



Water Act 1973

1973 CHAPTER 37

PART III

FINANCIAL PROVISIONS

29 General duties and powers relating to finance

- (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.
- (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.
- (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.

Status: This is the original version (as it was originally enacted).

30 Water charges

- (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 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 Charges schemes

- (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).

32 Meters

- (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 ;

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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.

(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 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.