
STATUTORY INSTRUMENTS

1974 No. 607

WATER

The Water Authorities Etc. (Miscellaneous Provisions) Order 1974

<i>Made</i>	- - - -	<i>28th March 1974</i>
<i>Laid before Parliament</i>		<i>29th March 1974</i>
<i>Coming into Operation</i>		
<i>Article 16</i>		<i>31st March 1974</i>
<i>Remainder</i>		<i>1st April 1974</i>

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by section 254(1)(a) and (2)(c) of the Local Government Act 1972, as extended by section 34(1) of the Water Act 1973, and of the powers so conferred by section 34(2) of, and paragraph 15 of Schedule 6 to, the said Act of 1973, and of all other powers enabling them in that behalf, hereby make the following order:—

Title and commencement

1.—(1) This order may be cited as the Water Authorities etc. (Miscellaneous Provisions) Order 1974.

(2) Article 16 of this order shall come into operation on 31st March 1974 and the remaining provisions shall come into operation on 1st April 1974.

Territorial extent of exercise of powers

2.—(1) Articles 4, 8, 10, 11 and 15 are made by the Secretary of State for Wales in relation to the Welsh National Water Development Authority and their area, and by the Secretary of State for the Environment in relation to any other water authority or area.

(2) The remaining articles of this order are made by the Secretary of State for the Environment.

Interpretation

3.—(1) The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(2) In this order—

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- “the 1945 Act” means the Water Act 1945;
 “the 1963 Act” means the Water Resources Act 1963;
 “the 1972 Act” means the Local Government Act 1972;
 “the 1973 Act” means the Water Act 1973;
 “the Third Schedule” means the Third Schedule to the 1945 Act.

(3) In this order, unless the context otherwise requires, references to any enactment or instrument shall be construed as references to that enactment or instrument as amended, extended or applied by or under any other enactment or instrument.

Annual reports and accounts of river authorities and kindred authorities

4.—(1) The provisions of this article shall have effect in the case of any authority mentioned in column (1) of the following table; and in this article “the transferor authority” means any such authority and “the water authority”, in relation to that authority, means the authority mentioned in relation to that authority in column (2) of the table.

TABLE

(1)	(2)
The Avon and Dorset River Authority	The Wessex Water Authority
The Essex River Authority	The Anglian Water Authority
The Kent River Authority	The Southern Water Authority
The Severn River Authority	The Severn-Trent Water Authority
Any other river authority	The water authority in whose area the area of the authority mentioned in column (1) is comprised
The Lee Conservancy Catchment Board	The Thames Water Authority
The Isle of Wight River and Water Authority	The Southern Water Authority

(2) In relation to every transferor authority, the water authority shall, before 1st October 1974, send to the Secretary of State and the Minister of Agriculture, Fisheries and Food a report relating to the proceedings of the transferor authority in respect of the year ending on 31st March 1974, and a similar report in respect of any preceding year, if such a report was not sent to the said Ministers by the transferor authority before their dissolution, and shall at the same time send a copy of any such report to the council of any county (within the meaning of the 1972 Act) which was wholly or partly included in the area of the transferor authority immediately before 1st April 1974.

(3) Any such report shall be in the form set out in a direction dated 4th July 1966 given to river authorities by the Minister of Housing and Local Government, the Minister of Agriculture, Fisheries and Food, and the Secretary of State for Wales under section 110(1) of the 1963 Act, and shall contain particulars with respect to the matters specified in the Schedule to that direction.

(4) The Secretary of State shall lay before each House of Parliament a copy of any report sent to him under this article.

(5) As soon as the accounts of the transferor authority have been audited, the water authority shall send a copy of them to the Secretary of State and the Minister of Agriculture, Fisheries and Food, and shall at the same time send a copy to the council of every county mentioned in paragraph (2) above; and a copy of the accounts shall be kept at the office of the water authority and any person

interested shall be entitled, without payment, to inspect and take copies of, or extracts from, the copy of the accounts.

(6) Copies of any such report as is mentioned in paragraph (2) of this article and of statements summarising the accounts of the transferor authority shall be furnished to any person on application and on payment of such reasonable sum as the water authority may determine.

Report and accounts of the Conservators of the River Thames

5.—(1) In this article—

“the 1932 Act” means the Thames Conservancy Act 1932;

“the 1964 Order” means the Thames Conservancy (New Functions of River Authorities in Thames Catchment Area) Order 1964;

“the Conservators” means the Conservators of the River Thames;

“report”, in relation to any year, means the general report of their proceedings during that year which the Conservators are required by section 43 of the 1932 Act to present to Parliament;

“accounts”, in relation to any year, means a copy of the accounts of the Conservators for that year in the form in which such a copy is required by the said section 43 to accompany the report for that year when it is presented to Parliament in pursuance of that section.

(2) The report and accounts for the year ended on 31st December 1973 may, for the purposes of the said section 43 and of section 228 (which requires the accounts to be sent to the Secretary of State for the Environment) of the 1932 Act, and of article 13 of the 1964 Order, be so compiled as to relate to the period of fifteen months ending on 31st March 1974.

(3) Everything with respect to the report and accounts relating to any period which by virtue of the said sections 43 and 228, or of the said article 13, is required to be done by the Conservators and which has not been done by them before 1st April 1974 shall be done by the Thames Water Authority.

Annual report and accounts of Metropolitan Water Board

6.—(1) The provisions of this article shall have effect in the case of the annual report and accounts required by sections 19 (accounts and audit) and 28 (annual report) of the Metropolitan Water Act 1902 (in this article referred to as “the 1902 Act”) to be made, or made up and audited, as the case may be, by the Metropolitan Water Board (in this article referred to as “the Board”).

(2) Everything in respect of the accounts of the Board and any committee appointed by them, and of their officers, in relation to the year ending on 31st March 1974 which by virtue of section 19 of the 1902 Act is authorised or required to be done by or to the Board, or an officer of the Board, shall be done by or to the Thames Water Authority or, as the case may be, an officer of that authority, and the provisions of the said section 19 shall have effect accordingly.

(3) In relation to the proceedings of the Board during the year ending on 31st March 1974, it shall be the duty of the Thames Water Authority—

(a) to make to the Secretary of State for the Environment a report comprising so much of the annual report of the proceedings of the Board as has not, on that date, been so made by the Board, and

(b) to give to the said Secretary of State such returns, statistics and information as he may require with respect to the exercise of the powers of the Board during the said year.

and the provisions of section 28 of the 1902 Act shall have effect accordingly.

Annual report and accounts of Water Supply Industry Training Board

7.—(1) The provisions of this article shall have effect in the case of the report and statement of accounts required by section 8 (report and accounts of industrial training boards) of the Industrial Training Act 1964 (in this article referred to as “the 1964 Act”) to be made and prepared by the Water Supply Industry Training Board (in this article referred to as “the Training Board”).

(2) The National Water Council shall, as soon as reasonably practicable after 31st March 1974—

- (a) prepare, in relation to the financial year ending on that day, a statement of account in respect of the accounts of the Training Board in the form determined in writing on 9th May 1966 by the Minister of Labour in pursuance of section 8(1) of the 1964 Act: and
- (b) make to the Secretary of State for Employment a report of the activities of the Training Board for the said financial year which shall include the said statement of account together with a copy of any report made on the accounts by auditors appointed in pursuance of section 8(2) of the 1964 Act;

and, notwithstanding the dissolution of the Training Board, the provisions of subsections (2) and (4) of the said section 8 shall have effect in relation to the auditing of the accounts of the Training Board and the laying before Parliament of the report required by sub-paragraph (b) above.

Application of Parts VII, IX and XIII of Third Schedule to Water Act 1945

8.—(1) In this article, “water supply area”, in relation to a water authority, means the area within which it is the duty of that authority to supply water under Part II of the 1973 Act.

(2) Where, in relation to any area forming part of a water authority's water supply area, there was in operation immediately before 1st April 1974 a local statutory provision which—

- (a) applied with modifications some or all of the provisions of Parts VII and IX of the Third Schedule (relating respectively to supply of water for domestic purposes, and duties as to constancy of supply and pressure), or
- (b) comprised provisions substantially to the like effect as any such last-mentioned provisions,

notwithstanding anything in section 11(7)(b) of the 1973 Act, that local statutory provision shall continue to have effect in relation to the first-mentioned area instead of the corresponding provisions, as originally enacted, of the said Part VII or IX.

(3) Notwithstanding anything in section 12 of the Local Government (Miscellaneous Provisions) Act 1953 (water undertakings of water authorities), Part XIII of the Third Schedule (provisions for preventing waste of water) shall not apply within any part of the water supply area of the Thames Water Authority which immediately before 1st April 1974 lay within the limits of supply of the Metropolitan Water Board, but within any such part, on and after that date, any local statutory provision which conferred on the said Board any functions relating to the prevention of waste of water shall have effect as if for any reference therein to the Board there were substituted a reference to the Thames Water Authority.

Application of Third Schedule in place of provisions of Public Health Act 1936

9.—(1) In this article—

“former statutory water undertakers” means statutory water undertakers within the meaning of the 1945 Act as that Act had effect immediately before 1st April 1974;

“water supply area”, in relation to a water authority, means the area within which it is the duty of that authority to supply water under Part II of the 1973 Act.

(2) This article shall not apply to the Welsh National Water Development Authority.

(3) Subject to paragraph (2) above, this article shall apply to any of the following areas, that is to say—

- (a) any area which forms part of the water supply area of a water authority and within which, immediately before 1st April 1974, a supply of water was furnished by former statutory water undertakers under powers conferred by Part IV (Water Supply) of the Public Health Act 1936;
- (b) the parish of Ulpha in the rural district of Millom.

(4) Subject to the provisions of this article, the Third Schedule shall apply in relation to any area to which this article applies and is hereby incorporated with this order and shall have effect, as so applied, as if it had been applied by virtue of section 32 of the 1945 Act.

(5) For the purposes of paragraph (4) above, the following provisions of the Third Schedule shall be excepted:—

- Section 2 (permissible limits of deviation)
- Section 7 (power to acquire easements for underground works).
- Part XV (Financial Provisions applicable to Water Companies).

(6) The provisions of the Third Schedule as applied and incorporated by this article shall have effect subject to the following modifications:—

- (a) in section 3 (limit on powers of undertakers to take water) there shall be added at the end the words “(including any enactment passed or made before 1st April 1974)”.
- (b) the following subsection shall be added at the end of section 5 (power of undertakers to lay or erect telephone wires etc.):—

“(6) This section shall apply to any wires, posts, conductors or other apparatus laid or erected before 1st April 1974 for the purposes and in the manner specified in this section or for like purposes and in like manner as if they had been laid or erected under the powers conferred by this section.”

- (c) In subsection (1) of section 19 (power to lay mains), for paragraph (b) there shall be substituted the following paragraph:—

“(b) in, on or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land, and with the consent of—

- (i) the highway authority concerned, if the main will be laid within 220 feet of any highway; and
- (ii) the electricity or gas board concerned, if the main will be laid in, on or over any land of that board being operational land within the meaning of the Town and Country Planning Act 1971(1)

- (d) In subsection (1) of section 41 (laying of communication pipes, etc.), for the proviso there shall be substituted the following proviso:—

“Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe.”

- (e) In section 41(3), for the proviso there shall be substituted the following proviso:—

“Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of a service pipe shall be borne by them.”

- (f) In section 42 (power of undertakers to require separate service pipes) the following paragraph shall be added at the end of subsection (8):—
- “(d) the owner or occupier of any of the houses has caused or knowingly permitted interference with the existing service pipe, or with any stopcock fixed thereto, in such a way as to interrupt the supply of water to any other house supplied by that pipe”.
- (g) Section 64 (penalty for waste, etc., of water by non-repair of water fittings) shall have effect as set out in the Schedule to the Local Government (Miscellaneous Provisions) Act 1953 and not as originally enacted.
- (h) At the end of section 70 (meters, etc., to measure water or detect waste) there shall be added the following subsection:—
- “(2) This section shall apply to any apparatus affixed, maintained or inserted before 1st April 1974 for the purposes and in the manner specified in subsection (1) above as if it had been affixed, maintained or inserted under the powers conferred by this section.”
- (7) Where by virtue of this article the provisions of the Third Schedule have effect in relation to any area, references in that Schedule to statutory water undertakers shall be construed as referring only to the water authority in whose water supply area that area lies.

Adjustment of amounts raised by precept

10.—(1) In this article, unless the context otherwise requires—

- (a) “local land drainage district” means a local land drainage district established under section 19 of, and Schedule 5 to, the 1973 Act and any part of a water authority area which is to be treated as a local land drainage district for the purposes of Parts II and III of that Schedule;
- “relevant area”, in relation to the council of a county or county borough, means so much of the county or county borough existing immediately before 1st April 1974 as was then comprised in the area of a river authority, and “appropriate penny rate product” in relation to the relevant area of the council of any county or county borough or part of such a relevant area means the appropriate penny rate product for that area or part calculated in accordance with the provisions of section 121 of the 1963 Act for the calculation of the appropriate penny rate product of the relevant area of any such council;
- “transferee council” means the county council constituted under the 1972 Act for the county in which becomes comprised the relevant area, or part only of the relevant area, of a county or county borough existing immediately before 1st April 1974;
- (b) references to a county borough and the council thereof or a transferee council shall be construed as including references respectively to a London borough and the council thereof and the City of London and the Common Council;
- (c) references to sections 87 and 121 of the 1963 Act or any part of them shall be construed as references to those enactments as they had effect immediately before the repeal thereof on 1st April 1974 by the 1973 Act.

(2) It shall be the duty of a water authority, as soon as practicable after 31st March 1974, to calculate the amount by which the amount demanded by any precept for the financial year ending on that date issued under section 87 (precepts by river authorities) of the 1963 Act to the council of a county or county borough by a river authority whose area or any part of whose area becomes comprised in the water authority area exceeds, or falls short of, the amount which would have fallen to be so demanded from that council if the apportionment under subsection (3) of that section had been made, in relation to each of the councils referred to in that subsection, on the basis specified

in relation to such apportionment in subsection (9) of that section; and if in any case the calculation under that subsection shows an excess, the amount of the excess shall be recoverable by the transferee council from the water authority, or, if it shows a deficiency, the amount of the deficiency shall be recoverable by the water authority from the transferee council;

Provided that where part only of the relevant area of the county or county borough becomes comprised in a water authority area the amount of the excess or deficiency, as the case may be, shall be such sum as bears to the amount of the excess or deficiency calculated in relation to the whole of the relevant area the same proportion as the product of a rate of one new penny in the pound for that part of the relevant area for the year ending on 31st March 1974 (estimated in like manner as that directed by the Secretary of State and the Minister of Agriculture, Fisheries and Food under section 121(2) of the 1963 Act for estimating the amount of the product of a rate of one new penny in the pound for the whole of the relevant area for that year) bears to the product of a rate of one new penny in the pound for the whole of the relevant area for that year estimated as aforesaid.

(3) If before 1st April 1974 a river authority shall not have made in relation to any financial year ending on a date preceding 1st April 1973 the calculation which they are required by section 87(9) of the 1963 Act to make, such calculation in relation to that financial year shall be made by the water authority in whose area becomes comprised the area, or part only of the area, of that river authority as soon as practicable after 31st March 1974; and if such calculation shows an excess, the amount of the excess shall be recoverable by the transferee council from the water authority, or, if it shows a deficiency, the amount of the deficiency shall be recoverable by the water authority from the transferee council;

Provided that where part only of the relevant area of a county or county borough becomes comprised in a water authority area the amount of the excess or deficiency, as the case may be, shall be such sum as bears to the amount of the excess or deficiency calculated in relation to the whole of the relevant area the same proportion as the product of a rate of one new penny in the pound for that part of the relevant area for that financial year (estimated in like manner as that directed by the Secretary of State and the Minister of Agriculture, Fisheries and Food under section 121(2) of the 1963 Act for estimating the amount of the product of a rate of one new penny in the pound for the whole of the relevant area for that year) bears to the product of a rate of one new penny in the pound for the whole of the relevant area for that year estimated as aforesaid.

- (a) (4) (a) As soon as practicable after 31st March 1974, each water authority shall ascertain the actual amount which was the aggregate amount required to be raised by precept for the year ending on that day by each river authority the whole, or part only, of the area of which becomes comprised in a local land drainage district in the water authority area, and how far, if at all, the aggregate amount for which precepts were issued by such river authority for that year exceeds or falls short of the amount ascertained under this paragraph.
- (b) Where part only of a river authority area becomes comprised in a local land drainage district, the amount of the excess or deficiency (if any) shall, for the purposes of sub-paragraph (c) below, be such sum as bears to the amount of the excess or deficiency calculated in accordance with sub-paragraph (a) above in relation to the whole of the river authority area the same proportion as the aggregate of the appropriate penny rate products for the year ending 31st March 1974 for the relevant areas of the councils of counties or county boroughs or, where parts only of one or more such relevant areas were situated within the part of the river authority area which becomes comprised in the local land drainage district, for those parts of such relevant areas, bears to the aggregate of the appropriate penny rate products for the relevant areas of the councils of counties or county boroughs comprised in the river authority area for that year.
- (c) If the comparison under sub-paragraph (a) above in relation to a river authority shows an excess or deficiency, the excess or deficiency so shown in relation to each of the river authorities whose areas become comprised in a local land drainage district and, where that

local land drainage district contains a part or parts only of the area of a river authority or parts of the areas of river authorities, the excess or deficiency calculated in relation to each such part in accordance with sub-paragraph (b) above, shall be aggregated and, if there shall be both excesses and deficiencies, the difference between the aggregates thereof shall be ascertained and is hereinafter referred to as “the net excess” or “the net deficiency”, as the case may be.

- (d) The aggregate amount of the excesses (if there shall be no deficiencies) or the aggregate amount of the deficiencies (if there shall be no excesses) or the net excess or the net deficiency or such portion thereof as the water authority may determine was attributable to the land drainage functions of the river authority or river authorities shall be taken into account (by deduction, if an excess, or by addition, if a deficiency) by the water authority in ascertaining the aggregate amount required to be raised by precept by the water authority in respect of the local land drainage district for either of the financial years commencing on 1st April 1974 and 1st April 1975 respectively.

Transitional provisions relating to land drainage

11.—(1) In this article, “the 1930 Act” means the Land Drainage Act 1930 and “the 1961 Act” means the Land Drainage Act 1961: and, unless the context otherwise requires—

- (a) any reference to a river authority includes a reference to the Conservators of the River Thames, the Lee Conservancy Catchment Board and the Isle of Wight River and Water Authority; and
- (b) any reference to the area of a river authority includes a reference to the Thames catchment area, the Lee catchment area and the area of the Isle of Wight River and Water Authority.

(2) Any petition under section 11 of the 1930 Act or section 18 or section 36 of the 1961 Act made by, to or in relation to a river authority before 1st April 1974 shall as from that date be treated as having been made by, to or in relation to the water authority in whose area the land in relation to which that petition was made becomes comprised, and any such petition shall as from that date have effect as if any reference therein to a specified river authority or to the area thereof were a reference to such a water authority as aforesaid or to the area thereof.

(3) Any request made under subsection (3) of section 20 of the 1961 Act to a river authority for the submission to the Minister of Agriculture, Fisheries and Food for confirmation of a scheme under section 8 of the 1930 Act for the revocation, variation or amendment of any provisions affecting or relating to land drainage contained in any award specified in the request which is not complied with by the river authority before 1st April 1974 shall as from that date be treated as a request made to the water authority in whose area the land affected by such a scheme becomes comprised, and in relation to such a request, for the purpose of the said section 20—

- (a) the period of six months specified in the said subsection (3) shall be calculated from the date of the making of the request to the river authority.
- (b) the refusal of the river authority to submit the scheme shall be treated as a refusal by the water authority, and
- (c) if a scheme different from the scheme so requested is submitted by the river authority, it shall be treated as having been submitted by the water authority.

(4) Where before 1st April 1974 the Minister of Agriculture, Fisheries and Food has, in accordance with Part I of Schedule 2 to the 1930 Act, caused notice of the intention to make any order to which the provisions of that Schedule apply to be published and sent to the councils and authorities mentioned in paragraph 1 of that Schedule, and that order has not been made before that date—

- (a) any reference to a specified river authority in the draft order prepared for the purpose of the said Part I, and in any objection to the draft order, and in any document relating to an inquiry with respect to any objection so made, shall have effect from that date as if

it were a reference to the water authority in whose area the river authority area becomes comprised or, if the river authority area becomes comprised partly in the area of one water authority and partly in the area of another water authority, as if it were a reference to the water authority in whose area becomes comprised the lands or the greater part of the land, to which the draft order, or any scheme in respect of which the order is intended to be made, refers, and

- (b) in making such an order as aforesaid, the Minister may modify the draft order by substituting for references to any enactment amended or repealed by the 1972 Act or the 1973 Act references to that enactment as so amended or to any other enactment.

(5) Any application which has been made after 1st February 1974 but before 1st April 1974 to a river authority by the council of a county, county borough or county district, or by the Greater London Council or the council of a London borough, under section 34(6) of the 1961 Act for consent to the execution of drainage works, being an application to which consent is neither given nor refused before 1st April 1974, shall be treated and have effect as an application made to the water authority in whose area becomes comprised the land in which those drainage works are intended to be executed; and if the consent of the water authority is neither given nor refused during such period from 1st April 1974 as constitutes the remainder of the period of two months from the date of the making of the application to the river authority, the consent of that water authority shall be deemed to have been given—

- (a) in the case of an application made by the council of a county, county borough or county district, to the council established under the 1972 Act to which the relevant functions of the council which made the application have been transferred, and
- (b) in the case of an application made by the Greater London Council or a London borough council, to the council which made the application.

Port of London Authority: prevention of pollution, and fisheries matters

12.—(1) Part VI (Prevention of Pollution) of the Port of London Act 1968 (in this article referred to as “the 1968 Act”) is hereby repealed.

(2) Subject to paragraph (3) below, such provisions of the 1968 Act as relate to fish shall cease to have effect in relation to salmon, trout, freshwater fish and eels, and accordingly, in section 2(1) of that Act, the following definition shall be substituted for the definition of “fish” there appearing—

“‘fish’ includes shell fish and also the spawn, brood and fry of fish and shell fish, but does not include salmon, trout, freshwater fish or eels, within the meaning of the Salmon and Freshwater Fisheries Act 1923”;

(3) Any byelaws made by the Port of London Authority in force immediately before 1st April 1974 and relating to salmon, trout, freshwater fish and eels shall continue in force, and in any such byelaws, so far as they so relate, any reference to the Port of London Authority shall have effect as if it were a reference to the Thames Water Authority.

Application of certain enactments within London excluded area

13.—(1) In this article, unless the context otherwise requires—

“inland water” has the same meaning as in the 1963 Act;

“the London excluded area” means so much of Greater London, and of any area adjoining Greater London, as did not on 31st March 1974 lie within the Thames catchment area, the Lee catchment area or the area of any river authority;

“the Licences Regulations” means the Water Resources (Licences) Regulations 1965⁽²⁾ as amended⁽³⁾;

(2) In relation to any inland water which on 31st March 1974 was within the London excluded area, and to the water in or comprising any such inland water, and in relation to the water in or comprising that part of the Thames below low water mark of ordinary spring tides which lies outside that area but within the area of the Thames Water Authority upstream of the boundary between the areas of that authority and the Southern Water Authority, the provisions of the 1963 Act shall, unless the context otherwise requires, have effect as if—

- (a) the expression “the second appointed day” meant 1st April 1975, and the definition of that expression in section 135(1) were construed accordingly;
- (b) in section 56(5) for the words “with the coming into operation of a charging scheme prepared by that river authority under Part V of this Act” there were substituted the words “on 1st April 1976”;
- (c) for the words “the passing of this Act” wherever they occur there were substituted “1st April 1974”.

(3) In relation to any such inland water, or to any such water, as is specified in paragraph (2) above, the provisions of the Licences Regulations shall, unless the context otherwise requires, have effect as if—

- (a) in regulation 7 (application for licence of right), regulation 10 (duties of water authority in dealing with applications) and Schedule 1 (Particulars to be included in applications), any reference to the year 1965 were a reference to the year 1975;
- (b) in regulation 10(4)(a), for “31st March 1966” there were substituted “31st March 1976”;
- (c) in Schedule 1, in column (1) of Table V of Model Forms 4 and 5, for “1961”, “1962”, “1963” and “1964” there were substituted “1971”, “1972”, “1973” and “1974” respectively;
- (d) in Schedule 1, in paragraph 11(a) and (b) of Model Form 5, for “31st July 1963” there were substituted “1st April 1974”.

(4) For the purposes of the levying of charges under section 30 or 31 of the 1973 Act in respect of a licence of right granted by virtue of the provisions of this article, the licence shall be treated as not having effect until 1st April 1976.

Coquet Water Board

14.—(1) The Coquet Water Board Order 1959 and the Coquet Water Board Order 1963 (in this article referred to respectively as “the 1959 Order” and “the 1963 Order”) shall have effect subject to the amendments set out in the following provisions of this article.

(2) In the 1959 Order—

(a) in section 2(1)—

- (i) the definitions of “the borough”, “the Corporation” and “the town clerk” shall be omitted;
- (ii) in the definition of “the authorities”, the reference to the County Council shall be omitted;
- (iii) there shall be inserted the following definitions—

“the chief executive’ means the chief executive of the Water Authority;”

“the Water Authority’ means the Northumbrian Water Authority”.

(2) (1965 I, p. 1479).

(3) S.I. 1965/2082 (1965 III, p. 6132).

(b) in section 5(4) for the words from “the borough” to “are respectively” there shall be substituted “the area in which the Water Authority are”;

(c) for section 6 there shall be substituted the following section:—

“6.—(1) The members of the Board holding office on 31st March 1974 shall cease to hold office immediately after that day.

(2) On and after 1st April 1974 the Board shall consist of seven members, of whom four shall be appointed by the Company and three by the Water Authority.

(3) Each authority shall appoint the number of members of the Board to be appointed by them pursuant to this order in accordance with the following provisions:—

(a) at a meeting held before 1st April 1974, they shall appoint members to hold office from that date until and including 8th June 1977;

(b) at a meeting held in 1977 and in every third year thereafter before 8th June in that year, they shall appoint members to hold office from 9th June in that year for a period of three years;

Provided that if any authority fail to appoint a member within the time herein prescribed, the Minister may, on the application of the authority concerned, extend the time for making the appointment.

(4) Immediately after the appointment of any member of the Board—

(a) in the case of members appointed by the Company, the secretary of the Company, and

(b) in the case of members appointed by the Water Authority, the chief executive shall notify the name, address and description of the member appointed to the clerk of the Board.

(5) Any casual vacancy in the membership of the Board shall be filled as soon as practicable by the appointment by the authority in whose representation the vacancy arises of a new member, and the person so appointed shall come into office upon his appointment and shall, if otherwise qualified, hold office during the remainder of the term of office of the person in whose place he is appointed:

Provided that it shall not be obligatory upon an authority to fill any casual vacancy arising between 1st April and 9th June in the year 1977 or in any third year thereafter.”

(d) in section 7(1), for paragraph (a) there shall be substituted the following paragraph—

“(a) A person shall not be qualified to be appointed a member of the Board by the Water Authority unless he is a member of that authority.”

(e) in the proviso to section 7(2), for the words “the council of the borough or of the County Council” there shall be substituted “the Water Authority” and for the words “re-elected a member of such council” there shall be substituted “reappointed a member of the Water Authority”.

(f) in the proviso to section 8(2), the words from “or, if the Clerk” to the end shall be omitted;

(g) in section 22, subsection (3) and the proviso to subsection (7) shall be omitted;

(h) in section 24(4), the words from “and, in the case” to “the Company” shall be omitted;

(i) in section 24(5)(a), the words from “and in the case” to “the Company” shall be omitted;

(j) in section 24(6)—

(i) in paragraph (c) the words “and the County Council,” and

(ii) in paragraph (e)(iii) the words “the County Council” shall be omitted;

- (k) section 28 shall be omitted;
 - (l) in section 36(2), the words “or the County Council” shall be omitted;
 - (m) in section 42(1), for the words from “the County Council” to “such council” there shall be substituted “the Water Authority authorised by that authority”.
 - (n) paragraph 1 of Schedule 2 shall be omitted;
 - (o) Schedules 4 and 5 shall be omitted;
 - (p) throughout the order, for “the Corporation” there shall be substituted “the Water Authority”.
- (3) In the 1963 Order—
- (a) in section 6, all references to the County Council shall be omitted;
 - (b) throughout the order, for “the Corporation” there shall be substituted “the Water Authority”.

Extension of certain local statutory provisions

15.—(1) The provisions of the Llanelli and District Water Board Orders 1961 to 1971, in so far as those provisions are continued in force on and after 1st April 1974 by virtue of paragraph 11 of Schedule 6 to the 1973 Act, and except in so far as any such provision is expressly restricted so as to apply only to a specified area, thing or person (other than the area of the Llanelli and District Water Board), shall be extended and shall be in force in that part of the area of the Welsh National Water Development Authority which immediately before the said date comprised the limits of supply of the water undertakings of Llandovery Corporation, Cwmamman Urban District Council, Llandeilo Urban District Council, Carmarthen Rural District Council and Llandeilo Rural District Council.

(2) The provisions of the Bucks Water Acts and Orders 1937 to 1973, in so far as those provisions are continued in force on and after 1st April 1974 by virtue of the said paragraph 11, and except in so far as any such provision is expressly restricted so as to apply only to a specified area, thing or person (other than the area of the Bucks Water Board), shall be extended and shall be in force in that part of the area of the Anglian Water Authority which immediately before the said date comprised the limits of supply of Buckingham Corporation.

Savings, etc

16.—(1) Notwithstanding anything in Schedule 9 to the 1973 Act—

- (a) subsection (8) of section 35 (sewers and sewage disposal works) of the London Government Act 1963 shall continue in force, and that subsection, as so saved, shall have effect as if any reference to the Greater London Council included a reference to the Thames Water Authority; and the expression “reconvey” and “the two councils” shall be construed accordingly.
- (b) in Schedule 13 to the 1963 Act, paragraphs 2 to 5, 7, 8, 10, 11, 14 to 16 and 23 shall continue in force.

(2) Any mains, pipes, or other works transferred to statutory water undertakers by virtue of an order under the 1973 Act shall be deemed to have been laid or constructed by those undertakers.

28th March 1974

Anthony Crosland
Secretary of State for the Environment

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28th March 1974

John Morris
Secretary of State for Wales

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EXPLANATORY NOTE

This Order, which applies to England and Wales, makes certain incidental, consequential, transitional and supplementary provisions for the purposes of the Water Act 1973 and for giving full effect to that Act.

Provision is made in Articles 4 to 7 for the completion and submission of annual reports and accounts of bodies abolished by the Act of 1973.

Articles 8 and 9 continue or modify the application of the Third Schedule to the Water Act 1945 in relation to the areas specified in those articles.

Article 10 adjusts certain amounts raised by precept for land drainage purposes, and Article 11 makes transitional provisions concerning petitions, applications and other proceedings relating to land drainage matters.

Article 12 amends and partially repeals the Port of London Authority Act 1968, with a saving for certain byelaws relating to fish.

Article 13 makes supplementary provision with respect to the application to “the London excluded area” (as defined in the Article) of the provisions of the Water Resources Act 1963 relating to the licensing of abstraction of surface water.

Articles 14 and 15 provide for the modification and extension of local statutory provisions relating to the Coquet Water Board, the Llanelli and District Water Board, and the Bucks Water Board.

Article 16 effects savings from certain repeals enacted by the Water Act 1973 and makes provision concerning certain works transferred under that Act.