



Water Act 1983

1983 CHAPTER 23

Constitution and procedure of water authorities

1 Constitution and procedure of water authorities

- (1) For section 3 of the principal Act (members of water authorities) there is substituted the following section—

“3 Constitution and procedure of water authorities.

- (1) Each of the regional water authorities shall consist of the following members—
- (a) a chairman appointed by the Secretary of State,
 - (b) two members appointed by the Minister, and
 - (c) not less than six nor more than twelve other members appointed by the Secretary of State.
- (2) The Welsh authority shall consist of a chairman, and not less than eight nor more than fourteen other members, appointed by the Secretary of State.
- (3) The Secretary of State shall designate a member of each water authority as deputy chairman of that authority.
- (4) 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.
- (5) In the case of the regional water authorities, the members appointed by the Secretary of State shall be persons who appear to him to have had experience of, and shown capacity in, some matter relevant to the functions of water authorities.
- (6) In the case of the Welsh authority—

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- (a) at least two members shall be persons who appear to the Secretary of State to have had experience of, and shown capacity in, land drainage or fisheries ; and
 - (b) the remaining members shall be persons who appear to him to have had experience of, and shown capacity in, some other matter relevant to the functions of water authorities.
- (7) In appointing the members of a water authority, regard shall be had to the desirability of members of the authority being familiar with the requirements and circumstances of the authority's area.”
- (2) In Part II of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), the following entries are inserted at the appropriate places—
- “A regional water authority established in accordance with section 2 of the Water Act 1973”;
- “The Welsh Water Authority”.
- (3) For Part I of Schedule 3 to the principal Act (supplementary provisions as to administration etc, of water authorities) there are substituted the provisions set out in Schedule 1 to this Act.

Borrowing powers

2 Borrowing powers of water authorities

- (1) In paragraph 34(3)(b) of Schedule 3 to the principal Act (water authorities to borrow from persons other than the Secretary of State, otherwise than by way of temporary loan only in a currency other than sterling) after the word " Treasury," there are inserted the words " either in sterling or " .
- (2) In paragraph 34(5) of Schedule 3 to the principal Act (which limits the aggregate amount outstanding in respect of the principal of sums borrowed by water authorities and sums borrowed or treated as borrowed by certain other bodies to £3,750 million or such greater sum not exceeding £5,000 million as the Secretary of State may by order specify) for the words " £3,750 million " and " £5,000 million " there are substituted respectively the words " £6,000 million " and " £7,500 million " .
- (3) Paragraph 34(5) and (6) of Schedule 3 to the principal Act shall have effect as if any sum borrowed by the National Water Council the liability to repay which is or has been transferred to a water authority were borrowed by that authority and not by the Council.

Dissolution of National Water Council and Water Space Amenity Commission

3 Dissolution of National Water Council and Water Space Amenity Commission

- (1) On such day as the Secretary of State may by order appoint, the functions of the National Water Council shall determine and all the property, rights and liabilities which immediately before the day so appointed were property, rights and liabilities of the Council shall, by virtue of this section, become property, rights and liabilities of the Secretary of State for the Environment.

- (2) On such day as the Secretary of State may by order appoint, the functions of the Water Space Amenity Commission shall determine.
- (3) This section has effect subject to Schedule 2 to this Act which makes further provision in relation to the Council and Commission, including provision for their dissolution.
- (4) The Secretary of State may by order transfer to any authority, or to any person who in his opinion acts or will act on behalf of one or more authorities—
 - (a) such of the property, rights and liabilities of the Council, or
 - (b) in the case of an order having effect after the day appointed under subsection (1) above, such of the property, rights and liabilities vested in him by virtue of that subsection,as he considers expedient.
- (5) In subsection (4) above " authority " means—
 - (a) a water authority,
 - (b) a statutory water company,
 - (c) a regional or islands council,
 - (d) a river purification board, or
 - (e) a water development board.

4 Expenses of Secretary of State occasioned by section 3

- (1) Any sums received by the Secretary of State by virtue of the transfer of property, rights and liabilities effected by section 3 of this Act shall be paid by him into the Consolidated Fund.
- (2) The Secretary of State may levy from water authorities such contributions (which need not be the same for each authority) as appear to him, when taken together, necessary to meet the net expenses incurred by him—
 - (a) in discharging any liabilities to which he becomes subject by virtue of section 3 of this Act, or
 - (b) otherwise in connection with the dissolution of the National Water Council and Water Space Amenity Commission.
- (3) In subsection (2) above " net expenses " means the amount of the expenses in question reduced by the amount paid by the Secretary of State into the Consolidated Fund in accordance with subsection (1) above.
- (4) Any sums received by the Secretary of State by way of levy under subsection (2) above shall be paid by him into the Consolidated Fund.

Miscellaneous

5 Overseas activities of water authorities and statutory water companies

- (1) Subject to subsection (2) below, a water authority or statutory water company may provide for any person outside the United Kingdom advice or assistance, including training facilities, as respects any matter in which they have skill or experience ; and for the purposes of this section, statutory water companies shall have the same powers as water authorities have by virtue of paragraph 2(1) of Schedule 3 to the principal Act.

- (2) The power conferred by subsection (1) above shall not be exercised except—
 - (a) with the consent in writing of the Secretary of State; and
 - (b) if the exercise of that power involves capital expenditure by the authority or company, or the guaranteeing by the authority or company of any liability, with that consent given with the approval of the Treasury.
- (3) Subsections (1) and (2) above are without prejudice to any power of a water authority or statutory water company apart from subsection (1) above to provide advice or assistance of the kind mentioned in that subsection.
- (4) Any consent under this section may be given subject to such conditions as the Secretary of State thinks fit.
- (5) The Secretary of State shall issue guidance as to the criteria by reference to which he will determine any request for consent under this section.

6 Arrangements for carrying out sewerage functions

- (1) The following section is substituted for section 15 of the principal Act—

“15 Arrangements for carrying out sewerage functions.

- (1) It shall be the duty of every water authority and of every relevant authority whose area is wholly or partly in the area of the water authority to endeavour to make arrangements for the relevant authority to discharge, as respects their area, the sewerage functions of the water authority.
 - (2) Schedule 4A to this Act shall have effect for the purpose of supplementing this section.”
- (2) After Schedule 4 to the principal Act there are inserted, as Schedule 4A, the provisions set out in Schedule 3 to this Act.

7 Arrangements by water authorities for representation of consumers' interests

The following section is inserted after section 24 of the principal Act—

“24A Arrangements for representation of consumers' interests.

- (1) It shall be the duty of each water authority to submit to the Secretary of State, before such date as he may appoint for the purposes of this section by order made by statutory instrument or such later date as he may specify in any particular case, a report on the arrangements which they propose to make for the representation of the interests of consumers in their area.
- (2) In preparing a report under this section, a water authority shall have regard to any guidelines issued by the Secretary of State.
- (3) On receiving a report under this section the Secretary of State may—
 - (a) approve the proposed arrangements ; or
 - (b) modify them and approve them as modified ; or
 - (c) reject the proposed arrangements and either—

- (i) require the water authority to modify them and to submit a further report, or
 - (ii) require them to formulate new proposals and to submit a further report.
- (4) Any report required under subsection (3)(c) above shall be submitted to the Secretary of State before such date as he may specify when notifying the water authority concerned that he has rejected their proposed arrangements.
- (5) Where proposed arrangements under this section have been approved by the Secretary of State it shall be the duty of the water authority—
 - (a) to put the arrangements into effect, subject to any variations approved by the Secretary of State under subsection (6) below, before the date specified by the Secretary of State in his approval of the arrangements ; and
 - (b) subsequently to maintain the arrangements, subject to any such variations and any variations required by the Secretary of State under subsection (7) below.
- (6) At any time after the approval by the Secretary of State of proposed arrangements under this section (whether or not the arrangements have been put into effect) the water authority may apply to the Secretary of State for his approval of a variation of the arrangements.
- (7) Where arrangements under this section have been put into effect by a water authority, the Secretary of State may at any time direct the authority to vary the arrangements in such manner, and before such date, as may be specified in the direction.
- (8) Before submitting any report under this section, a water authority shall consult about the proposals in question those statutory water companies (if any) through whom they discharge duties.
- (9) In subsection (1) above ' consumers' includes persons who use or are likely to use, for the purposes of recreation, any water or land associated with water in respect of which the water authority in question are under the duty imposed by section 20 above.
- (10) The Secretary of State shall lay before each House of Parliament a copy of any guidelines issued by him for the purposes of this section.”

8 Repeal of Water Charges Equalisation Act 1977

- (1) The Water Charges Equalisation Act 1977 shall cease to have effect.
- (2) If the Secretary of State is satisfied—
 - (a) that, had the Act of 1977 not ceased to have effect, he would have been required to make adjustments under section 3(3) of that Act on making the next orders under sections 1 and 2, and
 - (b) that it is expedient to make provision in lieu of those adjustments,he shall comply with subsection (3) below in relation to every statutory water undertaker as respects which such an adjustment would, in his opinion, have been so required.

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- (3) Where the Secretary of State is required to comply with this subsection in relation to any statutory water undertaker, he shall—
- (a) in a case where the adjustment would have been by way of a reduction in the equalisation levy payable by, or an increase in the equalisation payment payable to, the undertaker, pay to that undertaker out of money provided by Parliament the appropriate amount, or
 - (b) in any other case, by order direct that undertaker to pay to him the appropriate amount.
- (4) In subsection (3) above " appropriate amount" means an amount equal to the adjustment which, in the opinion of the Secretary of State, would have been required under section 3(3) in the case of the undertaker in question.
- (5) No order shall be made under subsection (3) above unless a draft of the order has been laid before, and approved by a resolution of, the House of Commons.
- (6) Any sums received by the Secretary of State under this section shall be paid by him into the Consolidated Fund.

Supplemental

9 Orders and regulations

- (1) Any power of the Secretary of State to make an order or regulations under this Act shall be exercisable by statutory instrument which, except in the case of an order under section 3(1) or (2), 8(3) or 11(5) of this Act or paragraphs 3(2) or 10(2) of Schedule 2 to this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Any order or regulations under this Act may make different provision for different cases or descriptions of case, including different provision for different areas, and may contain such incidental or supplemental provision as the Secretary of State thinks fit.

10 Interpretation

—In this Act—

" appointed day " means, in relation to the Council or, as the case may be, Commission, the day appointed under section 3 of this Act in relation to that body,

" Commission " means the Water Space Amenity Commission,

" Council " means the National Water Council,

" principal Act " means the Water Act 1973,

" river purification board " means a board established under section 135 of the Local Government (Scotland) Act 1973,

" statutory water company " has the same meaning as in the principal Act, and

" water development board " has the meaning given by section 109(1) of the Water (Scotland) Act 1980.

11 Short title and commencement, etc.

- (1) This Act may be cited as the Water Act 1983.
- (2) Schedule 4 to this Act (which makes minor and consequential amendments) shall have effect.
- (3) The enactments and instruments specified in Schedule 5 to this Act are hereby repealed or, as the case may be, revoked to the extent specified in the third column of that Schedule.
- (4) The following provisions of this Act—
 - (a) sections 2 to 6 ;
 - (b) sections 9 and 10 ;
 - (c) this section, except subsections (2) and (3); (d) Schedule 2;
 - (e) Schedule 3 ;
 - (f) paragraphs 8 and 9 of Schedule 4 and subsection (2) of this section so far as relating to those paragraphs; and
 - (g) the revocation by Schedule 5 of the Water Authorities and National Water Council (Limit on Borrowing) Order 1982 and subsection (3) of this section so far as relating to that revocation ;shall come into force on the passing of this Act.
- (5) The remaining provisions of this Act shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.
- (6) An order under subsection (5) above appointing a day for the commencement of section 1 of this Act may make provision for the existing members of water authorities, other than the chairmen, to vacate office before that day; but no such provision shall be taken as preventing the re-appointment of any such person under the provisions substituted by that section.
- (7) The following provisions of this Act—
 - (a) section 1(2);
 - (b) section 3(1) and (3) to (5);
 - (c) this section;
 - (d) Part I of Schedule 2 ;extend to Scotland and Northern Ireland and any repeal by Schedule 5 to this Act of an enactment which extends to Scotland or Northern Ireland has the same extent as that enactment, but otherwise this Act extends to England and Wales only.