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SCHEDULES

SCHEDULE 2

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 principle 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 functions 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.

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- (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
 - (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 subparagraph (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 subparagraph (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 subparagraph (1) above so far as applicable.
- (3) An order under section 3(4) of this Act which transfers any property, rights of 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.

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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 subparagraph (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 subparagraph (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 subparagraph (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.

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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
 - ^{F1}(b)
- (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.

Textual Amendments

F1 Sch. 2 Pt. I, para. 8(1)(b) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, Sch. 3 Pt. I (with ss. 191-195, 202)

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