

SCHEDULES

SCHEDULE 8

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS, ETC.

Salmon and Freshwater Fisheries Act 1923

- 1 In section 1(2) of the Salmon and Freshwater Fisheries Act 1923 (prohibition of fishing with lights, spears, etc.) for the words " fishery board, or where there is no fishery board, of the Minister " there shall be substituted the words " water authority for the area in which the act was done ".
- 2 In section 5 of that Act (saving for acts done for artificial propagation or scientific purposes) for the words from "fishery board", in the first place where those words occur, to the end of the section there shall be substituted the words " water authority for the area ".
- 3 In section 9(1) of that Act (prohibition of use of explosives, etc.) for paragraph (b) of the proviso (as substituted by section 1 of the Salmon and Freshwater Fisheries Act 1965) and the words following that paragraph there shall be substituted the following paragraph:—

“(b) with the permission in writing of the water authority for the area;”.

but as respects the use of any noxious substance such permission shall not be given by a water authority otherwise than with the approval of the Minister.
- 4 In section 11(2) of that Act (prohibition of placing or using fixed engines for taking or obstructing salmon or migratory trout) for the words "fishery board, or, where there is no fishery board, by the Minister" there shall be substituted the words " water authority for the area ".
- 5 In section 14(3) of that Act (rules for fishing mill dams) for the words from "and", in the second place where it occurs, to "district", in the second place where it occurs, there shall be substituted the words " and the water authority for the area ".
- 6 In subsections (1) and (3) of section 18 of that Act (supply of water to dams and fish passes) for the words from " fishery board ", in the first place where they occur in each subsection, to "the Minister" there shall be substituted the words " water authority for the area ".
- 7 In section 19 of that Act (penalty for making obstructions without fish passes)—
 - (a) in subsection (1), for the words "fishery board, or, where there is no fishery board, by the Minister" there shall be substituted the words " water authority for the area ";
 - (b) in subsection (3), for the words from the beginning of the subsection to "Minister" there shall be substituted the words " The water authority ".
- 8 In section 22(5) of that Act (penalty for injuring or obstructing fish pass or free gap) for the words " fishery board (if any)" there shall be substituted the words " water authority in whose area the dam is or was situated ".

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- 9 In section 23(1) of that Act for the words "fishery board (if any)" there shall be substituted the words " water authority for the area ".
- 10 In the provisos to sections 26(2) and 31(2) of that Act (close season) for the words " fishery board (if any)", in each place where they occur, there shall be substituted the words " water authority in whose area the act was done ".
- 11 In section 36(3) of that Act (prohibition on using eel baskets, etc., at certain times) for the words from "fishery board", in the first place where those words occur, to the end of the subsection there shall be substituted the words " water authority for the area with the consent of the Minister ".
- 12 In section 39(1) of that Act (applications for orders) for the words from " fishery " to " Act", in the fourth place where that word occurs, there shall be substituted the words " water authority ".
- 13 In section 54(1) of that Act (general powers) for the words from the beginning to "board", in the second place where that word occurs, there shall be substituted the words " A water authority shall have ".
- 14 In section 59(1) of that Act (byelaws) for the words from the beginning to "Minister" there shall be substituted the words " A water authority ".
- 15 In section 68 of that Act (power to enter lands)—
- (a) for the words from the beginning to " board ", in the second place where it occurs, there shall be substituted the words " Any water bailiff or other officer of a water authority may, under a special order in writing from the authority, ";
 - (b) after the words " this Act" there shall be inserted the words " or the Salmon and Freshwater Fisheries Act 1972 ".
- 16 In section 69 of that Act (order to enter suspected places)—
- (a) for the words from " any ", in the first place where it occurs, to "Act" there shall be substituted the words " a water bailiff or any other officer of a water authority it appears to any justice of the peace that the officer has good reason to suspect that any offence against this Act or the Salmon and Freshwater Fisheries Act 1972 ";
 - (b) for the words "such member or bailiff" there shall be substituted the words " that officer ".
- 17 In section 70 of that Act (warrant to enter suspected premises)—
- (a) after the word " Act" there shall be inserted the words " or the Salmon and Freshwater Fisheries Act 1972 ";
 - (b) for the words " water bailiff, member of a fishery board " there shall be substituted the words " water bailiff or other officer of a water authority ".
- 18 For section 72 of that Act (powers of officers appointed by Minister) there shall be substituted the following section:—
- “72 The Minister may appoint persons to exercise in a water authority area—
- (a) the powers of a water bailiff under sections 67 and 71 of this Act; and
 - (b) the powers of an officer of a water authority under sections 68, 69 and 70 of this Act;
- and those sections shall accordingly apply to any such person, except that for the reference in section 67 to a special order from the water authority there shall be substituted a reference to an order in writing from the Minister”.

19 For section 77(1) of that Act (certificates of conviction) there shall be substituted—

“(1) Where any person is convicted of an offence against this Act, the clerk of the court before which that person is convicted shall, within one month of the date of conviction, forward a certificate of the conviction to the water authority for the area in which the offence was committed.”

Land Drainage Act 1930

20 (1) In subsection (1) of section 1 of the Land Drainage Act 1930 (drainage districts and drainage boards) for the words from the beginning to " section " there shall be substituted the words " There shall continue to be internal drainage districts for the; purpose of the drainage of land "

(2) For subsections (2) and (3) of that section there shall be substituted the following subsections:—

“(2) An internal drainage board shall be a body corporate.

(3) An internal drainage board shall exercise a general supervision over all matters relating to the drainage of land within its district and shall have such other powers and perform such other duties as are conferred or imposed on internal drainage boards by this Act.”.

(3) In subsection (5) of that section, for the words from the beginning to "districts", in the second place where that word occurs, there shall be substituted the words " Internal drainage districts constituted ".

21 (1) In subsection (1) of section 4 of that Act (schemes) for the words from the beginning to " authority ", in the second place where that word occurs in paragraph (a)(i), there shall be substituted the following words:—

“4 (1) A water authority may at any time and, if so directed by the Minister, shall—

(a) prepare and submit to the Minister for confirmation a scheme making provision—

(i) for the transfer from any drainage authority to the water authority of all rights, powers, duties, obligations and liabilities (including liabilities incurred in connection with works) over or in connection with the main river, and of any property held by the drainage authority.”

(2) For the words from the beginning of paragraph (b) of that subsection to " matters" there shall be substituted the following words:—

“(b) submit to the Minister for confirmation a scheme making provision for any of the following matters:—”.

(3) In the said paragraph (b)—

(a) in sub-paragraph (vii) for the word "existing" there shall be substituted the word " internal ";

(b) for the words in sub-paragraph (ix) from " drainage boards ", in the first place where those words occur, to "drainage boards ", in the second place where they occur, there shall be substituted the words " a water authority or internal drainage board of any property, rights, powers, duties, obligations and liabilities vested in or to be discharged by the water authority or internal drainage board ".

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- (4) After the said subsection (1) there shall be inserted the following subsection:—
- “(1A) A water authority shall not submit a scheme to the Minister under subsection (1) above by virtue of paragraph (b) of that subsection except one which their regional land drainage committee have submitted to them, but it shall be their duty to present any such scheme which that committee have submitted to them to the Minister without modification.”.
- 22 (1) In subsection (1) of section 8 of that Act (power to vary awards) for the word " Where " there shall be substituted the words " Subject to subsection (1A) below, where ".
- (2) After the said subsection (1) there shall be inserted the following subsection:—
- “(1A) Where any such award relates to an internal drainage district, a water authority shall not submit to the Minister under subsection (1) above any scheme except one which their regional land drainage committee have submitted to them; but it shall be the duty of an authority to submit any scheme which their committee submit to them to the Minister without modification.”.
- 23 Section 11 of that Act (transfer of functions of internal drainage boards) shall be renumbered as subsection (1) of that section, and after it there shall be added the following subsection:—
- “(2) A water authority shall not present a petition under subsection (1) above except one which their regional land drainage committee have submitted to them; but it shall be their duty to present any petition which that committee have submitted to them to the Minister without modification.”.
- 24 (1) For subsection (1) of section 22 of that Act (precepts) there shall be substituted the following subsection:—
- “(1) A water authority may issue precepts to internal drainage boards requiring payment of any amount required to be contributed by them under section 21 of this Act, and an internal drainage board shall pay, in accordance with any precept so issued to it, the amount thereby demanded.”
- (2) For subsection (4) of that section there shall be substituted the following subsection:—
- “(4) There shall not be any obligation upon an internal drainage board to pay the amount demanded by any precept issued under this section until they have received the statement referred to in subsection (3) of this section”.
- 25 In section 23(1) of that Act (expenses) for the words from " under " to " Board " there shall be substituted the words " to a water authority from a county council under the Water Act 1973 ".
- 26 (1) For subsection (1) of section 24 of that Act (rating powers) there shall be substituted the following subsection:—
- “(1) The expenses of an internal drainage board under this or any other Act (including any contribution made by the board towards the expenses of the water authority for their area) shall, in so far as they are not met by contributions from the water authority, be raised by means of drainage rates made by the drainage board under and in accordance with this Act.”

- (2) Any reference to a drainage board in subsections (2), (4), (8) and (10) of that section shall be construed as a reference to an internal drainage board.
- (3) In subsections (6) and (7) of that section for the words from the beginning of each of those subsections to " Catchment Board " there shall be substituted the words " An internal drainage board, after consultation with the water authority for their district, ".
- 27 In the following provisions of that Act, namely, sections 26 to 31 (rating), section 33 and Schedule 3 (membership and proceedings of board), section 43 (power of entry), section 45 (power to buy, sell or exchange land), section 46 (borrowing by drainage boards) and section 48 (officers), any reference to a drainage board shall be construed as a reference only to an internal drainage board and not to a water authority.
- 28 (1) In section 47(1) of that Act (byelaws) for the words from the beginning to "district" there shall be substituted the words " A water authority and an internal drainage board may, subject to the provisions of this Act and to Part II of Schedule 7 to the Water Act 1973 (which relates to the procedure for making byelaws) make such byelaws as they consider necessary for securing the efficient working of the drainage system in their area or, as the case may be, their district ".
- (2) In paragraphs (a), (c) and (d) of that subsection for the words " the control of the board ", in each place where they occur, there shall be substituted the words " their control ".
- (3) In subsection (8) of the said section 47, after the word "section" there shall be inserted the words " including a byelaw made under this section as applied by section 34 of the Land Drainage Act 1961 ".
- (4) In subsection (8A) of that section, after the word " section ", in the first place where it occurs, there shall be inserted the words " including a byelaw made under this section as so applied, the water authority or ".
- 29 In subsections (1) and (5) of section 49 of that Act (reports and accounts of boards) any reference to a drainage board shall be construed as a reference to an internal drainage board, and for subsection (4) of that section there shall be substituted the following subsection:—
- “(4) The accounts of the receipts and expenditure of an internal drainage board and of the officers of such a board shall be made up in such manner and to such date in each year, and shall be audited by such persons and in such manner as the Minister may from time to time direct.”
- 30 In section 76(2) of that Act (accretion of land resulting from drainage works) for the words from " contained" to " with ", in the first place where that word occurs, there shall be substituted the words " of the Water Resources Act 1963 with ".
- 31 In section 81 of that Act (interpretation) for the definitions of "internal drainage district" and "internal drainage board" there shall be substituted the following:—
- “ ' internal drainage district ' and ' internal drainage board ' mean respectively a drainage district within a water authority area and the drainage board for such a district:”.

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

Public Health Act 1936

- 32 In section 15(1) of the Public Health Act 1936 (power to construct or acquire sewers and sewage disposal works) for the words before paragraph (i) there shall be substituted the words " A water authority may, either inside or outside their area, ".
- 33 For section 20 of that Act (vesting of public sewers and sewage disposal works in a local authority) there shall be substituted the following section:—

“20 Vesting of sewers and sewage disposal works in water authority.

- (1) In addition to the sewers and sewage disposal works vested in a water authority by virtue of section 254 or 68 of the Local Government Act 1972, as either section applies for the purposes of the Water Act 1973, there shall vest in a water authority—
- (a) all sewers and sewage disposal works constructed by the water authority at their expense, or vested in the authority in pursuance of arrangements under section 15 of the Water Act 1973, or otherwise acquired by the authority ;
 - (b) all sewers constructed under Part IX of the Highways Act 1959, except sewers belonging to a road maintained by a highway authority;
 - (c) all sewers and sewage disposal works with respect to which a declaration of vesting under the foregoing provisions of this Part of this Act has taken effect.
- (2) Sewers which by virtue of the said section 254 or 68 or this section become vested in a water authority shall be known as, and are in this Act referred to as, public sewers.”
- 34 In section 24(4) of the Public Health Act 1936 (lengths of public sewers to which that section applies) references to the local authority shall be construed, in relation to any area, as references to the local authority who immediately before the commencement of that Act had the function of providing, for the drainage of that area, the sewers within the meaning of the Public Health Act 1875 which by virtue of section 254 or 68 of the 1972 Act, as either section applies for the purposes of this Act, are vested in the water authority in question.
- 35 Section 28 of that Act (communications between sewerage authorities' sewers) and section 35 of that Act (use of public sewers by persons outside the district) shall cease to have effect.
- 36 (1) Notwithstanding the repeal by this Act of section 37 of the London Government Act 1963 (which applied certain provisions of the Public Health Act 1936 to Greater London and the sewerage area of the Greater London Council)—
- (a) the following provisions of the Public Health Act 1936, that is to say, section 32 (map of public sewers) and sections 39 to 41 (miscellaneous provisions as to drainage) shall continue to apply throughout Greater London (except the Inner Temple and the Middle Temple); and
 - (b) the following provisions of the said Act of 1936, that is to say, section 25 (need for consent to building over public sewers, etc.) and sections 37 and 38 (drainage of new buildings) shall continue to apply to the outer London boroughs.

- (2) In the said provisions in their application to a London borough or the City of London references to a local authority shall be construed as references to the borough council or the Common Council of the City, as the case may be, except that references in section 41 of the said Act of 1936 to a local authority shall, in relation to a private sewer or a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough in which the sewer, cesspool or other receptacle is situated or, if it is situated in the City of London, the Common Council of the City.
- (3) At the end of section 32 of the said Act of 1936 there shall be added the following subsection:—
- “(4) The council of every inner London borough and the Common Council of the City of London shall supply a copy of the said map to the Greater London Council.”
- 37 (1) Where a person proposes under section 34 of that Act (right of owners and occupiers to drain into public sewers) to make a communication between a drain or sewer and a main sewer in Greater London, the grounds on which the local authority may refuse under subsection (3) of that section to permit the communication shall be such grounds as they think fit, and no application to a magistrates' court may be made under the proviso to that subsection in respect of any such refusal by the water authority.
- (2) In this paragraph " main sewer " means a public sewer used for the general reception of sewage from other public sewers and not substantially used for the reception of sewage from private sewers and drains.
- 38 In section 40(4) of that Act (soil pipes and ventilating shafts) after the words " local authority " there shall be inserted the words " or the water authority for the area ".
- 39 (1) In section 48(1) of that Act (examination and testing of drains, etc.) for the word " local " there shall be substituted the word " relevant ".
- (2) After the said subsection (1) there shall be inserted the following subsection:—
- “(1A) In subsection (1) above " relevant authority " means, in relation to a drain or private sewer connecting with a public sewer, the water authority for the area, and in any other case the local authority.”.
- 40 In section 50(1) of that Act (overflowing and leaking cesspools) after the words "the local authority" there shall be inserted the words " or the water authority for the area ".
- 41 In section 137(1) of that Act, as amended by section 29 of the Water Act 1945, (securing sufficient water supply to new houses) the words " the local authority or other " shall cease to have effect.
- 42 (1) In section 138(1) of the said Act of 1936, as amended by section 30 of the Water Act 1945, (securing sufficient water supply for occupied houses) the words " the local authority or other " shall cease to have effect.
- (2) In section 138(4) of the said Act of 1936. as amended by Schedule 4 to the Water Act 1945, for the words from "section thirty-five " to " that section" there shall be substituted the words " section 29 of Schedule 3 to the Water Act 1945 or under that section ".

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- (3) In section 138(5) of the said Act of 1936, the words " the local authority or other " shall cease to have effect

Diseases of Fish Act 1937

- 43 For section 8(2) of the Diseases of Fish Act 1937 (penalties and legal proceedings) there shall be substituted the following subsections—

“(2) In England and Wales a water authority shall have power to take legal proceedings to enforce provisions of this Act as respects waters in their area.

(3) Offences against this Act committed in Scotland (including offences committed in waters with respect to which functions under this Act are exercisable by the North West Water Authority) shall be prosecuted and fines recovered in manner directed by the Salmon Fisheries (Scotland) Act 1868.”.

Public Health (Drainage of Trade Premises) Act 1937

- 44 Section 4(4) of the Public Health (Drainage of Trade Premises) Act 1937 (exemption of laundries from need for consent to discharges) shall cease to have effect.

Rural Water Supplies and Sewerage Act 1944

- 45 In section 1(1) and (4) of the Rural Water Supplies and Sewerage Act 1944 (government contributions towards expenses of rural water supplies and sewerage) for the word " local" there shall be substituted the word " water ".

- 46 Section 2 of that Act (contributions by county councils towards expenses of rural water supplies and sewerage) shall cease to have effect

Water Act 1945

- 47 For subsections (1) and (2) of section 10 of the Water Act 1945 (variation of limits of supply) there shall be substituted the following subsections:—

“(1) Subject to section 11(8) of the Water Act 1973 (which relates to the boundaries of water authority areas), the Secretary of State may—

- (a) on the application of any statutory water undertakers, by order vary their limits of supply, but not so as to include any area which is within the limits of supply of any other statutory water undertakers ;
- (b) on the application of two or more statutory water undertakers, by order provide for the variation by agreement of any common boundary between their respective limits of supply.

(2) Subject to section 11(8) of the Water Act 1973, where it appears to the Secretary of State that it is expedient to vary the limits of supply of any statutory water undertakers and he is satisfied that such variation cannot be secured under the last foregoing subsection, the Secretary of State may make an order providing compulsorily for such variation.”

- 48 (1) In the second paragraph of subsection (10) of section 14 of that Act (control of abstraction and prevention of waste) for the words from " application " to " take "

there shall be substituted the words " application of the water authority within whose area the well, borehole or other work is situated, authorise them to take ".

(2) In subsection (12) of that section—

- (a) for the words from the beginning to " concerned" there shall be substituted the words " Any officer of a water authority authorised for the purpose by the authority " , and
- (b) for the words " area of the river authority " (which were substituted by the Water Resources Act 1963) there shall be substituted the words " water authority area ".

49 In the proviso to section 15(1) of that Act (agreements as to drainage, etc.) for the words from " otherwise " to the end of the subsection there shall be substituted the words "into a watercourse otherwise than through public sewers, the undertakers shall before entering into the agreement—

- (a) consult any water authority exercising functions in relation to the watercourse ; and
- (b) if the watercourse is subject to the jurisdiction of a navigation authority, consult that authority."

50 In section 19(1) of that Act (byelaws) for the words from " the provisions " to " Act" there shall be substituted the words " Part II of Schedule 7 to the Water Act 1973 ".

51 In paragraph (a) of the proviso to section 22(2) of that Act (acquisition of land and execution of works) for the words from " watercourse " to the end of the paragraph there shall be substituted the words "watercourse—

- (i) consult any water authority exercising functions in relation to the watercourse ; and
- (ii) if the watercourse is subject to the jurisdiction of a navigation authority, consult that authority ;”.

52 In section 34 of that Act (temporary discharge of water into watercourse)—

- (a) in paragraph (a) of subsection (2), for the words from " to the " to the end of the paragraph there shall be substituted the words " to any water authority exercising functions in relation to any watercourse into which the water is to be discharged; " and
- (b) in subsection (3), for the words from " under", in the second place where it occurs, to the end of the subsection there shall be substituted the words " to send to a water authority under paragraph (a) of the last foregoing subsection ; ".

53 (1) The following provisions of this paragraph shall have effect for amending and modifying sections 36 to 38 of that Act (obligation to supply water and recovery of water rates) and for adapting references in Schedule 3 to that Act to a water rate and related expressions.

(2) Subject to the following provisions of this paragraph—

- (a) any reference in section 38 to a water rate shall be construed as including a reference to any charge payable under Part III of this Act; and
- (b) any reference in Schedule 3 to a water rate shall be construed as including a reference to any such charge for services which include a supply of water for domestic purposes.

(3) Without prejudice to the power of a statutory water company to act as agent for a water authority apart from this sub-paragraph, a statutory water company who are

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supplying water on behalf of a water authority may recover on behalf of the authority any charge payable under Part III of this Act for services provided by the authority within the company's limits of supply and exercise on behalf of the authority any other powers of the authority under section 38, and references in that section to the undertakers shall be construed accordingly.

- (4) Any reference in sections 36 and 37 and in sections 29 and 40 of Schedule 3 to a water rate shall be construed as including a reference to that proportion of any such charge as is stated by the water authority to be payable for a supply of water for domestic purposes, and it shall be the duty of a water authority when fixing any such charge to state the proportion of the charge which is so payable.
 - (5) In sections 46 and 54 to 58 of Schedule 3 any reference to a water rate shall include a reference to any such charge in the nature of a rate for a supply of water and the provision of other services, and in section 55(1) any reference to the rate poundage shall be construed accordingly.
 - (6) Any reference in any of the provisions mentioned in this paragraph to an instalment of a charge so mentioned shall be construed as a reference to a payment.
 - (7) In this paragraph " a supply of water for domestic purposes " has the same meaning as in Schedule 3 to the Water Act 1945.
- 54 At the end of section 42(2) of that Act (accounts) there shall be added the words " and to any water authority on whose behalf the undertakers are supplying water in pursuance of arrangements made under section 12 of the Water Act 1973. "
- 55 In section 55(1)(c) of that Act (authentication of documents) for the words "not being a local" there shall be substituted the words " other than a water ".
- 56 In section 59(1) of the Water Act 1945 (interpretation), in the definition of "watercourse", for the words "joint board of local authorities " there shall be substituted the words " water authority ".
- 57 In paragraphs 2 and 11 of Schedule 1 to that Act (procedural provisions) for the words " the Metropolitan Water Board ", in both places where they occur, there shall be substituted the words " a water authority ".
- 58 In paragraph 3 of that Schedule, for sub-paragraphs (ii) and (iii) there shall be substituted the following sub-paragraphs:—
- “(ii) on any water authority exercising functions in the area affected by the order ; and
 - (iii) where it is proposed that the order shall authorise the execution of works, on any navigation authority exercising functions in relation to a watercourse affected by the works proposed to be executed.”
- 59 In paragraph 12 of that Schedule—
- (a) for sub-paragraph (ii) there shall be substituted the following sub-paragraph:—
 - “(ii) on any water authority exercising functions in the area affected by the order ; and”;
 - (b) in sub-paragraph (iii) after the word " undertakers " there shall be inserted the words " not being a water authority ";
 - (c) for sub-paragraphs (iv) and (v) there shall be substituted the following sub-paragraph:—

“(iv) where it is proposed that the order shall authorise the execution of works, on any navigation authority exercising functions in relation to a watercourse affected by the works proposed to be executed.”

- 60 In section 1(1) (interpretation) of Schedule 3 to that Act (procedural provisions), in the definition of " watercourse" for the words " joint board of local authorities " there shall be substituted the words " water authority ".

Water Act 1948

- 61 For section 9 of the Water Act 1948 (subscriptions to associations of water undertakers) there shall be substituted the following subsection:—

“9 A statutory water company and a joint water board and joint water committee within the meaning of the Water Act 1973 may pay reasonable subscriptions whether annually or otherwise to the funds of any association representing any description of water undertakers and formed for the purpose of consultation as to their common interests and the discussion of matters relating to the supply of water.”

- 62 In section 14(1) of that Act (duty of statutory water undertakers to make reports etc. to Secretary of State) for the words from the beginning to " authorities " there shall be substituted the words " Every statutory water company and every joint water board and joint water committee within the meaning of the Water Act 1973 ".

Rivers (Prevention of Pollution) Act 1951

- 63 In section 2(1) of the Rivers (Prevention of Pollution) Act 1951, for the words "a local authority" there shall be substituted the words " a water authority, a harbour authority within the meaning of the Harbours Act 1964 or a development corporation established under the New Towns Act 1965 or any Act replaced by that Act " and for the words " the local authority " there shall be substituted the word " they ".

Town Development Act 1952

- 64 In section 2(2) of the Town Development Act 1952 (Exchequer contributions to councils of receiving districts), after paragraph (e), there shall be inserted the following paragraph:—

“(ee) payments under section 16 of the Water Act 1973 in respect of the provision of a public sewer needed for the purposes or in consequence of the development.”

- 65 (1) In section 7 of the Town Development Act 1952 (authorities eligible to participate) for paragraph (d) there shall be substituted the following paragraph:—

“(d) a water authority”,

and any other reference to a joint water or sewerage board in sections 7 and 8 of that Act shall be construed as a reference to a water authority.

- (2) Section 8(4) of that Act (exercise of sewerage functions by participating authorities) shall cease to have effect.

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Local Government (Miscellaneous Provisions) Act 1953

- 66 For section 12 of the Local Government (Miscellaneous Provisions) Act 1953 (application of provisions of Schedule 3 to the Water Act 1945 to the water undertakings of local authorities) there shall be substituted the following section:—

“12 Water undertakings of water authorities.

- (1) Subject to any provision to the contrary contained in any instrument made under or by virtue of the Water Act 1973, Part XIII of Schedule 3 to the Water Act 1945 (provisions for preventing waste of water), except section 61 (power to test water fittings), shall apply throughout every water authority area except in the limits of supply of a statutory water company within the meaning of the Water Act 1973.
- (2) Section 64 of that Schedule (waste of water by non-repair of water fittings) shall have effect, in its application to the undertaking of a water authority, as set out with modifications in the Schedule to this Act.
- (3) Notwithstanding anything in section 41(3) of the said Schedule 3 (recovery from owners or occupiers of expenses incurred by the undertakers in laying communication pipes), as it applies in relation to the water undertaking of a water authority, or in any corresponding provision of a local enactment within the meaning of the Water Act 1945 relating to the supply of water by a water authority, that authority may, if they think fit, themselves bear the whole or any part of any expenses recoverable by them under that subsection or the corresponding provision.”

Protection of Birds Act 1954

- 67 In section 14(1) of the Protection of Birds Act 1954 (interpretation) for the words in paragraph (c) of the definition of " authorised person " from " that is to say " to " 1945 " there shall be substituted the words " that is to say, the Nature Conservancy Council, a water authority or any other statutory water undertakers, a local fisheries committee constituted under the Sea Fisheries Regulation Act 1966, ".

Rural Water Supplies and Sewerage Act 1955

- 68 In section 1(1) of the Rural Water Supplies and Sewerage Act 1955 (government contributions) for the word "local" there shall be substituted the word " water ".

House of Commons Disqualification Act 1957

- 69 In Part III of Schedule 1 to the House of Commons Disqualification Act 1957 (offices the holders of which are disqualified for membership of the House of Commons) there shall be inserted at the appropriate places in alphabetical order—
- “(a) Chairman, or other member appointed by a Minister, of the National Water Council;
 - (b) Chairman of a regional water authority ;
 - (c) Chairman of the Welsh National Water Development Authority”.

Highways Act 1959

- 70 (1) In subsection (4) of section 103 of the Highways Act 1959 (drainage of highways and proposed highways) for the words " local authority" there shall be substituted the words " water authority ".
- (2) In subsection (4A) of that section (notice to be given before exercise of powers under subsection (4)) after the word " district" there shall be inserted the words " and the water authority ".
- 71 For section 227(2) of that Act (determination of differences about vesting and use of highway drains and sewers) there shall be substituted the following subsection:—
- “(2) Any difference arising under this section—
- (a) between a county council and the council of a district—
- (i) as to the council in whom a drain is vested, or
- (ii) as to the use of a drain or sewer; or
- (b) between a county council and a water authority as to the use of a sewer ;
- shall, if either party to the dispute so elect, be referred to and determined by the Secretary of State”.

Land Drainage Act 1961

- 72 (1) In subsection (1) of section 3 of the Land Drainage Act 1961 (designation of watercourses and special drainage charge) for the words from the beginning to " river board ", in the second place where those words occur, there shall be substituted the words " Where it appears to a regional land drainage committee that the interests of agriculture in the water authority's area or any part of it require the carrying out of drainage works in connection with watercourses in that area, they may pass a resolution to that effect; and if the committee pass such a resolution, the water authority ".
- (2) After the said subsection (1) there shall be inserted the following subsection—
- “(1A) A water authority shall not submit a scheme under subsection (1) above except one which their regional land drainage committee has submitted to them ; but it shall be their duty to submit any scheme which that committee has submitted to the Minister without modification.”.
- (3) In subsection (5) of that section, for the words from "as modified " to the end of the subsection there shall be substituted the words " and, subject to subsections (7) to (10) of this section, that Act shall apply to such a scheme, except so far as subsection (1) of section 4 enables the Minister to direct a water authority to submit a scheme, as it applies to a scheme under paragraph (b) of that subsection ".
- 73 (1) In subsection (1) of section 34 of that Act (power of local authority to undertake drainage works against flooding), after the word " shall ", in the second place where that word occurs, there shall be inserted the words " except as provided by subsections (1A) and (1B) of this section ".
- (2) After that subsection there shall be inserted the following subsections:—
- “(1A) A byelaw made in pursuance of this section shall not be valid until it has been confirmed by the Minister.

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(1B) Notwithstanding subsection (1) of this section, section 236 of the Local Government Act 1972 (and not Part II of Schedule 7 to the Water Act 1973) shall have effect in relation to byelaws made in pursuance of this section”.

74 In section 40(1) of that Act (powers of entry) for the words "any drainage board other than a river authority" (which were inserted in that subsection by the Water Resources Act 1963) there shall be substituted the words " an internal drainage board ".

75 In section 43 of that Act (provision by drainage board of housing accommodation for employees) for the word " A " there shall be substituted the words " An internal ".

Public Health Act 1961

76 In paragraph 8 of Schedule 2 to the Public Health Act 1961 (supplementary provisions concerning sewerage contributions) for the words "the clerk of the local authority" there shall be substituted the words " a duly authorised officer of the water authority ".

Water Resources Act 1963

77 (1) In section 16(2) of the Water Resources Act 1963 (inspection and copying of records), for the words from " records kept" to " scheme " there shall be substituted the words " any records kept by them of the rainfall, the evaporation of water and the flow, level and volume of inland water and water in underground strata in their area. ".

(2) In section 16(3) of that Act for the words from " such fees " onwards there shall be substituted the words " such reasonable fees as the authority may determine ".

78 After section 24(9) of that Act (exceptions from general restrictions) there shall be added the following subsection:—

“(10) In this section, ' land drainage' includes the protection of land against erosion or encroachment by water, whether from inland waters or from the sea, and also includes warping and irrigation other than spray migration.”

79 At the end of section 38(2) of that Act (reference of applications for licences to Secretary of State) there shall be added the following paragraph:—

“(c) may except from the operation of the direction such classes of applications as may be specified in the direction in such circumstances as may be so specified.”

80 (1) For subsection (1) of section 60 of that Act (exemptions from and reduction of charges) there shall be substituted the following subsection:—

“(1) A water authority may, on the application of any person who is liable to pay charges to the authority for the abstraction of water under a licence under this Act, make an agreement with him either exempting him from the payment of charges or providing for charges to be levied on him at reduced rates specified in the agreement.”

(2) In paragraph (a) of subsection (2) of that section for the words " river authority's new functions " there shall be substituted the words " functions conferred on the water authority by section 9 of the Water Act 1973 ".

- (3) In subsection (6) of that section for the words from the beginning to "the scheme" there shall be substituted the words " No charges shall be levied ".
- 81 (1) In subsection (8)(d) of section 63 of that Act (special charges in respect of spray irrigation) for the words " any charging scheme for the time being in force" there shall be substituted the words " Part III of the Water Act 1973 and any charges scheme under that Part of that Act "
- (2) In subsection (9) of that section for the words from "anything contained " to the end of the subsection there shall be substituted the words " any provision of Part III of the Water Act 1973 or any charges scheme under that Part of that Act, but nothing in this section or in any agreement made thereunder shall affect the operation of any such provision or scheme in relation to a licence in so far as it authorises water abstracted in pursuance of the licence to be used on any land other than the relevant land. ".
- 82 In paragraph (d) of section 79(4) of that Act (byelaws relating to reservoirs) after the word " undertakers " there shall be inserted the words " other than the water authority ".
- 83 (1) The following provisions of this paragraph shall have effect with respect to section 82 of that Act (transfer of functions or property of other authorities) and orders under that section.
- (2) In section 82 references to a navigation authority, conservancy authority and harbour authority shall each include references to a body which no longer has any members but which, if it had members, would be such an authority.
- (3) The Ministers shall not be under any duty under paragraph 1 of Schedule 10 to that Act to consult or consider representations from any body from which functions or property are proposed to be transferred by an order under section 82 if the body no longer has any members.
- (4) Where an application is made to the Ministers to make an order under section 82 transferring functions or property from a body which no longer has any members, the Ministers need not cause any such notice as is mentioned in paragraph 2 of Schedule 10 to that Act to be served on that body.
- 84 In section 120 of that Act (service of documents), in subsections (1) and (5). after the words "this Act" there shall be inserted the words " or the Water Act 1973 ".
- 85 In section 135(1) of that Act (interpretation) for the definition of "land drainage" there shall be substituted the following definition:—
- “" land drainage " includes defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems.”
- 86 In section 135(3) of that Act (definition of "local authority sewer") for the words from "a sewerage authority" to the end of paragraph (b) there shall be substituted the words
- “any of the following, that is to say—
- (a) a water authority ;
- (b) a local authority”.

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Harbours Act 1964

- 87 In section 58 of the Harbours Act 1964 (authorities not to be treated as harbour authorities), for the words from " a river board " to "Catchment Board" there shall be substituted the words " a water authority, a river purification authority, a district board nor an improvement committee ".

New Towns Act 1965

- 88 In section 34 of the New Towns Act 1965 (power to authorise provision of sewers and sewage disposal works by development corporation)—
- (a) in subsection (1), for the words "local authority" there shall be substituted the words " water authority "; and
 - (b) in subsection (2), after " district" there shall be inserted the words " and the water authority for every water authority area ".
- 89 For section 40 of that Act (power to transfer sewerage and sewage disposal undertakings of development corporations to local authorities) there shall be substituted the following section :—

“40 Transfer of sewerage and sewage disposal undertakings to water authorities.

- (1) A development corporation for a new town who have, in pursuance of an order under section 34 of this Act, been carrying on a sewerage or sewage disposal undertaking may by agreement with a water authority, and with the consent of the Secretary of State and the Treasury, transfer the whole or any part of the undertaking to that authority.
- (2) The Secretary of State may by order provide for the transfer to a water authority of the whole or any part of a sewerage or sewage disposal undertaking which has, in pursuance of an order under section 34 of this Act, been carried on by the development corporation for a new town, and any such order may contain such incidental, consequential and supplementary provisions as the Secretary of State thinks necessary or expedient for the purposes of the order.
- (3) The terms on which the whole or any part of an undertaking is transferred by an order under this section shall be such as the Secretary of State, with the consent of the Treasury, may specify in the order, and those terms may provide for the payment by the water authority of such sums, to be satisfied in such manner, as may be so specified:

Provided that the total of the sums so paid shall not exceed the total capital cost of the undertaking less depreciation written off.

- (4) Before making an order under this section the Secretary of State shall consult with the water authority and with any other authority appearing to him to be concerned.
- (5) The Secretary of State shall give notice of any order which he proposes to make under this section to the water authority and the development corporation and, if within twenty-eight days after he has given notice to them either authority give notice to him that they object to the proposal and the

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objection is not withdrawn, the order shall be subject to special parliamentary procedure”.

National Insurance (Industrial Injuries) Act 1965

- 90 (1) In relation to accidents happening to insured persons (within the meaning of the National Insurance (Industrial Injuries) Act 1965) who attend courses or avail themselves of training faculties provided or approved by the Council, sections 7 to 9 of that Act (which make provision for treating certain accidents as arising out of and in the course of an insured person's employment) shall have effect subject to the following modifications.
- (2) For the purposes of section 7, any act done by the insured person for the purposes of and in connection with his training shall, if it is not done for the purposes of and in connection with his employer's trade or business, be deemed to be so done.
- (3) For the purposes of section 8, any vehicle (within the meaning of that section) which is operated by or on behalf of the Council or some other person by whom it is provided in pursuance of arrangements made with the Council shall, if not operated and provided as mentioned in subsection (1)(b)(i) of that section, be deemed to be so operated and provided.
- (4) For the purposes of section 9, any premises at which an insured person is for the time being employed for the purposes of his training shall, if they are not premises at which he is employed for the purposes of his employer's trade or business, be deemed to be such premises.

Sea Fisheries Regulation Act 1966

- 91 In section 18(3) of the Sea Fisheries Regulation Act 1966 (areas of jurisdiction), for the words from "section 119 " to "river authority)" there shall be substituted the words " section 36(3) of the Water Act 1973 (procedure relating to byelaws made by a water authority) ".

Countryside Act 1968

- 92 In section 22 of the Countryside Act 1968 (recreational facilities at reservoirs, etc.), the following amendments shall be made:—
- (a) in subsection (2), for the words " subsection (1) above" there shall be substituted the words " section 20(1) of the Water Act 1973 "; and
- (b) in subsections (3) to (5), for the words "subsections (1) and (2) above " there shall be substituted the words " section 20(1) of the Water Act 1973 and subsection (2) above. "

Agriculture Act 1970

- 93 In section 98 of the Agriculture Act 1970 (duty of local authority in Scotland whose area adjoins England to consult English authorities about flood warning systems), for the words from " river " to " 1963 " there shall be substituted the words " regional water authority established for that area under section 2 of the Water Act 1973 ;

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Town and Country Planning Act 1971

- 94 In section 147(4) of the Town and Country Planning Act 1971 (exclusion of compensation for refusal of planning permission, etc., where development is premature by reference to (a) the order of priority in the development plan or (b) any existing deficiency in the provision of water supplies or sewerage services), for the proviso there shall be substituted the following proviso:—

“Provided that this subsection shall not apply if the reason or one of the reasons so stated is that that development would be premature by reference to the matters mentioned in paragraph (a) of this subsection and the planning decision refusing the permission is made on an application made more than seven years after the date of a previous planning decision whereby permission to develop the same land was refused for the same reason, or for reasons which included the same reason.”

Salmon and Freshwater Fisheries Act 1972

- 95 In section 3(2) of the Salmon and Freshwater Fisheries Act 1972 (byelaws about close season, etc.), for the words from "and paragraphs " to the end there shall be substituted the words " and Part I of Schedule 7 to the Water Act 1973 shall apply accordingly ".

- 96 In section 9(1) of that Act (production of fishing licences) for the words from the beginning to the end of paragraph (c) there shall be substituted the words " A water bailiff appointed by a water authority on producing evidence of his appointment, or any constable, ".

- 97 For paragraph 18 of Schedule 1 to that Act (provisions with respect to licences) there shall be substituted the following paragraph :—

“18 The production of a printed copy of a statement purporting to be issued by a water authority as to a licence duty fixed and, if it be the case, approved by the Minister under this Schedule or under the 1923 Act shall be prima facie evidence that the licence duty was fixed or approved as there mentioned and of the amount of the duty, and without proof of the handwriting or official position of any person reporting to sign the statement.”.

Local Government Act 1972

- 98 In section 223(2) of the Local Government Act 1972 (appearance in legal proceedings), for the words from " river " to the end of the subsection there shall be substituted the words " water authority ".