



Water Act 1983

1983 CHAPTER 23

An Act to make provision as to the constitution and procedure of water authorities and their borrowing and other powers and as to arrangements for the carrying out of their sewerage functions; to enable water authorities and statutory water companies to provide advice and assistance outside the United Kingdom; to provide for the dissolution of the National Water Council and the Water Space Amenity Commission; and to repeal the Water Charges Equalisation Act 1977; and for connected purposes. [9th May 1983]

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:—

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.

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- (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—
 - (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.

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(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.
- (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 ;

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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.

SCHEDULES

SCHEDULE 1

Section 1(3).

PROVISIONS SUBSTITUTED FOR PART I OF SCHEDULE 3 TO THE WATER ACT 1973

The following are the provisions substituted for Part I of Schedule 3 to the principal Act by virtue of section 1 of this Act.

“PART I

WATER AUTHORITIES

General

- 1 A water authority shall be a body corporate.
- 2 (1) 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.
- (2) A water authority shall not—
 - (a) make arrangements for the discharge of any of their functions which are exercisable by their regional land drainage committee or any of their local land drainage committees otherwise than in accordance with the provisions of section 1(1) of the Land Drainage Act 1976 (general supervision by water authorities of land drainage), or
 - (b) make arrangements for the discharge by any other body, or by any committee, of any of their functions with respect to—
 - (i) issuing precepts,
 - (ii) making drainage charges,
 - (iii) applying for a water charges option order pursuant to section 62 of the Act of 1976, or
 - (iv) borrowing money.
- 3 (1) The Secretary of State may by regulations make provision as to—
 - (a) the appointment of members of water authorities and the terms on which they are to hold and vacate office,
 - (b) the execution of instruments and the mode of entering into contracts by and on behalf of water authorities,
 - (c) the proof of documents purporting to be executed, issued or signed by a water authority or by one of their members or officers, and
 - (d) such supplemental and incidental matters as the Secretary of State considers appropriate, but subject to any provision so made, each water authority shall regulate their own procedure.

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- (2) Regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Remuneration and allowances, superannuation and compensation

4 A water authority shall pay to their members such remuneration and allowances as may be determined by the appropriate Minister with the consent of the Treasury.

5 (1) A water authority shall pay such pensions in relation to persons who are or have been members of the authority, or make such provision for the payment of pensions in relation to such persons, as may be determined by the appropriate Minister with the consent of the Treasury.

(2) Where an employee of a water authority—

- (a) becomes a member of that or any other water authority, and
- (b) immediately before becoming such a member was, by reference to his employment with that authority, participating in a superannuation scheme,

the authority of which he becomes a member may make provision for him to continue to participate in that scheme, on terms and conditions determined by the authority with the consent of the appropriate Minister, as if his service as a member were service as an employee ; and any such superannuation scheme shall have effect subject to any provision made under this sub-paragraph.

(3) In this paragraph " pension ", in relation to any person, means a pension (whether contributory or not) of any kind payable to or in respect of him, and includes an allowance, gratuity or lump sum so payable and a return of contributions with or without interest or any other addition.

6 If a person ceases to be a member of a water authority and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation, that Minister may require the authority to pay that person such sum as he may, with the consent of the Treasury, determine.

7 In paragraphs 4 to 6 above " appropriate Minister " means—

- (a) the Minister, in the case of members appointed by him, and
- (b) the Secretary of State, in any other case.

Validity of proceedings

8 The validity of any proceedings of a water authority shall not be affected by any vacancy among the members of the authority or by any defect in the appointment of any such member. Housing accommodation for employees

9 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 or permitting it to be occupied with or without requiring the payment of rent or other charges), and
- (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.”

SCHEDULE 2

Section 3(3).

PROVISIONS RELATING TO DISSOLUTION OF NATIONAL WATER COUNCIL AND WATER SPACE AMENITY COMMISSION

PART I

NATIONAL WATER COUNCIL

General duty of Council

- 1 It shall be the duty of the Council to give to the Secretary of State all such information, to prepare all such documents and to do all such other things, as appear to him to be necessary or expedient for facilitating the carrying into effect of section 3 of this Act and this Schedule and for enabling him to exercise any function conferred or imposed on him by, or by virtue of, that section or this Schedule.

Final accounts and reports

- 2 (1) The Council shall (if they have not done so before the appointed day)—
- (a) comply with paragraph 38 of Schedule 3 to the principal Act (statement of accounts) in relation to the last accounting year before the appointed day, and
 - (b) comply with paragraph 40 of that Schedule (annual reports) in relation to that year,
- and shall also comply with those paragraphs in respect of the interval (if any) between the end of that accounting year and the appointed day, that interval being treated for the purposes of those paragraphs and of paragraphs 39 to 39G of Schedule 3 as an accounting year in relation to the Council.
- (2) The Secretary of State shall lay before each House of Parliament a copy of—
- (a) any statement of accounts, and any report, sent to him by the Council in compliance with this paragraph, and
 - (b) any report made by the auditors on the statement or on the accounts to which it relates.

Continuance of Council until residual junctions completed to Secretary of State's satisfaction

- 3 (1) No amendment or repeal made by this Act shall affect—
- (a) the continuance of the Council for the purposes of paragraphs 1 or 2 above or their powers and duties under those paragraphs, or
 - (b) the continued operation for those purposes of the provisions of the principal Act relating to the constitution and proceedings of the Council.
- (2) The Council shall cease to exist when the Secretary of State, being satisfied that their duties under paragraphs 1 and 2 above have been discharged, so directs by order.
- (3) Section 3(1) of this Act does not affect the continuance of employment with the Council, but on the Council ceasing to exist—
- (a) any contract of employment with the Council then in force shall cease to have effect, except as regards rights previously accrued and liabilities previously incurred, and

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- (b) subject to any provision made under paragraph 6(1)(b) or 8(1) below, any rights and liabilities of the Council then existing shall by virtue of this paragraph become rights and liabilities of the Secretary of State.
- (4) The Secretary of State shall pay to the appointed members of the Council (within the meaning of paragraph 27(2) of Schedule 3 to the principal Act), in respect of the period beginning with the appointed day and ending with the Council ceasing to exist, such remuneration (whether by way of salary or fees) and such allowances as, with the approval of the Treasury, he may determine.
- (5) The Secretary of State shall, as soon as possible after determining the amount of any remuneration or allowances payable under sub-paragraph (4) above, lay a statement of his determination before each House of Parliament.
- (6) As from the appointed day, the Secretary of State shall make available to the Council such facilities as the Council or their auditors may reasonably require for performing duties imposed on them by or by virtue of paragraphs 1 and 2 above ; and the remuneration of the auditors and any other expenses incurred by the Council in connection with the performance of those duties on and after the appointed day shall be defrayed by the Secretary of State out of money provided by Parliament.

Modification of agreements and documents

- 4 (1) Subject to sub-paragraph (3) below, every agreement, other than a contract of employment or an agreement under section 26(2) of the principal Act, to which the Council are a party immediately before the appointed day, whether in writing or not and whether or not of such a nature that rights and liabilities under the agreement could be assigned by the Council, shall have effect as from that date as if—
 - (a) the Secretary of State had been a party to the agreement, and
 - (b) for any reference to the Council there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Secretary of State.
- (2) Other documents (not being enactments) which refer to the Council shall be construed in accordance with sub-paragraph (1) above so far as applicable.
- (3) An order under section 3(4) of this Act which transfers any property, rights or liabilities may contain consequential provision for the construction of references in—
 - (a) agreements (other than contracts of employment) to which the Council are a party at the date of the order or, in a case of an order made after the appointed day, were a party immediately before the appointed day, and
 - (b) other documents (not being enactments) which refer to the Council.

Legal remedies and pending proceedings

- 5 (1) Where any right or liability is transferred by virtue of any provision of this Act, the transferee and all other persons shall have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the transferee.
- (2) Any pending legal proceedings by or against the Council which relate to any property, right or liability so transferred may be continued by or against the transferee.

- (3) Any reference in sub-paragraph (1) or (2) above to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

Superannuation

- 6 (1) The Secretary of State may, with the consent of the Treasury, make regulations providing for—
- (a) the payment by such water authority as may be designated by the regulations (the "pension authority") of pensions, allowances or gratuities to or in respect of persons who have been members of the Council;
 - (b) the transfer to the pension authority of such pension liabilities of the Council as may be specified in the regulations.
- (2) The regulations shall provide for the recovery by the pension authority from each of the other water authorities of such proportion of the cost incurred by the pension authority in discharging their functions under the regulations as the Secretary of State may from time to time determine.
- (3) The proportions determined by the Secretary of State need not be the same for each water authority.
- (4) In sub-paragraph (1) above " pension liabilities " means any liability in connection with the payment of pensions, allowances or gratuities imposed on or assumed by the Council and includes the liability to make any payment by way of an increase in a pension.
- 7 (1) The classes of person in whose interests water authorities may exercise their powers under section 27(1) of the principal Act (power to establish and administer pension schemes etc.) shall include—
- (a) persons who have been employed by the Council, and
 - (b) persons who are or have been employed in such other appropriate employment as the Secretary of State may by order prescribe.
- (2) No scheme shall be established by a water authority under section 27(1) of the principal Act, and no variation of any scheme established by a water authority under that section shall be effected, without the consent in writing of the Secretary of State.
- (3) In sub-paragraph (1) above " appropriate employment " means employment in respect of which it would, in the opinion of the Secretary of State, be appropriate for provision to be made under section 27 of the principal Act.

Compensation

- 8 (1) The Secretary of State may by regulations transfer to such water authority as may be designated by the regulations (" the compensation authority ") the liabilities of the Council relating to—
- (a) the payment of benefits or compensation in respect of early retirement or for loss of employment, or
 - (b) redundancy payments within the meaning of the Employment Protection (Consolidation) Act 1978.

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- (2) The regulations may provide for the exercise by the compensation authority of such of the functions of the Council which immediately before the passing of this Act were functions relating to compensation in respect of early retirement or for loss of employment as may be specified in the regulations.
- (3) The regulations may provide for the recovery by the compensation authority from each of the other water authorities of such proportion of the cost incurred by the compensation authority in consequence of the regulations as the Secretary of State may from time to time determine.
- (4) The proportions determined by the Secretary of State need not be the same for each water authority.

PART II

WATER SPACE AMENITY COMMISSION

Final reports

- 9 (1) The Commission shall comply with paragraph 40 of Schedule 3 to the principal Act (annual reports) in relation to the period between the end of the period to which their last annual report relates and the appointed day.
- (2) The Secretary of State shall lay before each House of Parliament a copy of any annual report sent to him by the Commission in compliance with this paragraph.

Continuance of Commission until residual functions completed to Secretary of State's satisfaction

- 10 (1) No amendment or repeal made by this Act shall affect—
 - (a) the continuance of the Commission for the purpose of paragraph 9 above or their duty under that paragraph, or
 - (b) the continued operation for those purposes of the provisions of the principal Act relating to the constitution of the Commission.
- (2) The Commission shall cease to exist when the Secretary of State, being satisfied that their duty under paragraph 9 above has been discharged, so directs by order.
- (3) The Secretary of State shall pay to members of the Commission, other than the chairmen of water authorities, in respect of the period beginning with the appointed day and ending with the Commission ceasing to exist, such allowances as he may with the consent of the Treasury determine.
- (4) The Secretary of State shall, as soon as possible after determining the amount of any allowances payable under sub-paragraph (3) above, lay a statement of his determination before each House of Parliament.
- (5) As from the appointed day, the Secretary of State shall make available to the Commission such facilities as the Commission may reasonably require for performing the duty imposed on them by paragraph 9 above ; and any expenses incurred by the Commission in connection with the performance of that duty on and after the appointed day shall be defrayed by the Secretary of State out of money provided by Parliament.

SCHEDULE 3

Section 6.

ARRANGEMENTS FOR CARRYING OUT SEWERAGE FUNCTIONS

The following is the Schedule inserted in the principal Act by section 6(2) of this Act—

“SCHEDULE 4A

ARRANGEMENTS FOR CARRYING OUT SEWERAGE FUNCTIONS

- 1 In this Schedule " arrangements" means arrangements (whenever made) under section 15 of this Act.

General

- 2 Arrangements entered into by a water authority shall be made with a view to ensuring that their sewerage functions, taken as a whole, are carried out efficiently.
- 3 (1) All arrangements shall comply with the requirements of such regulations as may be made by the Secretary of State for the purposes of this paragraph.
- (2) Any such regulations may, in particular, include requirements as to the obligations to be imposed by any arrangements on the parties to those arrangements.
- (3) Regulations under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Where arrangements are in force at the time when the first regulations made under this paragraph come into force, the parties to those arrangements shall, within such period as may be specified by the Secretary of State, make such alterations in the arrangements as are necessary to ensure that they comply with the regulations ; and where, on the expiry of that period, any arrangements fail to comply with the regulations those arrangements shall have effect subject to such alterations as the Secretary of State may direct.

Cases where duty to make arrangements does not apply

- 4 (1) The duty imposed by section 15(1) of this Act shall not apply in relation to any sewerage functions where—
- (a) the water authority and relevant authority concerned agree that it would be inexpedient for arrangements to be made in respect of those functions ;
- (b) arrangements in respect of those functions have been brought to an end within the previous five years and either the water authority or relevant authority concerned are of the opinion that it would be inexpedient for arrangements to be so made ; or
- (c) any relevant authority requesting the making of arrangements have had a similar request refused by the water authority concerned within that period and the water authority are of that opinion.
- (2) A water authority may refuse to enter into arrangements with a relevant authority where they are of the opinion that it would be inexpedient to do so, but where a water authority so refuse, in a case which does not fall within sub-paragraph (1) above, the relevant authority may apply to the Secretary of State for the decision to be reviewed.

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- (3) On any such review the Secretary of State may confirm the water authority's decision or give a direction requiring them to enter into arrangements with the relevant authority ; and any such direction may specify the provision to be made by the arrangements (either in substitution for or in addition to any provision required by regulations under paragraph 3 above).

Variation and termination of arrangements

- 5 (1) Any arrangements may—
- (a) be varied or brought to an end by agreement between the parties;
 - (b) be brought to an end by the relevant authority giving reasonable notice to the water authority ; and
 - (c) subject to sub-paragraph (2) below, be varied or brought to an end by the water authority giving reasonable notice to the relevant authority.
- (2) Where a notice has been served under sub-paragraph (1) (c) above, the Secretary of State may, on an application made to him by the relevant authority before the expiry of the notice, review the proposed variation or ending of the arrangements ; and on any such review the Secretary of State may confirm the proposals or give a direction—
- (a) requiring the arrangements to be brought to an end, or varied, in accordance with the terms of the direction; or
 - (b) requiring the notice to be withdrawn.
- (3) The matters to which the Secretary of State must have regard in conducting a review under paragraph 4(2) or sub-paragraph (2) above, include the likely financial consequences for the parties of the proposed action.
- (4) Where a review is conducted under sub-paragraph (2) above the notice in question shall not take effect except in accordance with a confirmation or direction under that sub-paragraph.

Local authority committees etc.

- 6 (1) Where by virtue of any arrangements functions of a water authority are to be discharged by a local authority, then subject to the provision made by the arrangements, the local authority may arrange for the discharge of those functions by a committee, sub-committee or officer of theirs.
- (2) Where by virtue of sub-paragraph (1) above 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.
- (3) Where by virtue of sub-paragraph (1) above 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.
- (4) Any arrangements made by a local authority or committee under this paragraph for the discharge of any functions by a committee, sub-committee or officer shall not prevent the authority or committee by whom those arrangements are made from discharging those functions.

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

Transfer of officers

- 7 Where arrangements are made, varied or brought to an end, provision may be made by the parties to the arrangements for the transfer of any officers of either party to the other.

Compensation

- 8 (1) Where an authority who are party to any arrangements have compensated any officer of theirs who has suffered loss as a result of the making, variation or ending of those arrangements, the authority who are the other party to those arrangements may make such payment to the compensating authority, by way of total or partial reimbursement, as they consider appropriate.
- (2) The application, by section 34 of this Act, of section 259 of the Local Government Act 1972 (compensation for loss of office), and accordingly the Local Government (Compensation) Regulations 1974, shall cease to have effect in relation to any loss of employment or loss or diminution of emoluments resulting, after the passing of the Water Act 1983, from the making, varying or ending of any arrangements.

Interpretation

- 9 In this Schedule, and in section 15 of this Act—
- " council" means the council of a district or London borough or the Common Council of the City of London ;
 - " relevant authority " means a council or—
 - (a) in relation to a new town as respects which an order is in force under section 34 of the New Towns Act 1981 (provision of sewers and sewage disposal works by development corporation), the development corporation or any council within whose area the town is wholly or partly situated ;
 - (b) in relation to a new town as respects which an order is in force under paragraph 51 of Schedule 3 to the Development of Rural Wales Act 1976 (provision of sewers and sewage disposal works by Development Board for Rural Wales), the Board or any council within whose area the town is wholly or partly situated ;
 - (c) in relation to an area designated as an urban development area under Part XVI of the Local Government, Planning and Land Act 1980, the urban development corporation or any council within whose area the urban development area is wholly or partly situated ; and
- "sewerage functions" means, in relation to a water authority, the functions of the authority under Part II of the Public Health Act 1936, other than those relating to sewage disposal"

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

SCHEDULE 4

Section 11(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

Water Act 1973 (c. 37)

- 1 In section 7(1) of the principal Act (supply of goods and services to public bodies), in paragraph (a), for the words " and the Council were each " there is substituted the word " were " .
- 2 In section 26(1) of the principal Act (duties of statutory water undertakers to their staff), after the word " make " there is inserted the word "such "and for the words from " and in doing so " to the end there are substituted the words " as they consider to be appropriate " .

Control of Pollution Act 1974 (c. 40)

- 3 In section 52(1) of the Control of Pollution Act 1974 (charges in respect of certain discharges in England and Wales) for the words " an order made after consultation with the National Water Council ", there is substituted the word " order " .

Salmon and Freshwater Fisheries Act 1975 (c. 51)

- 4 (1) In section 28 of the Salmon and Freshwater Fisheries Act 1975 (general powers and duties of water authorities in relation to fisheries) after subsection (2) there is inserted the following subsection—
- “(2A) A water authority may pay to any member of an advisory committee established by it in accordance with paragraph (b) of subsection (1) above such allowances as may be determined by the Minister with the consent of the Treasury.”.
- (2) In section 41 of that Act (interpretation) after subsection (2) there is inserted the following subsection—
- “(2A) In section 28(2A) above, the reference to the Minister shall be construed, in relation to the Welsh Water Authority, as a reference to the Secretary of State.”.

Land Drainage Act 1976 (c. 70)

- 5 For paragraph 10 of Schedule 1 to the Land Drainage Act 1976 (payments to chairmen of regional and local land drainage committees) there is substituted the following paragraph—
- “10 (1) A water authority shall pay to any person who, not being a member of the authority, is chairman of one of their local land drainage committees such remuneration and allowances as may be determined by the appropriate Minister with the consent of the Treasury and, if that Minister so determines in the case of any such person who is or has been chairman of such a committee, shall pay or make arrangements for the payment of a pension in relation to that person in accordance with the determination.

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

- (2) If a person ceases to be chairman of the regional land drainage committee or of a local land drainage committee of a water authority and it appears to the appropriate Minister that there are special circumstances which make it right that that person should receive compensation in respect of his ceasing to be chairman (whether or not he becomes or remains a member of the authority), the appropriate Minister may require the authority to pay to that person a sum of such amount as that Minister may determine with the consent of the Treasury.
- (3) A water authority may pay to any person who, not being a member of the authority, is a member of their regional land drainage committee or of one of their local land drainage committees such allowances as may be determined by the appropriate Minister with the consent of the Treasury.
- (4) In this paragraph—
 - ' the appropriate Minister ' means—
 - (a) in the case of the Welsh Water Authority, the Secretary of State ; and
 - (b) in any other case, the Minister ; and
 - ' pension ', in relation to any person, means a pension (whether contributory or not) of any kind payable to or in respect of him, and includes an allowance, gratuity or lump sum so payable and a return of contributions with or without interest or any other addition”.

6 In Schedule 1 to the Act of 1976 (members and proceedings of regional and local land drainage committees), after paragraph 14, there are inserted the following paragraphs—

- “14A The validity of any proceedings of a regional land drainage committee or local land drainage committee shall not be affected by any vacancy among the members of the committee or by any defect in the appointment of such a member.
- 14B (1) Subject to the following provisions of this paragraph, the provisions of sections 94 to 98 of the Local Government Act 1972 (pecuniary interests of members of local authorities) shall apply in relation to members of a regional land drainage committee and those of a local land drainage committee as those provisions apply in relation to members of local authorities.
- (2) In their application by virtue of this paragraph those 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 the committee,
 - (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 provisions being made by direction of the committee,
 - (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 committee appointed for the purposes of this paragraph,

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(d) section 97 shall apply as it applies to a local authority other than a parish or community council.

14C A minute of the proceedings of a meeting of a regional land drainage committee or local land drainage committee, 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 that committee or subcommittee shall be deemed to have been duly constituted and have had power to deal with the matters referred to in the minute.”

Local Government, Planning and Land Act 1980 (c. 65)

7 In section 25(3) of the Local Government, Planning and Land Act 1980 (allowances in relation to meetings etc. of water authorities) for the words from the beginning to " (3B) " there are substituted the words " The following subsection shall be inserted after section 175(3) of the said Act of 1972:— ' (3B) " .

Transitional provisions

8 The repeals contained in Schedule 5 below shall not affect the operation of paragraph 31(1) and (2) of Schedule 3 to the principal Act in relation to any period before the day appointed for the purposes of section 3(1) of this Act.

9 In any case where—

- (a) the Treasury have given a guarantee under paragraph 36(1) of Schedule 3 to the principal Act in respect of any sum borrowed by the Council; and
- (b) any liability of the Council relating to repayment of the principal of, or payment of interest on, the sum so borrowed (or any part of that sum) has become a liability of one or more water authorities, whether by virtue of an order under section 3(4) of this Act or otherwise ;

paragraph 36(1) of Schedule 3 shall have effect as if it empowered the Treasury to give a new guarantee in respect of that liability.

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

SCHEDULE 5

Section 11(3).

REPEALS AND REVOCATIONS

PART I

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
1960 c. 67.	The Public Bodies (Admission to Meetings) Act 1960.	In the Schedule, paragraph 1(c).
1961 c. 64.	The Public Health Act 1961.	In section 9(3), the words from " (including " to the end.
1972 c. 70.	The Local Government Act 1972.	Section 175 (3A). Section 177(1)(aa).
1973 c. 37.	The Water Act 1973.	Section 4. In section 5(3), the words from " but before " to the end. Section 6. In section 17(5), the words " under section 6 above ". Section 23. In section 24(12)(a), the words " and to the Water Space Amenity Commission ". Section 25(5)(a). In section 26, subsections (2) to (4). In section 29(2), the words " and after consultation with the Council". In section 30(6), the words " after consultation with the Council". In section 38(1), the definitions of " the Council ", " regional water board" and " water development board ". In Schedule 3, paragraphs 22 to 30; in paragraph 31(1), the

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Chapter	Short Title	Extent of Repeal
		words from " and including" to the end; in paragraph 31(2), the words "and of any payment to the Council under paragraph 33 below "; in paragraph 32(1), the words " and after consultation with the Council"; paragraph 33; in paragraph 34, 39F(1), 40(1) and 41, the words "and the Council", wherever they occur; in paragraphs 34(6) and 40(6), the words " or of the Council"; in paragraphs 35(2) and 39E(1), the words " or to the Council" ; in paragraphs 36, 38(5) and (6), 39(1), 39E(1)(b) and 39F(1)(a), the words " or the Council", wherever they occur; in paragraph 36(4), the words " or, as the case may be, the Council"; in paragraph 38(1), the words "and of the Council"; paragraph 39F(2); in paragraph 40(1), paragraph (b) and the word " and" immediately preceding it; in paragraph 40(3) the words " to the Council and", sub-paragraphs (4) and (5) and in sub-paragraph (8) the words from " the Council" to " Commission ".
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 8, paragraph 90. In Schedule 17, paragraph 64.
1974 c. 37.	The Health and Safety at Work etc. Act 1974.	In section 66(4), the words from " (including " to the end. In Schedule 6, paragraph 8.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part III of Schedule 1, the entries relating to the National Water Council, a regional water authority and the Welsh Water Authority.

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Chapter	Short Title	Extent of Repeal
1976 c. 70.	The Land Drainage Act 1976.	In Schedule 5, in paragraph 8(1), the words " section 4(5) (a) and (b)".
1976 c. 75.	The Development of Rural Wales Act 1976.	In Schedule 7, paragraph 11.
1977 c. 41.	The Water Charges Equalisation Act 1977.	The whole Act.
1980 c. 45.	The Water (Scotland) Act 1980.	In Schedule 10, the entry relating to the Water Act 1973.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	Section 25(4). In section 158, subsections (1) and (2).
1981 c. 64.	The New Towns Act 1981.	In Schedule 12, paragraph 12.

PART II

INSTRUMENTS REVOKED

Number	Name of Instrument	Extent of revocation
S.I. 1973/1287	The North West Water Authority Constitution Order 1973.	Article 4. Schedule 2.
S.I. 1973/1288	The Northumbrian Water Authority Constitution Order 1973.	Article 4. Schedule 1.
S.I.1973/1289	The Yorkshire Water Authority Constitution Order 1973.	Article 4. Schedule 1.
S.I.1973/1306	The Wessex Water Authority Constitution Order 1973.	Article 4. Schedule 2.
S.I. 1973/1307	The South West Water Authority Constitution Order 1973.	Article 4. Schedule 2.
S.I. 1973/1345	The Welsh National Water Development Authority (Establishment and Constitution) Order 1973.	Article 4. Article 5. Schedule 2.
S.I. 1973/1359	The Anglian Water Authority Constitution Order 1973.	Article 4. Schedule 2.
S.I. 1973/1360	The Thames Water Authority Constitution Order 1973.	Article 4.

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Number	Name of Instrument	Extent of revocation
S.I. 1973/1361	The Southern Water Authority Constitution Order 1973.	Schedule 2. Article 4. Schedule 2.
S.I. 1973/1437	The Severn-Trent Water Authority Constitution Order 1973.	Article Schedule 2.
S.I. 1974/1208	The Severn-Trent Water Authority Constitution (Amendment) Order 1974.	The whole Order.
S.I. 1974/2077	The Thames Water Authority Constitution (Amendment) Order 1974.	The whole Order.
S.I. 1977/724	The Welsh National Water Development Authority (Establishment and Constitution) (Variation) Order 1977.	The whole Order.
S.I. 1979/466	The Anglian Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/467	The Northumbrian Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/468	The North West Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/469	The Severn-Trent Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/470	The Southern Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/471	The South West Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/472	The Thames Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1979/473	The Wessex Water Authority Constitution (Amendment) Order 1979.	The whole Order.

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Number	Name of Instrument	Extent of revocation
S.I. 1979/474	The Yorkshire Water Authority Constitution (Amendment) Order 1979.	The whole Order.
S.I. 1981/1883	The Welsh Water Authority (Constitution) (Variation) Order 1981.	The whole Order.
S.I. 1982/944	The Water Authorities and National Water Council (Limit for Borrowing) Order 1982.	The whole Order.