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STATUTORY INSTRUMENTS

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**1974 No. 607**

**The Water Authorities etc. (Miscellaneous Provisions) Order 1974**

**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

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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.