spray irrigation."

79. At the end of section 38(2) of that Act (reference of applications for licences to Secretary of State) there shall be added the following paragraph:—

"(c) may except from the operation of the direction such classes of applications as may be specified in the direction in such circumstances as may be so specified."

80.—(1) For subsection (1) of section 60 of that Act (exemptions from and reduction of charges) there shall be substituted the following subsection:—

"(1) A water authority may, on the application of any person who is liable to pay charges to the authority for the abstraction of water under a licence under this Act, make an agreement with him either exempting him from the payment of charges or providing for charges to be levied on him at reduced rates specified in the agreement."

(2) In paragraph (a) of subsection (2) of that section for the words "river authority's new functions" there shall be substituted the words "functions conferred on the water authority by section 9 of the Water Act 1973".

(3) In subsection (6) of that section for the words from the beginning to "the scheme" there shall be substituted the words "No charges shall be levied".

81.—(1) In subsection (8)(d) of section 63 of that Act (special charges in respect of spray irrigation) for the words "any charging scheme for the time being in force" there shall be substituted the

words "Part III of the Water Act 1973 and any charges scheme under that Part of that Act".

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(2) In subsection (9) of that section for the words from "anything contained" to the end of the subsection there shall be substituted the words "any provision of Part III of the Water Act 1973 or any charges scheme under that Part of that Act, but nothing in this section or in any agreement made thereunder shall affect the operation of any such provision or scheme in relation to a licence in so far as it authorises water abstracted in pursuance of the licence to be used on any land other than the relevant land."

82. In paragraph (d) of section 79(4) of that Act (byelaws relating to reservoirs) after the word "undertakers" there shall be inserted the words "other than the water authority".

83.—(1) The following provisions of this paragraph shall have effect with respect to section 82 of that Act (transfer of functions or property of other authorities) and orders under that section.

(2) In section 82 references to a navigation authority, conservancy authority and harbour authority shall each include references to a body which no longer has any members but which, if it had members, would be such an authority.

(3) The Ministers shall not be under any duty under paragraph 1 of Schedule 10 to that Act to consult or consider representations from any body from which functions or property are proposed to be transferred by an order under section 82 if the body no longer has any members.

(4) Where an application is made to the Ministers to make an order under section 82 transferring functions or property from a body which no longer has any members, the Ministers need not cause any such notice as is mentioned in paragraph 2 of Schedule 10 to that Act to be served on that body.

84. In section 120 of that Act (service of documents), in subsections (1) and (5), after the words "this Act" there shall be inserted the words "or the Water Act 1973".

85. In section 135(1) of that Act (interpretation) for the definition of "land drainage" there shall be substituted the following definition:—

"land drainage" includes defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems.

86. In section 135(3) of that Act (definition of "local authority sewer") for the words from "a sewerage authority" to the end of paragraph (b) there shall be substituted the words "any of the following, that is to say—

- (a) a water authority ;
- (b) a local authority".

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1964 c. 40.

Harbours Act 1964

87. In section 58 of the Harbours Act 1964 (authorities not to be treated as harbour authorities), for the words from "a river board" to "Catchment Board" there shall be substituted the words "a water authority, a river purification authority, a district board nor an improvement committee".

1965 c. 59.

New Towns Act 1965

88. In section 34 of the New Towns Act 1965 (power to authorise provision of sewers and sewage disposal works by development corporation)—

- (a) in subsection (1), for the words "local authority" there shall be substituted the words "water authority"; and
- (b) in subsection (2), after "district" there shall be inserted the words "and the water authority for every water authority area".

89. For section 40 of that Act (power to transfer sewerage and sewage disposal undertakings of development corporations to local authorities) there shall be substituted the following section :—

Transfer of sewerage and sewage disposal undertakings to water authorities. 40.—(1) A development corporation for a new town who have, in pursuance of an order under section 34 of this Act, been carrying on a sewerage or sewage disposal undertaking may by agreement with a water authority, and with the consent of the Secretary of State and the Treasury, transfer the whole or any part of the undertaking to that authority.

(2) The Secretary of State may by order provide for the transfer to a water authority of the whole or any part of a sewerage or sewage disposal undertaking which has, in pursuance of an order under section 34 of this Act, been carried on by the development corporation for a new town, and any such order may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order.

(3) The terms on which the whole or any part of an undertaking is transferred by an order under this section shall be such as the Secretary of State, with the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the water authority of such sums, to be satisfied in such manner, as may be so specified:

Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.

(4) Before making an order under this section the Secretary of State shall consult with the water authority and with any other authority appearing to him to be concerned.

(5) The Secretary of State shall give notice of any order which he proposes to make under this section to the water authority and the development corporation and, if within twenty-eight days after he has given notice to them either authority give notice to him that they object to the proposal and the objection is not withdrawn, the order shall be subject to special parliamentary procedure”.

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National Insurance (Industrial Injuries) Act 1965

1965 c. 52.

90.—(1) In relation to accidents happening to insured persons (within the meaning of the National Insurance (Industrial Injuries) Act 1965) who attend courses or avail themselves of training facilities provided or approved by the Council, sections 7 to 9 of that Act (which make provision for treating certain accidents as arising out of and in the course of an insured person's employment) shall have effect subject to the following modifications.

(2) For the purposes of section 7, any act done by the insured person for the purposes of and in connection with his training shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.

(3) For the purposes of section 8, any vehicle (within the meaning of that section) which is operated by or on behalf of the Council or some other person by whom it is provided in pursuance of arrangements made with the Council shall, if not operated and provided as mentioned in subsection (1)(b)(i) of that section, be deemed to be so operated and provided.

(4) For the purposes of section 9, any premises at which an insured person is for the time being employed for the purposes of his training shall, if they are not premises at which he is employed for the purposes of his employer's trade or business, be deemed to be such premises.

Sea Fisheries Regulation Act 1966

1966 c. 38.

91. In section 18(3) of the Sea Fisheries Regulation Act 1966 (areas of jurisdiction), for the words from “section 119” to “river authority” there shall be substituted the words “section 36(3) of the Water Act 1973 (procedure relating to byelaws made by a water authority)”.

Countryside Act 1968

1968 c. 41.

92. In section 22 of the Countryside Act 1968 (recreational facilities at reservoirs, etc.), the following amendments shall be made :—

- (a) in subsection (2), for the words “subsection (1) above” there shall be substituted the words “section 20(1) of the Water Act 1973”; and
- (b) in subsections (3) to (5), for the words “subsections (1) and (2) above” there shall be substituted the words “section 20(1) of the Water Act 1973 and subsection (2) above.”

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Agriculture Act 1970

1970 c. 40.

93. In section 98 of the Agriculture Act 1970 (duty of local authority in Scotland whose area adjoins England to consult English authorities about flood warning systems), for the words from "river" to "1963" there shall be substituted the words "regional water authority established for that area under section 2 of the Water Act 1973 ;".

1971 c. 78.

Town and Country Planning Act 1971

94. In section 147(4) of the Town and Country Planning Act 1971 (exclusion of compensation for refusal of planning permission, etc., where development is premature by reference to (a) the order of priority in the development plan or (b) any existing deficiency in the provision of water supplies or sewerage services), for the proviso there shall be substituted the following proviso:—

"Provided that this subsection shall not apply if the reason or one of the reasons so stated is that that development would be premature by reference to the matters mentioned in paragraph (a) of this subsection and the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason."

1972 c. 37.

Salmon and Freshwater Fisheries Act 1972

95. In section 3(2) of the Salmon and Freshwater Fisheries Act 1972 (byelaws about close season, etc.), for the words from "and paragraphs" to the end there shall be substituted the words "and Part I of Schedule 7 to the Water Act 1973 shall apply accordingly".

96. In section 9(1) of that Act (production of fishing licences) for the words from the beginning to the end of paragraph (c) there shall be substituted the words "A water bailiff appointed by a water authority on producing evidence of his appointment, or any constable,".

97. For paragraph 18 of Schedule 1 to that Act (provisions with respect to licences) there shall be substituted the following paragraph:—

"18. The production of a printed copy of a statement purporting to be issued by a water authority as to a licence duty fixed and, if it be the case, approved by the Minister under this Schedule or under the 1923 Act shall be prima facie evidence that the licence duty was fixed or approved as there mentioned and of the amount of the duty, and without proof of the handwriting or official position of any person purporting to sign the statement."

1972 c. 70.

Local Government Act 1972

98. In section 223(2) of the Local Government Act 1972 (appearance in legal proceedings), for the words from "river" to the end of the subsection there shall be substituted the words "water authority".

SCHEDULE 9

Section 40.

REPEALS

Chapter	Short title	Extent of repeal
13 & 14 Geo. 5. c. 16.	The Salmon and Fresh-water Fisheries Act 1923.	<p>In section 6, the words " in any fishery district ".</p> <p>In section 17(1), the words " in any fishery district ".</p> <p>Section 37.</p> <p>In section 38(1), in paragraph (a) the words " of the fishery district " and paragraphs (b), (c), (g), (h) and (i).</p> <p>Section 41.</p> <p>Sections 43 to 53.</p> <p>In section 54, in subsection (1) paragraph (a), subsection (2), and in subsection (3) paragraph (c).</p> <p>Sections 56 to 58.</p> <p>Section 60.</p> <p>Section 66.</p> <p>In section 67(4), the words from " purporting " to " Act ", in the first place where it occurs.</p> <p>Section 81.</p> <p>In section 92(1), the definitions of " fishery board " and " chairman ".</p> <p>Schedule 3.</p>
20 & 21 Geo. 5. c. 44.	The Land Drainage Act 1930.	<p>In section 1, in subsection (4) the words from the beginning to " constituted, and ".</p> <p>Section 2.</p> <p>Section 3.</p> <p>Section 5.</p> <p>In section 7(1), the words from " shall " to " and " where it first occurs.</p> <p>In section 8(2), in paragraph (c) the words from " submitted " to the end of the paragraph.</p> <p>Section 12.</p> <p>Section 15.</p> <p>Sections 17 to 20.</p> <p>Section 22(2).</p> <p>In section 33(4), paragraph (a).</p> <p>Section 46(6).</p> <p>In section 47, subsections (2) to (7).</p> <p>Section 49(3).</p>

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Chapter	Short title	Extent of repeal
20 & 21 Geo. 5. c. 44. <i>cont.</i>	The Land Drainage Act 1930. — <i>cont.</i>	In section 50, subsection (1), in subsection (2) the words from “(whether ” to “ area)”, and subsections (3) and (4). Section 73. Sections 79 and 80. Schedule 1.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 14. Section 16. In section 20(2), the proviso. Section 28. Section 35. In section 41(1), the words from the beginning to “this Act”. In section 90(1), the definition of sewerage authority. Sections 111 to 122. Section 124(3). Section 125(3). Sections 126 to 136. In sections 137(1) and 138(1) and (5), the words “the local authority or other”, wherever occurring. In section 142, in the definition of “statutory water undertakers”, the words from “either” to “(b)”. Section 310.
1 Edw. 8 & 1 Geo. 6. c. 40.	The Public Health (Drainage of Trade Premises) Act 1937.	Section 4(4). Section 12(2).
7 & 8 Geo. 6 c. 26.	The Rural Water Supplies and Sewerage Act 1944.	Section 1(6). Section 2. Section 4.
8 & 9 Geo. 6. c. 42.	The Water Act 1945.	Sections 1 to 5. Section 8. Section 9(4). Section 11. Section 15(3). In section 19, in subsection (1), the words from “and the” to the end of the subsection, subsection (6)(b) and the word “and” immediately preceding it and subsection (7). In section 23(1), paragraph (ii) of the proviso, and the words from “A consent required” to the end of the subsection.

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Chapter	Short title	Extent of repeal
8 & 9 Geo. 6. c. 42— <i>cont.</i>	The Water Act 1945 — <i>cont.</i>	<p>In section 24(4), the words “local authority or”.</p> <p>Section 28.</p> <p>In section 32, in subsection (1) the words “or section forty”, in subsection (2) the words “supplying water under a local enactment” and the proviso, and subsections (4) and (5).</p> <p>Section 33(3).</p> <p>In section 34, in subsection (2) the words “board or” and in subsection (4) the word “boards”.</p> <p>Section 35(3).</p> <p>In section 38, in subsection (1) the words from “whether” to “enactment”, and subsections (6) and (7).</p> <p>Section 40.</p> <p>In section 46, the words from “or”, in the third place where it occurs, to the end.</p> <p>In section 55(1)(a)(ii) the words “the water engineer or manager of the water department or”.</p> <p>In section 59(1), the definitions of “catchment board” and “catchment area”, “fishery board” and “fishery district” and “joint water board”, in the definition of “limits of supply” the words from “so” to the end of the definition, and the definitions of “rivers board” and “statutory water undertakers”.</p> <p>In Schedule 1, in paragraph 16, the words “board or”, and Parts III, IV and V.</p> <p>In Schedule 2, in paragraphs 3, 5, 6 and 7 the words “local authority or” wherever occurring.</p> <p>In Schedule 3, in section 1(1), the definitions of “catchment board” and “catchment area”, “fishery board” and “fishery district” and “rivers board”, section 46(1), sections 47 to 51, and in section 78, paragraphs (a) to (c) of subsection (1), and subsection (2).</p>

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Chapter	Short title	Extent of repeal
8 & 9 Geo. 6. c. 42— <i>cont.</i>	The Water Act 1945 — <i>cont.</i>	In Schedule 4, the whole Schedule with the exception of the provisions amending sections 275 and 279 of the Public Health Act 1936.
11 & 12 Geo. 6. c. 22.	The Water Act 1948.	Section 1. In section 2, subsections (1)(b) and (4). In section 4, subsections (2), (3) and (4). In section 8, in subsection (1), the words “local authority or” and in the proviso the words “authority or”; in subsection (2), the words “local authority or” and “authority or”; in subsection (4), the words “local authority or” in the first place where they occur and “that local authority or”; and in subsection (5) the words “local authority or”. Section 12. Section 13.
14 & 15 Geo. 6. c. 64.	The Rivers (Prevention of Pollution) Act 1951.	Section 1(1)(b). In section 7, subsection (9) and the proviso to subsection (16). Section 9. In section 11(1), the definitions of “excluded area” and “local authority”. In Schedule 2, paragraphs 5, 6, 8 and 10.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 54.	The Town Development Act 1952.	In section 2, in subsection (2)(d), the words “main water supplies”. Section 8(4). Section 9(3). Section 15.
6 & 7 Eliz. 2. c. 67.	The Water Act 1958.	Section 4(2).
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	Section 295(6).
8 & 9 Eliz. 2. c. 54.	The Clean Rivers (Estuaries and Tidal Waters) Act 1960.	Section 1(6)(c).
9 & 10 Eliz. 2. c. 29.	The Rural Water Supplies and Sewerage Act 1961.	The whole Act.
9 & 10 Eliz. 2. c. 48.	The Land Drainage Act 1961.	Section 3(6). In section 34, in subsection (6), the words from “or” to the end of the subsection, and in subsection (10) the words “or, as the case may be, the Minister.”

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Chapter	Short title	Extent of repeal
9 & 10 Eliz. 2. c. 48— <i>cont.</i>	The Land Drainage Act 1961— <i>cont.</i>	Section 50. In Schedule 1, paragraphs 4, 20(4) and 24.
9 & 10 Eliz. 2. c. 50.	The Rivers (Prevention of Pollution) Act 1961.	In section 13(2), the words from “and in sub-paragraph (2)” onwards.
9 & 10 Eliz. 2. c. 57.	The Public Health Act 1961.	Section 15. Section 65.
1963 c. 33.	The London Government Act 1963.	Sections 35 and 36. In section 37, subsections (1), (3) and (4). Sections 38 and 39.
		In Schedule 9, Part I; in Part II, paragraphs 1 to 4, 7 to 10, 12 to 16 and 19; in Part III, paragraphs 4(3), 5, 7, 8 and 10 to 12. Schedule 10. In Schedule 14, paragraphs 5, 6 and 9; in paragraph 10, the words from “and the transitional” to the end of the paragraph; and in paragraph 15(3), the words from “except” in the definition of “watercourse” to the word “tides”, in the last place where it occurs.
1963 c. 38.	The Water Resources Act 1963.	Section 1(1). In section 3, subsections (1) to (4), (6) and (7). Sections 4 to 15. Section 16(1). Section 18. Section 19(2). In section 21, subsections (1) and (2); in subsection (3), the words “and the Water Resources Board”; and in subsection (4), the words from “draft” to “and to”. In section 22(3), the words from “the Water Resources Board” to “or”, and the words “the Board or” and “as the case may be”. In section 25, subsection (4) and in paragraph (a) of subsection (7), the words “and the Water Resources Board”. In section 32(5), the words from “or is” to “1936”; the words “sold or leased” and the words “and, in the case of a lease, for the period of the lease”.

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Chapter	Short title	Extent of repeal
1963 c. 38 —cont.	The Water Resources Act 1963—cont.	<p>Section 33(3).</p> <p>In section 48(1), the words “and of section 103 thereof”.</p> <p>Sections 57 to 59.</p> <p>Sections 61 and 62.</p> <p>In section 63(1), the words from “either” to “authority”, in the first place where that word occurs.</p> <p>In section 64, subsection (1) and in subsection (2) the words from the beginning to “subsection”.</p> <p>Section 69(2).</p> <p>Section 76(3).</p> <p>Section 80.</p> <p>In section 81(2), the words “and after prior consultation with the Water Resources Board”.</p> <p>In section 82(1), in paragraph (c) the words from “and” to the end of the paragraph and in paragraph (d) the words from “and”, where it secondly occurs, to the end of the paragraph.</p> <p>Sections 83 to 87.</p> <p>Section 88(2).</p> <p>Sections 89 and 90.</p> <p>Sections 92 and 93.</p> <p>Part IX.</p> <p>Sections 101 to 104.</p> <p>Section 107(3).</p> <p>In section 108, in subsection (1), the words from “either” to “otherwise” and in subsection (4) the words “to the Water Resources Board or”.</p> <p>Section 110.</p> <p>Section 119.</p> <p>Section 121.</p> <p>In section 123(1)(a), the words from “other” to “Board”.</p> <p>Section 124.</p> <p>Section 125.</p> <p>In section 126(1), paragraph (a) of the proviso.</p> <p>Section 127.</p> <p>Section 129.</p> <p>In section 131, in subsection (6) the words “notwithstanding anything in section 58 of this Act” and “under any charging scheme”, and in subsection (7) the words “under a charging scheme”.</p>

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Chapter	Short title	Extent of repeal
1963 c. 38 —cont.	The Water Resources Act 1963—cont.	In section 135, in subsection (1) the definitions of “additional members”, “charging scheme”, “constituent council”, “first appointed day”, “functions” and “statutory water undertakers”. Section 136, except subsection (4). Schedules 1 to 6. In Schedule 7, paragraph 14. Schedules 11 to 14.
1965 c. 4.	The Science and Technology Act 1965.	In Schedule 2, the entry relating to the Water Resources Act 1963.
1965 c. 56.	The Compulsory Purchase Act 1965.	In section 33(1)(b), the words from “that”, in the second place where it occurs, to the end of the paragraph, in subsection (2)(b) the words “a local authority within the meaning of the Act of 1946, or” and in subsection (4) the words “a local authority within the meaning of the Act of 1946 or”.
1967 c. 78.	The Water (Scotland) Act 1967.	In section 36(2), the words “(except paragraph 16 of Schedule 2)”. In Schedule 2, paragraph 16.
1968 c. 34.	The Agriculture (Miscellaneous Provisions) Act 1968.	Section 22. Section 27(6). Section 28. Section 50(2).
1968 c. 41.	The Countryside Act 1968.	Section 22(1). In section 49(2), the definitions of “river authority” and “statutory water undertakers”.
1968 c. 73.	The Transport Act 1968.	Section 115(4).
1969 c. 19.	The Decimal Currency Act 1969.	In Schedule 2, paragraph 30.
1970 c. 40.	The Agriculture Act 1970.	In section 88, subsections (2) and (3). In section 89, in subsection (4) the words “the Isle of Wight Authority, the Conservators, the Catchment Board”. Section 90(2).
1971 c. 34.	The Water Resources Act 1971.	In section 2(2), the words from “and”, where secondly occurring, to the end of the subsection.
1972 c. 21.	The Deposit of Poisonous Waste Act 1972.	In section 7, the words from “and any” to the end of the section.

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Chapter	Short title	Extent of repeal
1972 c. 37.	The Salmon and Fresh-water Fisheries Act 1972.	Section 11(3). In section 15(3), the words from "and", in the second place where it occurs, to the end.
1972 c. 70.	The Local Government Act 1972.	Section 177(1)(b). In section 181, subsections (3) to (8). In section 262(13), the word "water", in the second place where it occurs. In Schedule 29, paragraph 24(1) and (4).

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