

1983 No. 1267

WATER, ENGLAND AND WALES

The Water (Compensation) Regulations 1983

<i>Made - - - -</i>	<i>17th August 1983</i>
<i>Laid before Parliament</i>	<i>30th August 1983</i>
<i>Coming into Operation</i>	<i>30th September 1983</i>

The Secretary of State for the Environment, in exercise of the powers conferred upon him by paragraph 8 of Schedule 2 to the Water Act 1983(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Water (Compensation) Regulations 1983 and shall come into operation on 30th September 1983.

Interpretation

2. In these regulations, unless the context otherwise requires—

“the Act” means the Water Act 1983, and “paragraph 8” means paragraph 8 of Schedule 2 to the Act;

“the 1978 Act” means the Employment Protection (Consolidation) Act 1978(b);

“the compensation authority” has the meaning assigned to it by regulation 3 below;

“the date of transfer” means 30th September 1983.

Designation of compensation authority

3. For the purposes of paragraph 8, the Severn-Trent Water Authority is hereby designated as the compensation authority.

Transfer of specified liabilities

4. On the date of transfer, the liabilities of the National Water Council relating to—

(a) the payment of benefits or compensation in respect of early retirement or for loss of employment, and

(b) redundancy payments within the meaning of the 1978 Act

(a) 1983 c. 23.

(b) 1978 c. 44.

shall be transferred to the compensation authority and shall become liabilities of that authority.

Recovery of cost by compensation authority

5.—(1) Where, in respect of any year or other period to which any determination is expressed to relate, the compensation authority has calculated and notified in writing to any water authority the amount of the total cost, the compensation authority may recover the relevant proportion of that cost from that authority.

(2) In this regulation, “determination” means a determination made and issued by the Secretary of State in pursuance of paragraph 8; “the total cost” means the cost incurred by the compensation authority in consequence of these regulations; and, in relation to any water authority other than the compensation authority, “the relevant proportion” means the proportion of the total cost specified in any determination in respect of that authority.

Signed by authority of the Secretary of State

Ian Gow,
Minister for Housing and Construction,
Department of the Environment.

17th August 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 3(1) and (3) of the Water Act 1983 provides that the Secretary of State may by order determine the functions of the National Water Council. Paragraph 8 of Schedule 2 to the Act empowers the Secretary of State to transfer to a specified water authority certain named liabilities of the Council.

By the Water Act 1983 (National Water Council Appointed Day) Order 1983 (S.I. 1983/1235) the Secretary of State for the Environment has appointed 1st October 1983 as the day on which the functions of the National Water Council are to determine.

These Regulations provide (regulations 3 and 4) that the liabilities of the National Water Council relating to certain specified payments shall be transferred to the Severn-Trent Water Authority on 30th September 1983 and shall become liabilities of that authority.

The Regulations also provide (regulation 5) that the Severn-Trent Water Authority (“the compensation authority”) may recover from each of the other water authorities a proportion of the cost incurred by the compensation authority under the Regulations, as determined by the Secretary of State from time to time.

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