



# Water Act 1973

## 1973 CHAPTER 37

### PART IV

#### MISCELLANEOUS

33 .....<sup>F1</sup>

#### Textual Amendments

**F1** S. 32A (which was inserted by Local Government Act 1974 (c. 7, SIF 81:1), s. 38) and s. 33 repealed by Water Act 1989 (c. 15, SIF 130), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

34 **Consequential, transitional and supplementary provision.**

(1) .....<sup>F2</sup>

[<sup>F3</sup>(2) The provisions of Part II of that Schedule, being provisions which reproduce with modifications certain provisions of section 262 of the 1972 Act (local Acts and instruments), shall have effect with respect to local statutory provisions in force immediately before 1st April 1974.]

(3) .....<sup>F4</sup>

#### Textual Amendments

**F2** S. 34(1) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, Sch. 27 Pt. II (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58) (subject to a saving as mentioned in S.I. 1989/1557, art. 5(1) )

**F3** S. 34(2) repealed (*prosp.*) by Water Act 1989 (c. 15, SIF 130), ss. 190, 194(4), Sch. 27 Pt. II (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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*Changes to legislation: There are currently no known outstanding effects for the Water Act 1973, Part IV. (See end of Document for details)*

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- F4** S. 34(3) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. II** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**Modifications etc. (not altering text)**

- C1** S. 34 amended by Water Act 1983 (c. 23, SIF 130), ss. 3(3), 6(2), Sch. 2 para. 3(1), **Sch. 3**  
**C2** In s. 34(2) “that Schedule” is a reference to Schedule 6 to this Act

**35 Isles of Scilly.**

(1) ..... <sup>F5</sup>

[<sup>F6</sup>(3) Except as provided by an order under this section, this Act shall not extend to the Isles of Scilly.]

**Textual Amendments**

- F5** S. 35(1)(2) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. II** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)  
**F6** S. 35(3) repealed (*prosp.*) by Water Act 1989 (c. 15, SIF 130), ss. 190, 194(4), Sch. 27 Pt. II (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**36 Orders, regulations and byelaws.**

[<sup>F7</sup>(1) Any power to make orders or regulations conferred on the appropriate Minister or Ministers by or by virtue of this Act shall be exercisable by statutory instrument.

(2) Any power to make an order conferred by or by virtue of any provision of this Act shall include power to make an order varying or revoking any order previously made under or by virtue of that provision.]

(3) ..... <sup>F8</sup>

**Textual Amendments**

- F7** S. 36(1)(2) repealed (*prosp.*) by Water Act 1989 (c. 15, SIF 130), ss. 190(3), 194(4), Sch. 27 Pt. II (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)  
**F8** S. 36(3) repealed by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

[<sup>F9</sup>**37 Expenses.**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act;  
 (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.]

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1973, Part IV. (See end of Document for details)*

**Textual Amendments**

**F9** Ss. 37–39 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, Sch. 27 Pt. I (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

**[<sup>F10</sup>38 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“the appropriate Minister or Ministers” and “the Ministers” have the meanings assigned to them by section 1 above;

<sup>F11</sup>

“county”, “district”, “county council”, and “district council”, mean respectively a county, district, county council and district council established by the 1972 Act;

“development corporation” means a development corporation established under the <sup>M1</sup>New Towns Act 1965 or any Act replaced by that Act;

“existing local authority” means a local authority within the meaning of the <sup>M2</sup>Local Government Act 1933;

“joint water board” and “joint water committee” mean respectively a joint board and a joint committee which has been constituted under section 9 of the <sup>M3</sup>Water Act 1945 and on which a statutory water company is represented;

“land drainage” includes defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems, and “land drainage functions” shall be construed accordingly;

“local authority” means a county council, . . . <sup>F12</sup> a district council, a London borough council or the Common Council of the City of London;

“local land drainage committee” and “regional land drainage committee” mean respectively the committees [<sup>F13</sup>referred to by those names in sections 2 and 4 respectively of the <sup>M4</sup>Land Drainage Act 1976];

“local land drainage district” means a local land drainage district [<sup>F14</sup>established or continued under section 4 of the <sup>M5</sup>Land Drainage Act 1976] and any part of a water authority area which is to be treated as a local land drainage district for the purposes of [<sup>F14</sup>sections 45 to 49 of that Act (in accordance with section 89(2) of that Act)];

“local statutory provision” means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect to some area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

[<sup>F15</sup>“London excluded area” has the meaning given by section 116 of the <sup>M6</sup>Land Drainage Act 1976;]

“the 1972 Act” means the <sup>M7</sup>Local Government Act 1972;

“public authority” includes a statutory water company;

“public sewer” has the same meaning as in the <sup>M8</sup>Public Health Act 1936 and “private sewer” shall be construed accordingly;

<sup>F16</sup>

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“river authority”, “underground strata”, “inland water”, “watercourse” and “water resources” have the same meanings respectively as in the <sup>M9</sup>Water Resources Act 1963;

“statutory water company” means a company authorised immediately before the passing of this Act by any local statutory provision to supply water or a company in whom the assets of any company so authorised have subsequently become vested;

“statutory water undertakers” has the meaning assigned to it by section 11(6) above;

“supply of water in bulk” and “water fittings” have the same meanings as in the <sup>M10</sup>Water Act 1945;

(2) ..... <sup>F17</sup>

(3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.]

#### Textual Amendments

- F10** Ss. 37–39 repealed (E.W.) by Water Act 1989 (c. 15, SIF 130), s. 190, **Sch. 27 Pt. I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)
- F11** Definition of “the Council” repealed by Water Act 1983 (c. 23, SIF 130), ss. 3(3), 11(3), Sch. 2 para. 3(1), **Sch. 5 Pt I**
- F12** Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 102(2)(3), **Sch. 17**
- F13** Words substituted by Land Drainage Act 1976 (c. 70, SIF 73:1), **Sch. 7 para. 1(b)(i)**
- F14** Words substituted by Land Drainage Act 1976 (c. 70, SIF 73: 1), **Sch. 7 para. 1(b)(ii)**
- F15** Definition substituted by S.I. 1986/208, art. 5(1), Sch. I Pt. I
- F16** Definition of “regional water board”, and “water development board” repealed by Water Act 1983 (c. 23, SIF 130), ss. 3(3), 11(3), Sch. 2 para. 3(1), **Sch. 5 Pt. I**
- F17** S. 38(2) repealed by Interpretation Act 1978 (c. 30, SIF 115:1), **Sch. 3**

#### Marginal Citations

- M1** 1965 c. 59
- M2** 1933 c. 51
- M3** 1945 c. 42 (**130**)
- M4** 1976 c. 70 (**73:1**)
- M5** 1976 c. 70 (**73:1**)
- M6** 1976 c. 70 (**73:1**)
- M7** 1972 c. 70 (**81:1**)
- M8** 1936 c. 49 (**100:1**)
- M9** 1963 c. 38 (**130**)
- M10** 1945 c. 42 (**130**)

#### [<sup>F18</sup>39 Commencement.

(1) The following provisions of this Act shall come into operation on 1st April 1974, that is to say—

section 9, except so far as relating to sections 21 and 22 of the <sup>M11</sup>Land Drainage Act 1930, Part VI of the <sup>M12</sup>Local Government Act 1948, section 21 of the <sup>M13</sup>Land Drainage Act 1961 and section 82 of the <sup>M14</sup>Water Resources Act 1963;

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section 10;  
section 11, except subsection (6) so far as relating to section 12 of the Water Act 1945;  
section 12(1) and (6) to (11), except subsections (9) and (11) so far as relating to section 12 of the Water Act 1945;  
section 13(3) and (4);  
section 14;  
section 16;  
section 17;  
section 18;  
section 19(6) to (11);  
section 20;  
section 21(3) to (6);  
section 24;  
section 25;  
section 28;  
section 29(1);  
section 33;  
section 40(2), except so far as relating to the amendments of the <sup>M15</sup>House of Commons Disqualification Act 1957 made by Schedule 8;  
section 40(3).

- (2) Any provision of, or any instrument made under, another Act which is modified or amended by a provision of this Act which comes into operation before 1st April 1974 shall between the passing of this Act and that date have effect both as modified or amended by this Act and as it would have had effect without the modification or amendment.]

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**Textual Amendments**

**F18** Ss. 37–39 repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 27 Pt. I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 41\(1\), 57\(6\), 58](#))

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**Marginal Citations**

**M11** [1930 c. 44](#)  
**M12** [1948 c. 26 \(103:2\)](#)  
**M13** [1961 c. 48](#)  
**M14** [1963 c. 38 \(130\)](#)  
**M15** [1957 c. 20](#)

**40 Short title, minor amendments, repeals and extent.**

- (1) This Act may be cited as the Water Act 1973.
- (2) The enactments specified in Schedule 8 to this Act shall have effect subject to the amendments, modifications and adaptations set out in that Schedule, being amendments, modifications and adaptations which are consequential on the foregoing provisions of this Act and minor amendments.

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- (3) The enactments specified in Schedule 9 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in column 3 of that Schedule.
- (4) The following provisions of this Act, that is to say—
- (a) section 4(5) to (8), so far as relating to the matters mentioned in section 4(5) (d) and (e);
  - (b) section 9, so far as relating to any enactment which extends to Scotland;
  - (c) .....<sup>F19</sup>
  - (d) paragraphs 43, and 93 of Schedule 8;
  - (e) in Schedule 9, the repeals in the<sup>M16</sup>Water (Scotland) Act 1967; and
  - (f) so much of this Act as relates to the interpretation or commencement of the foregoing provisions;
- extend to Scotland, but except as aforesaid this Act does not extend to Scotland.
- (5) This Act, except section 4(5) to (8), so far as relating to the matters mentioned in section 4(5)(d) and (e) . . .<sup>F20</sup> and so much of this Act as relates to the interpretation of those provisions, does not extend to Northern Ireland.
- (6) .....<sup>F21</sup>

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**Textual Amendments**

**F19** S. 40(4)(c) repealed by Salmon and Freshwater Fisheries Act 1975 (c. 51, SIF 52:2), s. 42, **Sch. 5**

**F20** Words repealed by House of Commons Disqualification Act 1975 (c. 24, SIF 89), s. 10, **Sch. 3**

**F21** S. 40(6) repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. XIII**

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**Modifications etc. (not altering text)**

**C3** The text of s. 40(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M16** 1967 c. 78(130)

**Changes to legislation:**

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