



# Water Resources Act 1963

## 1963 CHAPTER 38

### PART II

#### RIVER AUTHORITIES AND WATER RESOURCES BOARD

##### *River authorities*

### **3 Establishment of river authorities**

- (1) The Ministers shall, as soon as practicable after the passing of this Act, and after consultation with such persons, or bodies representative of persons, as they consider appropriate, by order establish authorities, to be called " river authorities ".
- (2) The names of the river authorities established by virtue of this section shall be those specified in the second column of Schedule 1 to this Act; and, subject to the following provisions of this section, the area for which any such river authority is so established shall be an area consisting of the river board area, or combination of river board areas, specified in relation to that river authority in the third column of that Schedule.
- (3) The area for which a river authority is for the time being established by virtue of this section or of section 10 of this Act shall be called a " river authority area ".
- (4) All the river authorities established by virtue of this section—
  - (a) shall come into existence on such day as may be appointed for the purposes of this paragraph by an order made by the Ministers (in this Act referred to as " the first appointed day "), and
  - (b) on and after such day (subsequent to the first appointed day) as may be appointed for the purposes of this paragraph by an order made by the Ministers (in this Act referred to as " the second appointed day ") shall perform the functions assigned or transferred to them by or under this Act.
- (5) The functions assigned by or under this Act to river authorities, other than functions transferred to them by or under section 5 or (except as otherwise provided in that section) section 82 of this Act, are in this Act referred to as their " new functions "; and the functions transferred to river authorities by or under those sections (except

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as otherwise provided in the said section 82) are in this Act referred to as their "transferred functions".

- (6) In this section, and in Schedule 1 to this Act, any reference to a river board area is a reference to that area as it exists immediately before the first appointed day for the purposes of the functions of river boards relating to land drainage.
- (7) The provisions of Schedule 2 to this Act shall have effect for the purposes of this section.

#### **4 General duty of river authorities in relation to water resources**

Without prejudice to any other functions assigned or transferred to them by or under this Act, it shall be the duty of each river authority, as from the second appointed day, to take all such action as they may from time to time consider necessary or expedient, or as they may be directed to take by virtue of this Act, for the purpose of conserving, re-distributing or otherwise augmenting water resources in their area, of securing the proper use of water resources in their area, or of transferring any such resources to the area of another river authority.

#### **5 Transfer to river authorities of functions of river boards**

- (1) As from the second appointed day, all the functions which immediately before that day were exercisable by river boards by virtue of—
- (a) section 4 of the River Boards Act 1948 (which provided for the transfer to river boards of functions relating to land drainage, fisheries, river pollution and other matters), or
  - (b) section 8 of that Act (which provided for the transfer to river boards of functions of navigation authorities, conservancy authorities and harbour authorities), or
  - (c) the Rivers (Prevention of Pollution) Acts 1951 to 1961, or
  - (d) any other statutory provision not contained in, or made or issued under, the River Boards Act 1948,
- shall be transferred to the river authorities established under this Act.
- (2) In accordance with the preceding subsection, the provisions of Schedule 3 to this Act shall have effect for adapting statutory provisions as mentioned in that Schedule.

#### **6 Constitution of river authorities**

- (1) A river authority shall consist of not less than twenty-one members and (excluding any additional members) not more than thirty-one members, or such greater number (if any) as may be prescribed under subsection (5) of this section.
- (2) Such number of members of a river authority as is sufficient (but not more than sufficient) to constitute a majority of the total membership of the authority (including any additional members thereof) shall, subject to the provisions of the next following section, be appointed by or on behalf of all the constituent councils.
- (3) The remainder of the members of a river authority (other than additional members) shall consist of the following, that is to say—
- (a) one or more members appointed by the Minister of Agriculture, Fisheries and Food as being qualified in respect of land drainage generally or as being

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- qualified in respect of the protection of land against erosion or encroachment by the sea or any other particular aspects of land drainage;
- (b) one or more members appointed by (that Minister as being qualified in respect of fisheries;
  - (c) one or more members appointed by that Minister as being qualified in respect of agriculture;
  - (d) one or more members appointed by the Minister as being qualified in respect of public water supply; and
  - (e) one or more members appointed by the Minister as being qualified in respect of industry other than agriculture.
- (4) In the last preceding subsection " qualified ", in relation to any subject mentioned in paragraphs (a) to (e) of that subsection, means qualified as having had experience of, and shown capacity in, or otherwise as having special knowledge of, matters which relate to that subject as it affects the area of the river authority.
- (5) If in the case of a particular river authority it appears to the Ministers that, by reason of special circumstances, the number of members of the authority, other than additional members, ought to exceed thirty-one, the order establishing the authority may provide that the number of members of the authority (excluding additional members) shall be such number, greater than thirty-one, as may be specified in the order.
- (6) The provisions of Schedule 4 to this Act shall have effect with respect to river authorities.
- (7) In this Act " constituent council", in relation to a river authority, means the council of a county or county borough any part of which is comprised in the area of the river authority.

## **7 Local authority members of river authorities**

- (1) Members of a river authority appointed as mentioned in subsection (2) of the last preceding section (in this Act referred to as " local authority members " of a river authority) may be either members of the constituent councils or other persons.
- (2) The number of local authority members of a river authority to be appointed by each constituent council shall be specified in the order establishing the river authority, and for that purpose shall be determined by the Ministers having regard to the appropriate penny rate product for the relevant area of each such council for the relevant year (calculated in accordance with section 121 of this Act).
- (3) Where, in the case of a particular constituent council, the Ministers, having regard to the proportion which the appropriate penny rate product for the relevant area of that council for the relevant year bears to the aggregate of the appropriate penny rate products for the relevant areas of all the comparable constituent councils for that year.
- (a) consider it to be inappropriate that that council should appoint a local authority member of the river authority, or
  - (b) consider that one or more local authority members of the river authority should be appointed jointly by that council and one or more of the other comparable constituent councils,

the order establishing the river authority may provide accordingly.

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In this subsection "comparable constituent councils", in relation to a county council, means constituent councils which are county councils, and, in relation to a county borough council, means constituent councils which are county borough councils.

- (4) Where in accordance with paragraph (b) of the last preceding subsection the order provides for the joint appointment of one or more local authority members, and the councils by whom that appointment is to be made are unable to agree on an appointment, the local authority members in question shall be appointed by the Ministers on behalf of those councils.
- (5) Where local authority members of a river authority are to be appointed by the council of a county, and, in the case of a particular county district in that county, the appropriate penny rate product for the relevant area of the county district council for the relevant year bears to the aggregate of the appropriate penny rate products for that year for the relevant areas of all the constituent county councils of the river authority a proportion greater than that borne by the number one to the total number of local authority members of the river authority to be appointed by county councils.—
  - (a) the order establishing the river authority shall specify a number determined by the Ministers having regard to that proportion, and
  - (b) the local authority members appointed by that county council shall include that number of persons appointed from among persons nominated by the council of that county district.
- (6) In the appointment of local authority members of a river authority, the constituent councils shall, so far as may be practicable, select persons appearing to them to have a practical knowledge of the matters to which the functions of the river authority will relate; and where two or more local authority members are to be appointed by the council of a county, the council (subject to the last preceding subsection) shall, so far as may be practicable, select persons each of whom has local associations with a different county district or group of county districts, having regard to the appropriate penny rate product for the relevant area of each county district council for the relevant year.
- (7) A person shall not be eligible to be a local authority member of a river authority if he is an officer or servant of a local authority (whether one of the constituent councils or not) unless either—
  - (a) he is an officer or servant of statutory water undertakers, not being one of the constituent councils, or
  - (b) he is a member of the council, or one of the councils, by whom or on whose behalf he is appointed.

## **8 Additional members of river authorities**

- (1) In this Act "additional members", in relation to a river authority, means members of the authority (including local authority members thereof) appointed in pursuance of the following provisions of this section.
- (2) The Yorkshire Ouse and Hull River Authority and the Trent River Authority shall each include one additional member to be appointed by the National Coal Board.
- (3) Where it appears to the Minister, the Minister of Agriculture, Fisheries and Food and the Minister of Transport, in the case of a particular river authority, that, in comparison with the generality of river authorities.—

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- (a) the authority will have exceptionally important functions relating to navigation, or
- (b) the performance of any functions of the authority will affect to an exceptional extent the functions of a navigation authority, harbour authority or conservancy authority in relation to a navigable waterway or harbour in the area of the river authority,

the order establishing the river authority may provide for the appointment by the Minister of Transport of an additional member or members to represent the interests of those affected by the performance of those functions of the river authority.

- (4) Where for any year a drainage charge has been raised and levied on occupiers of chargeable hereditaments in a river authority area (whether it has been raised and levied by the river authority or, before the second appointed day, by a river board) the Minister of Agriculture, Fisheries and Food may appoint not more than two additional members of the river authority for that area from amongst persons appearing to him to represent occupiers of chargeable hereditaments in that area.

In this subsection " drainage charge " and " chargeable hereditaments " have the same meanings as in Part I of the Land Drainage Act 1961.

- (5) Where the membership of a river authority includes one or more members appointed by virtue of subsection (2) or subsection (3) of this section, the order establishing the authority shall provide for the appointment of such additional local authority members (if any) as may be needed to make up the number required by section 6 (2) of this Act; and where that membership includes one or more members appointed by virtue of subsection (4) of this section, there shall also be appointed by or on behalf of the constituent councils, in such manner as the Ministers may direct, such additional local authority members (if any) as may be needed to make up the number so required.

## **9 Areas of river authorities for purposes of transferred functions**

- (1) For the purposes of the functions of a river authority relating to fisheries, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the river authority area in which Her Majesty's subjects have the exclusive right of fishing, in so far as, apart from this subsection, those waters and parts of the sea would not be included in the river authority area for the purposes of the enactments relating to fisheries.
- (2) Any question arising under the preceding subsection as to the extent of the tidal waters and parts of the sea included in the area of a river authority for the purposes mentioned in that subsection shall be determined by the Minister of Agriculture, Fisheries and Food, whose decision shall be final.
- (3) For the purposes of the functions of a river authority relating to river pollution, the area of the authority shall include those tidal waters and parts of the sea adjoining the coast of the river authority area to which any of the provisions of the Rivers (Prevention of Pollution) Act 1951 for the time being apply by virtue of an order made, or having effect as if made, under section 6 of that Act, in so far as, apart from this subsection, those waters and parts of the sea would not be included in the river authority area for the purposes of the enactments relating to river pollution.
- (4) The designation by or under this Act of the area of a river authority shall not be construed as affecting the performance by the authority, outside the limits of the area so designated, of any functions by virtue of—

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- (a) section 19 (1) of the Land Drainage Act 1961 (which relates to sea defence works), or
  - (b) the Rivers (Prevention of Pollution) Acts 1951 to 1961, or any order made under any of those Acts, whether before or after the passing of this Act.
- (5) Nothing in this section shall affect the construction of any reference in this Act to a river authority area, other than any such reference in this section or in Schedule 3 to this Act.

## **10 Alteration of river authority areas**

- (1) Subject to the provisions of this section, the Ministers may at any time by order—
- (a) alter any of the areas of river authorities, or
  - (b) designate a new area (consisting of any part of England and Wales, whether wholly or partly comprised in one or more of the areas specified in Schedule 1 to this Act or not) and establish a new river authority for the area so designated.
- (2) The provisions of sections 6 to 8 of this Act shall have effect in relation to any new river authority established under this section.
- (3) Any order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Ministers consider necessary or expedient for the purposes of the order, including (but without prejudice to the generality of this subsection) such provisions as they consider necessary or expedient with respect to the transfer of functions, assets and liabilities, the amendment, adaptation or repeal of local enactments, or the application (subject to such exceptions, adaptations and modifications as may be specified in the order) of any of the provisions of Part IX of this Act or any regulations made thereunder.
- (4) The provisions of Schedule 5 to this Act shall have effect with respect to orders under this section.

## **11 Maps of river authority areas**

- (1) On or as soon as practicable after the second appointed day, the Ministers shall send to each of the river authorities established under section 3 of this Act a map of the area of the river authority; and, as soon as practicable after an order under the last preceding section comes into operation, the Ministers shall send to the river authority to whom the order relates—
- (a) in the case of an order altering the area of a river authority, a map of the area as altered by the order, or
  - (b) in the case of an order designating a new area, a map of that area.
- (2) On or as soon as practicable after the second appointed day, the Minister of Agriculture, Fisheries and Food shall send to each of the river authorities established under section 3 of this Act a map—
- (a) showing by a distinctive colour the extent to which any watercourse in the river authority area was treated as the main river, or part of the main river, for the purposes of the map or maps which, immediately before the second appointed day, were for the time being in force under section 6 of the River Boards Act 1948 with respect to the river board or river boards whose area or areas is or are comprised in the river authority area, and

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- (b) indicating (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 3 of the Land Drainage Act 1961 (which relates to the designation of watercourses for drainage works in the interests of agriculture).
- (3) Where any of the following events occurs, that is to say—
  - (a) by an order under the last preceding section a river authority is established for a new area designated in the order, or
  - (b) by an order under that section the area of a river authority is altered so as to affect any of the particulars shown on a main river map, or
  - (c) a scheme under section 3 of the Land Drainage Act 1961 is confirmed by the Minister of Agriculture, Fisheries and Food,that Minister shall take action in accordance with the following provisions of this section.
- (4) Subject to the next following subsection, the action to be taken by the Minister of Agriculture, Fisheries and Food in the circumstances mentioned in the last preceding subsection shall be such action, either—
  - (a) by requiring a river authority to send to him a main river map kept by the authority, and altering the map and sending it back to the river authority, or
  - (b) by preparing a new map and sending it to a river authority, and, where a main river map is already kept by that authority, directing that the new map is to be in substitution for that map,as that Minister may consider appropriate for securing that, in each river authority area, there will be kept by the river authority a main river map—
  - (i) showing by a distinctive colour the extent to which any watercourse in the area is to be treated as the main river, or part of the main river, for the purposes of Part II of the Land Drainage Act 1930, and
  - (ii) indicating (by a distinctive colour or otherwise) which (if any) of those watercourses are watercourses designated in a scheme made under section 3 of the Land Drainage Act 1961.
- (5) Before altering a map, or preparing a new map, under the last preceding subsection, the Minister of Agriculture, Fisheries and Food shall give notice of his intention to do so in such manner as he thinks best adapted for informing persons affected, and shall consider any objections made to him within the time and in the manner specified in that notice, and may then alter or prepare the map, whether in accordance with the proposals contained in the notice or otherwise:

Provided that this subsection shall not apply to the variation of a main river map (whether by way of altering the map or preparing a new map in substitution for it) where the variation is limited to that required in consequence of the confirmation of a scheme under section 3 of the Land Drainage Act 1961.
- (6) A river authority may apply to the Minister of Agriculture, Fisheries and Food for the variation of the main river map kept by the authority and for that purpose shall send the map to that Minister; and on any such application that Minister—
  - (a) if he intends to vary the map, whether in accordance with the proposals contained in the application or otherwise, shall give notice of his intention to do so in such manner as he thinks, best adapted for informing persons affected, and shall consider any objections made to him within the time and

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- in the manner specified in that notice, and may then vary the map, whether in accordance with the proposals contained in the notice or otherwise ;
- (b) if he varies it, shall as soon as practicable send to the river authority either the map as varied or a new map prepared by him in substitution for it;
  - (c) if he determines not to vary the map, shall as soon as practicable send it back to the river authority.
- (7) Subject to the preceding provisions of this section, any map sent to a river authority under this section, except a map which has been superseded by a subsequent map sent thereunder, shall be kept at the principal office of the river authority; and the authority shall provide reasonable facilities for the inspection of the map by any person wishing to inspect it, and for the taking of copies of, and extracts from, the map.
- (8) Any map which in accordance with the last preceding subsection is required to be kept at the principal office of a river authority—
- (a) if it is a map sent under subsection (1) of this section, shall be conclusive evidence for all purposes as to the boundaries of the river authority area, and
  - (b) if it is a main river map, shall be conclusive evidence for all purposes as to what is the main river.
- (9) Any map sent to a river authority under this section shall be taken to be a document within the meaning of the Documentary Evidence Act 1868, as applied to the Minister and to the Minister of Agriculture, Fisheries and Food respectively; and that Act, as so applied, shall have effect in relation to any map sent under subsection (1) of this section as if it had been issued by each of those Ministers acting separately and not jointly.
- (10) In this section " main river map " means a map sent to a river authority under this section, otherwise than under subsection (1) thereof, in the form in which that map is for the time being in force.

### *Water Resources Board*

## **12 Establishment and principal functions of Water Resources Board**

- (1) There shall be established a Board, to be called the " Water Resources Board ", which shall come into existence on such day as may be appointed by order made by the Minister.
- (2) The Water Resources Board shall be charged with the duty of advising river authorities with respect to the performance of their new functions, and of advising the Minister with respect to the performance of his functions under section 1 of the Water Act 1945, as extended by section 1 of this Act, and with respect to such other matters (if any) as may be referred to the Board by the Minister.
- (3) Without prejudice to the last preceding subsection, it shall be the duty of the Water Resources Board—
- (a) to consider in what way action needs to be taken for the purposes of conserving, re-distributing or otherwise augmenting water resources, or of securing the proper use of water resources, either in England and Wales generally or in relation to any particular river authority area, and to give to the Minister (and, where the Board consider it appropriate, to other Ministers) and to river authorities the earliest possible notice of action which in the



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- opinion of the Board will be needed for any of those purposes, together with such recommendations with respect thereto as may appear to the Board to be necessary or expedient;
- (b) to keep under review the progress made from time to time in fulfilling the purposes mentioned in the preceding paragraph, and to make to the Minister (and, where the Board consider it appropriate, to other Ministers) and to river authorities such representations as may appear to the Board to be necessary or expedient as to any matters affecting the fulfilment of those purposes;
  - (c) to give advice, at the request of any river authority, with respect to any matter relating to the performance by the authority of their functions under Parts III and IV of this Act;
  - (d) to bring to the notice of the Minister and of the river authority concerned any case where it appears to the Board that the arrangements in force in any river authority area with respect to any such matter as is mentioned in the last preceding paragraph need to be revised;
  - (e) to encourage and assist river authorities in the formulation of such plans as the Board think necessary for augmenting water resources in a river authority area by transferring water from another river authority area ;
  - (f) to bring to the notice of the river authority concerned any case where it appears to the Board that, for the purpose of securing the proper use of water resources in a river authority area, the quality of the water contained in an inland water in that area needs to be improved, and that the requisite improvement could be obtained through the exercise of powers conferred by the Rivers (Prevention of Pollution) Acts 1951 to 1961;
  - (g) to collate and from time to time publish information from which assessments can be made of the actual and prospective demand for water, and of actual and prospective water resources, in England and Wales, and (in so far as the Board consider it appropriate to do so) to collaborate with others in collating and publishing the like information relating to the demand for water, and water resources, in Great Britain generally.
- (4) In connection with any of the matters referred to in the last preceding subsection, the Board may, and shall if so required by any Minister, carry out such research, make such inquiries and submit such reports as the Board may consider necessary or expedient or as the Minister in question may require; and for the purposes of their functions under this subsection the Board may give directions requiring any river authority to furnish the Board with such information relating to water resources in the area of the river authority as may be specified in the directions.
- (5) In the performance of their functions under this section, it shall be the duty of the Board to keep themselves informed as to the requirements, in respect of the supply of water, of such classes of users of water as are likely to make major demands on the water resources of river authority areas.
- (6) Nothing in subsections (2) to (5) of this section shall be construed as modifying the effect of any provision of this Act whereby any specific power or duty is conferred or imposed on the Water Resources Board or whereby an obligation is imposed on any other person to consult the Board.

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### **13 Constitution of Water Resources Board**

- (1) The members of the Water Resources Board, of whom there shall be not more than eight, shall be appointed by the Minister, and he shall appoint one of them to be chairman and one to be deputy chairman.
- (2) The members of the Board shall include at least one member appointed by the Minister as having special knowledge or experience of matters relating to the conservation and use of water resources in Wales.
- (3) Subject to the following provisions of this section, a member of the Board, and the chairman and deputy chairman, shall hold and vacate office as such in accordance with the terms of his appointment.
- (4) If the chairman or deputy chairman of the Board ceases to be a member of the Board, he shall also cease to be chairman or deputy chairman.
- (5) A member of the Board may, by notice in writing addressed to the Minister, resign his membership, and the chairman or deputy chairman may, by the like notice, resign his office as such.
- (6) If the Minister is satisfied that a member of the Board—
  - (a) has become bankrupt, or made an arrangement with his creditors, or
  - (b) is incapacitated by physical or mental illness, or
  - (c) has been absent from meetings of the Board for a period longer than three consecutive months without the permission of the Board, or
  - (d) is otherwise unable or unfit to discharge the functions of a member, or is unsuitable to continue as a member,the Minister may remove him from his office as a member of the Board.
- (7) A member of the Board who ceases to be a member, or ceases to be chairman or deputy chairman, shall be eligible for reappointment.
- (8) The Minister may pay to persons holding office as chairman, deputy chairman or member of the Board such remuneration in respect of that office as he may with the consent of the Treasury determine, and may pay to those persons such reasonable allowances as may be so determined in respect of expenses properly incurred by them in the performance of their duties.
- (9) In the case of any such person as the Minister may with the consent of the Treasury determine, the Minister may, in respect of that person's office as chairman, deputy chairman or member of the Board, pay such pension, allowance or gratuity to or in respect of him on his retirement or death, or such contributions or other payments towards provision for such a pension, allowance or gratuity, as may be so determined.
- (10) As soon as may be after the making of any determination under the last preceding subsection, the Minister shall lay before each House of Parliament a statement of the amount of the pension, allowance or gratuity, or the contributions or other payments towards pension, allowance or gratuity, as the case may be, payable in pursuance of the determination.
- (11) The provisions of Schedule 6 to this Act (which relate to the procedure of, and other matters concerning, the Water Resources Board) shall have effect with respect to the Board.