

SCHEDULES

SCHEDULE 3

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.
- 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.

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- (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.
- (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;
 - (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

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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 (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.
- (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 subcommittee 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 subcommittee 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 subcommittee 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.
- 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

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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.
- (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 8 to this Act or by a scheme thereunder.