



Water Resources Act 1963

1963 CHAPTER 38

PART VII

ADDITIONAL FUNCTIONS OF RIVER AUTHORITIES

82 Future transfers of functions or property of other authorities and undertakings

- (1) A river authority may at any time apply to the Ministers for an order under this section transferring to the river authority any one or more of the following, that is to say—
 - (a) any functions of a navigation authority, conservancy authority or harbour authority, in so far as they are exercisable in relation to the area of the river authority ;
 - (b) any property of a navigation authority, conservancy authority or harbour authority which is situated in the area of the river authority ;
 - (c) any reservoir belonging to statutory water undertakers which is situated in the area of the river authority and is not a reservoir operated wholly or mainly for the supply of water to consumers ;
 - (d) any well, borehole or other work whereby water may be abstracted from underground strata, being a work which is situated in that area and belongs to statutory water undertakers and is not operated wholly or mainly for the supply of water to consumers ;
 - (e) the functions of managing and operating any such reservoir or work as is mentioned in paragraph (c) or paragraph (d) of this subsection, but without a transfer of the ownership of the reservoir or work.
- (2) Where in accordance with the preceding subsection a river authority may apply for an order transferring any functions or property of another body, that body may themselves apply for such an order.
- (3) The provisions of Schedule 10 to this Act shall have effect with respect to applications and orders under this section.
- (4) An order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Ministers consider necessary or expedient,

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including (but without prejudice to the generality of this subsection) such provisions as they consider necessary or expedient with respect to—

- (a) the transfer of assets and liabilities, the payment of compensation and other financial adjustments;
 - (b) the amendment, adaptation or repeal of local enactments ; and
 - (c) the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Part IX of this Act or any regulations made thereunder.
- (5) Any transfer of functions or property which could be effected by an order under this section may, with the consent of the Ministers, be effected by agreement between the river authority and the other body concerned.
- (6) Property vested in a river authority by virtue of an order or agreement under this section shall not be treated as so vested by way of sale for the purpose of section 12 of the Finance Act 1895 (which provides for charging stamp duty in the case of certain statutory transfers by way of sale).
- (7) Where, by virtue of an order or agreement under this section, property is transferred to a river authority on the terms that—
- (a) the body from whom it is transferred shall continue liable for the repayment of, and payment of interest on, any sum borrowed in connection with the property, and
 - (b) the river authority shall make payments to that authority in respect of amounts paid by them by reason of their continuing so liable,
- any payment so made by the river authority shall be deemed to be a capital payment or an annual payment according as the amount in respect of which it is made was paid in or towards repayment of the loan or by way of interest thereon.
- (8) Where by an order or agreement made by virtue of this section any functions are transferred to a river authority as mentioned in subsection (1)(e) thereof, references in this Act to the new functions of the authority shall be construed as including, and references to their transferred functions as not including, a reference to those functions.
- (9) For the purposes of an application for, or the making of, an order transferring to a river authority any such functions or property as are mentioned in subsection (1)(a) and (b) of this section, and for the purposes of any agreement for the transfer of any such functions or property, "the Ministers " in this section means the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport acting jointly.