

ELIZABETH II



1973 CHAPTER xxix

An Act to confer further powers on the Dee and Clwyd River Authority in relation to the acquisition of lands and the administration of their new functions under the Water Resources Act 1963; the regulation of the river Dee; and for other purposes.

[25th July 1973]

WHEREAS—

(1) The Dee and Clwyd River Authority (hereinafter referred to as “the Authority”) were constituted in pursuance of the Water Resources Act 1963 (hereinafter referred to as “the Act 1963 c. 38. of 1963”) as the authority responsible for water conservation, land drainage, prevention of pollution and the management and improvement of salmon, trout and freshwater fisheries within an area which comprises parts of the administrative counties of Flint, Denbigh, Merioneth, Chester and Salop:

(2) As the authority responsible for water conservation within their area the Authority are charged with the duty of taking such action as they consider necessary or expedient for the purpose

of conserving, redistributing or otherwise augmenting the water resources in their area and of transferring water in any source of supply from that area to the area of another river authority:

(3) By the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972 made by the Secretary of State under section 67 of the Act of 1963 and other enactments, the Authority are authorised to construct the Brenig Reservoir in the county of Denbigh for the regulation of the flow of the river Dee and tributaries of that river, and the Authority intend to proceed with the implementation of the powers conferred upon them by the said order:

1957 c. xlii.

1951 c. xxi.

(4) The lord mayor, aldermen and citizens of the city of Liverpool (hereinafter referred to as "the Liverpool Corporation") own and operate, in accordance with the provisions of the Liverpool Corporation Act 1957 and certain later enactments, a reservoir authorised by the said Act of 1957 (therein referred to as the Tryweryn Reservoir and now known, and hereinafter referred to, as "Llyn Celyn") for the regulation of the flow of water in the river Dee and tributaries of that river; and, under powers conferred by the Dee and Clwyd River Board Act 1951 and now exercisable by the Authority, the Authority operate the works authorised by that Act (therein and hereinafter referred to as "the Bala Lake Works") for the regulation of the flow of water in the river Dee in accordance with provision made in the said Act of 1957 for the co-ordinated operation of those works and Llyn Celyn for river regulation:

(5) It is expedient that new provisions be made for the co-ordinated operation of the Bala Lake Works and Llyn Celyn for river regulation and, upon the completion and bringing into use of the Brenig Reservoir, for the extension of those provisions to the operation of that reservoir:

1962 c. xiv.

(6) In order to effect greater co-ordination as aforesaid and to facilitate the operation of Llyn Celyn in conjunction with Bala Lake Works and the Brenig Reservoir (when that reservoir is constructed) for river regulation, the Authority intend to make application, in agreement with the Liverpool Corporation, to the Secretary of State for an Order under section 82 of the Act of 1963 for transferring Llyn Celyn and associated works of the Liverpool Corporation to the Authority, but, under the Liverpool Corporation Act 1962, the Liverpool Corporation have provided electricity generating plant in connection with Llyn Celyn and are authorised to sell electricity; it is therefore expedient to make provision whereby, if Llyn Celyn is so transferred to the Authority, electricity generating plant provided by the Liverpool Corporation in conjunction with Llyn Celyn may also be transferred to the Authority and the Authority may be empowered to operate the same and sell electricity:

(7) The undertaking of the Liverpool Corporation comprising Llyn Celyn and associated works is rated under the General Rate Act 1967 but by provision in the said Act the said reservoir, 1967 c. 9. if transferred to the Authority, would not be so rated; and it is accordingly expedient to make provision for the rating of the said reservoir and associated works as well as other works held from time to time by the Authority for the purposes of their new functions under the Act of 1963:

(8) Water is abstracted from the river Dee for use for water supply and other purposes within the area of the Mersey and Weaver River Authority and the further regulation of the said river by means of the Brenig Reservoir, as well as the continued regulation of the said river by means of the Bala Lake Works and Llyn Celyn, is of benefit to the users of water in the said area; it is accordingly expedient that provision be made to enable the river authority of such an area deriving benefit from such works, by agreement with the Authority, to make contributions to the cost of such works:

(9) It is expedient to confer further powers on the Authority for the carrying out of their functions, to make further provision with regard to the raising of money by, and the finances of, the Authority and that the other provisions in this Act should be enacted:

(10) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

1. This Act may be cited as the *Dee and Clwyd River Authority Act 1973* Short title.

2.—(1) In this Act, unless the subject or context otherwise Interpretation. requires, the several words and expressions to which meanings are assigned by the Act of 1963 have the same meanings and—

“ the Act of 1963 ” means the Water Resources Act 1963; 1963 c. 38.

“ the Authority ” means the Dee and Clwyd River Authority;

PART I
—cont.

1951 c. xxi.

“ the Bala Lake Works ” has the same meaning as in the Dee and Clwyd River Board Act 1951;

“ Brenig Reservoir ” means the reservoir (Work No. 1) authorised by the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972;

“ the chief officer ” means the chief officer and engineer of the Authority and includes any person authorised by the Authority to exercise the functions of the chief officer of the Authority;

“ the Dee and Clwyd area ” means the area of the Authority;

“ enactment ” includes any enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force within the Dee and Clwyd area;

“ land ” includes any interest in or right over land and land covered with water;

“ Liverpool Corporation ” means the lord mayor, aldermen and citizens of the city of Liverpool;

1957 c. xlii.

“ Llyn Celyn ” means the reservoir (Work No. 1) authorised by the Liverpool Corporation Act 1957.

(2) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended or varied by any subsequent enactment, including this Act.

PART II

LANDS

Provision of substituted sites.

3. The power of the Authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land which may be acquired by the Authority under any enactment.

Power to reinstate occupiers of property.

4.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the occupier of any land acquired, or to be acquired, by the Authority under any enactment with respect to his reinstatement.

(2) Any such agreement may provide for the exchange of land; and for that purpose the Authority may pay or receive money for equality of exchange.

PART II
—cont.Undertakings
and
agreements
binding
successive
owners.

5.—(1) Every undertaking given to the Authority by the owner of a legal estate in land, and every agreement made between the Authority and any such owner, being an undertaking or agreement given or made under seal in connection with the land and expressed to be given or made in pursuance of this section, shall be enforceable by the Authority against the person who entered into, or joined as a party to, such undertaking or agreement and against all persons deriving title by, through or under him.

(2) The Authority shall send a copy of any such undertaking or agreement to the proper officer of the council of each district in which the land to which the undertaking or agreement relates is situated, and the proper officer shall cause it to be registered in the register of local land charges as a local land charge.

(3) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Authority a copy thereof.

6.—(1) If the Authority—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land; or

(c) have acquired land by agreement before the passing of this Act;

Suspension of
restrictive
covenants.

for a purpose for which they are for the time being, or could under any enactment for the time being in force be, authorised to acquire the land compulsorily, and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or under any enactment) as to the user thereof or the building thereon, the Authority may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Authority shall—

(a) in three successive weeks publish a notice in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;

PART II
—cont.

(b) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Authority within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister, and before confirming the resolution the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and, after considering the report of the person who held the inquiry, may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection, or the date on which the Authority acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Authority acquire the land.

(7) If in the opinion of the Authority there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable, the Authority may—

(a) in three successive weeks publish a notice in one or more local newspapers circulating in the locality in which the land is situated describing the land, stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which any person claiming to be entitled to

enforce a restriction against the use of the land may intimate such claim to the Authority and produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who they consider, after reasonable inquiry, may reasonably be expected to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Authority shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965 in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof, and the amount of such compensation shall be determined, in case of dispute, in accordance with the Land Compensation Act 1961. 1965 c. 56. 1961 c. 33.

(10) If the Authority dispose of any land affected by a restriction suspended under the powers of this section, they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(11) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction imposed by covenant, or otherwise restricting the development or use of land or imposing on the owner thereof any obligation or duty contained in any deed, wayleave agreement or other instrument, and imposed by, or enuring for the benefit of, the National Coal Board for the purpose of safety;

(c) any restriction for—

(i) the protection of, or for preventing interference with, the use of, or for securing access to, operational land or apparatus of any statutory undertakers;

PART II
—cont.

(ii) the prevention of pollution of water which any statutory water undertakers or the British Waterways Board are for the time being authorised to take; contained in any deed, wayleave agreement or other instrument.

In this paragraph—

1878 c. 76. “apparatus” means, in relation to the Post Office, any telegraphic line (as defined in the Telegraph Act 1878) belonging to, or used by, the Post Office, and includes any works constructed for the lodging therein of apparatus;

1969 c. 48. “operational land” in the case of the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969, and, in the case of any other statutory undertakers, has the same meaning as in section 222 of the Town and Country Planning Act 1971;

1971 c. 78. “statutory undertakers” means any company, body or person authorised by any enactment to supply electricity, gas or water, and includes the Post Office, the British Railways Board and the British Waterways Board.

(12) In this section “the appropriate Minister” means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Authority have acquired or agreed to acquire that land.

Compulsory
acquisition
of easements.

7.—(1) The Authority, by means of an order made by the Authority and submitted to, and confirmed by, the confirming authority, may be authorised to create in favour of the Authority, in, over or under, or in relation to, any land which under any enactment the Authority may be authorised to acquire compulsorily, any easement or other right in, over or under, or in relation to, such land which, in the opinion of the confirming authority, is essential to the full enjoyment or use of any land or building owned or occupied, or intended to be acquired or occupied, by the Authority for the purposes of any of their functions, powers or duties.

(2) The confirming authority shall not confirm any order under this section unless the confirming authority determine that the easement or right can be created without material detriment to the land in, over or under, or in relation to, which it is proposed to be created, or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house.

1946 c. 49. (3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained

in a public general Act and in force immediately before the commencement of the said Act of 1946 and as if—

- (a) the expression “ compulsory purchase of land ” in the said Act of 1946 included the creation of such easement or right as is mentioned in subsection (1) of this section; and
- (b) paragraphs 9 and 10 of Schedule 1 to the said Act of 1946 applied to the creation of such easement or right as is mentioned in the said subsection (1), whether it is created in, over or under, or in relation to, any land to which either of those paragraphs relates, or in, over or under, or in relation to, any other land in which the person entitled to the benefit of the paragraph has an easement or other right, being an easement or other right which, if it were land, would be land to which the paragraph relates.

(4) No such easement or right as is mentioned in subsection (1) of this section shall be deemed part of a house, building or manufactory, or of a park or garden belonging to a house, within section 8 of the Compulsory Purchase Act 1965.

1965 c. 56.

(5) In this section “ confirming authority ” means the authority having power to authorise the compulsory purchase of the land for the enjoyment or use of which the easement or other right is required or which would have had such power if such land were not already owned by the Authority.

8.—(1) The Authority may, for the purpose of enabling them to perform any of their functions, require—

Power to require information as to ownership of land.

- (a) the occupier and any person having an interest in any land within the Dee and Clwyd area and any person who either directly or indirectly receives rent in respect of such land to state in writing the nature of his own interest therein, and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and
- (b) any person who has sold or otherwise disposed of, leased or let any land within the Dee and Clwyd area to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding £10.

PART II
—cont.

(3) For the purposes of this section “interest” includes any legal estate or interest in land.

PART III

RIVER DEE REGULATION

Unified
control of
Bala Lake,
Llyn Celyn
and Brenig
Reservoir.

- 9.—(1) (a) The Bala Lake Works and the control sluices and appliances in connection therewith shall be operated by the Authority; and
(b) the discharge of water from Llyn Celyn shall be regulated by the Liverpool Corporation, or, if Llyn Celyn is transferred to the Authority, by the Authority; and
(c) when the Brenig Reservoir is brought into use, the discharge of water from that reservoir shall be regulated by the Authority;

in accordance with general directions to be issued from time to time by the Authority as normal general directions or drought general directions in accordance with the provisions of this section:

Provided that such directions shall not prejudice the supply of such quantity or quantities of water as the Liverpool Corporation may be required to supply from Llyn Celyn in pursuance of any agreement or determination made under section 27 (Supply of water from Tryweryn reservoir) of the Liverpool Corporation Act 1957.

1957 c. xlii.

(2) Normal general directions shall—

- (a) prescribe the flow or flows of water in the river Dee to be maintained at the Erbistock gauging station of the Authority or elsewhere, or at that gauging station and elsewhere, and the period or periods during which such flow or flows is or are to be maintained;
- (b) include any directions necessary for the purposes of subsection (2) of section 16 (Power to take waters of the Afon Tryweryn and other rivers and streams) of the Liverpool Corporation Act 1957; and
- (c) ensure, as nearly as may be, maintenance of the said flow or flows at all times, except during a drought more severe than the design drought, whilst having due regard to the following purposes:—
- (i) mitigating flooding;
 - (ii) securing that there will be a sufficient quantity of water in the river Dee to enable the British Waterways Board to take from the said river into their Shropshire Union Canal by means of the sluices and other works in the parish of Llantysilio in the county of Denbigh a quantity of water not in excess

of the limitation imposed by section 4 (Limitation on abstraction of water from the river Dee) of the London Midland and Scottish Railway Act 1944 (as amended by section 12 (Supply of water from Shropshire Union Canal) of the British Transport Commission Act 1954);

PART III
—cont.

1944 c. i.
(8 & 9 Geo. 6).
1954 c. lv.

- (iii) safeguarding the fisheries; and
- (iv) any other purposes which, in the opinion of the Authority, are appropriate and consistent with the purposes aforesaid.

(3) Drought general directions shall prescribe the principles, and such detail as may be considered to be expedient and practicable, in accordance with which the flow or flows prescribed by normal general directions and the designated abstractions, or either such flow or flows or such abstractions, shall be reduced in a drought more severe than the design drought.

(4) (a) As from the passing of this Act the consultative committee established by section 6 (Operation of Bala sluices and Bala Lake works) of the Dee and Clwyd River Board Act 1951 and reconstituted by section 22 (Unified control of Bala lake and Tryweryn reservoir) of the Liverpool Corporation Act 1957 shall be named the Dee Consultative Committee and shall be reconstituted as follows:—

Body represented	Number of representatives
The Authority	3
Designated abstractors	1 each
The British Waterways Board	1

(b) The meetings of the committee shall be convened by the Authority and shall be held at such intervals as the committee may decide and shall be convened at the instance of the Authority or upon the request in writing to the Authority of any of the other bodies represented upon the committee:

Provided that want of service on any member of the committee, or on any body represented on the committee, of a summons to attend a meeting shall not affect the validity of the meeting.

(c) The committee shall have the function of assisting the Authority in the formulation of general directions and the duty of commenting to the Authority upon any such directions as proposed or issued by the Authority.

PART III
—cont.

(d) The Authority shall, in preparing any such directions, consult the committee and shall have regard to any views expressed to them by the committee with respect to such directions.

(5) Drought general directions to be issued by the Authority under this section shall be subject to the reasonable approval of each of the other bodies represented on the committee and, except as provided in subsection (7) of this section, shall not come into operation until notice of approval has been given to the chief officer of the Authority on behalf of each of such bodies:

Provided that if any such drought general directions be not disapproved by any such body within two months of receipt by such body of notice of the issue thereof, such directions shall be deemed to be approved.

(6) Any drought general directions for the time being in force shall be reconsidered and revised whenever reasonably so required by any of such bodies.

(7) In cases of emergency drought general directions issued by the Authority under this section shall come into operation as from the date of issue but shall be annulled if the Authority are notified by any of the other bodies represented on the said committee, within three months after the date of issue, of their disapproval thereof:

Provided that, notwithstanding the subsequent annulment of any drought general directions so issued, such directions shall be deemed to be valid and of full force between the date of issue and that on which the Authority are first notified by one of such bodies of their disapproval thereof.

(8) Any difference or dispute in regard to any general directions or the revision thereof shall be referred to, and determined by, an arbitrator to be agreed upon between the parties to the difference or dispute or, failing agreement, appointed on the application of any such party (after notice in writing to the others of them) by the President of the Institution of Civil Engineers.

(9) As from the approval of the first issue of drought general directions under this section, such restrictions as there may be in any licence authorising a designated abstraction, whereby that abstraction is made dependent upon the maintenance of a prescribed flow at the said Erbistock gauging station, shall cease to have effect and, notwithstanding anything in the Act of 1963, any such licence shall be deemed to be varied accordingly and shall have effect subject to drought general directions under this section.

(10) In this section—

PART III
—cont.

“ design drought ” means a drought of a severity estimated to occur once in one hundred years;

“ designated abstractor ” means statutory water undertakers, a river authority other than the Authority, or any other person or body authorised by a licence granted under the Act of 1963 to abstract water from the river Dee subject to a condition that the abstraction shall be subject to any drought general directions issued by the Authority;

“ designated abstraction ” means the abstraction of water from the river Dee by a designated abstractor;

“ general directions ” includes normal general directions and drought general directions issued by the Authority under this section.

(11) Section 8 (As to variation of Act and scheduled agreement) of the Dee and Clwyd River Board Act 1951 and section 22 (Unified control of Bala lake and Tryweryn reservoir) of the Liverpool Corporation Act 1957 are hereby repealed. 1951 c. xxi.
1957 c. xlii.

PART IV
FINANCE

10.—(1) The Authority may borrow, without the consent of any sanctioning authority, for any of the purposes specified in the first column of the following table, the sum specified in relation thereto in the second column of that table:—

(1)	(2)	(3)
Purpose for which money may be borrowed	Amount	Maximum period for repayment of loan
(a) The payment out of capital of interest on moneys borrowed for the purposes specified as purposes (a) to (f) in the table in section 17 (Power of Authority to borrow) of the Dee and Clwyd River Authority (Brenig Reservoir) Order 1972	The sum required	In relation to each of the following purposes, the period specified in relation thereto:— purpose (a), sixty years; purpose (b), sixty years; purpose (c), sixty years; purpose (d), fifty years; purpose (e), thirty years; purpose (f), twenty years.
(b) The cost of the first filling or refilling from time to time of the Brenig Reservoir	The sum required	Twenty years.
(c) The costs, charges and expenses of this Act	The sum required	Ten years.

PART IV
—cont.

(2) Every sum borrowed under subsection (1) of this section shall be repaid within such period from the date of borrowing as the Authority, without the consent of any sanctioning authority, may determine, not exceeding the period specified in relation thereto in the third column of the said table.

(3) The Authority may also with the sanction of the Secretary of State borrow such further sums as may be necessary for any of the purposes of this Act, and any sum borrowed under the powers of this subsection shall be repaid within such period, not exceeding sixty years, from the date of borrowing as the Authority, with the consent of the Secretary of State, may determine.

(4) It shall not be lawful to exercise the powers of borrowing conferred by this section, other than the power of borrowing to pay the costs, charges and expenses of this Act, except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

1946 c. 58.

Application
of provisions
of Local
Government
(Financial
Provisions)
Act 1963.
1963 c. 46.

11.—(1) The Authority shall in relation to the borrowing of money after the commencement of this Act have the powers, and be subject to the restrictions and duties, conferred or imposed on local authorities by the provisions of the Local Government (Financial Provisions) Act 1963 mentioned in subsection (2) of this section, and those provisions shall, with the necessary modifications, apply to the Authority as if the Authority were a local authority other than a parish council.

(2) The provisions of the Local Government (Financial Provisions) Act 1963 referred to in subsection (1) of this section are subsections (1), (3) and (4) of section 8 and subsections (1) to (4) of section 10.

(3) Section 92 (6) of the Act of 1963 shall not apply to money borrowed by the Authority after the commencement of this Act.

Power to
borrow by
issue of
stock or
bonds.

1933 c. 51.

12.—(1) The means by which the Authority may raise money which they are authorised to borrow shall include the issue of stock or the issue of bonds and accordingly section 92 (5) of the Act of 1963 shall have effect as if—

(a) section 196 (1) (b) and section 204 of the Local Government Act 1933 were included among the provisions of that Act applicable to the borrowing of money under subsection (2) of the said section 92 and the said subsection (2) shall be construed accordingly;

(b) section 7 of, and Schedule 1 to, the Local Government (Financial Provisions) Act 1963 were applicable to the borrowing of money under the said subsection (2).

(2) Subsections (2), (4) and (5) of the said section 92 shall, with the necessary modifications, apply in respect of any money which the Authority are, or may from time to time be, authorised to borrow.

PART IV
—cont.

13. The provisions of section 55 of the Local Government Act 1958 shall apply to the Authority as if they were a county council.

Consolidated
loans fund.
1958 c. 55.

PART V

MISCELLANEOUS

14. In its application within the Dee and Clwyd area, section 24 (3) of the Act of 1963 (which excepts from control under Part IV of that Act the abstraction from underground strata of water as a supply for the domestic purposes of a household) shall have effect as if after the words "underground strata" there were inserted the words "or from any inland water".

Exemption
from control
of abstraction
of water for
domestic
purposes.

15.—(1) The Authority may enter into an agreement with any other river authority for the making of payments by one party to the agreement to the other in connection with their respective new functions.

Agreements
with other
river
authorities.

(2) For the purposes of this section and of any such agreement, the new functions of both such authorities shall include the function of transferring water by any means from the area of one such authority to the area of the other of them.

(3) Any agreement under this section may contain such incidental and consequential provisions as appear necessary or expedient for the purposes of the agreement.

16.—(1) Notwithstanding section 43 of the General Rate Act 1967, properties occupied by the Authority for the purposes of any works provided or held by the Authority in performance of their new functions (in so far as those works would, if occupied for the purposes of a statutory water undertaking, be rateable) shall be rated in accordance with the provisions of this section and shall accordingly be hereditaments within the meaning of the said Act of 1967.

Rating.
1967 c. 9.

(2) For the purposes of valuation lists in force or to come into force at any time (hereafter in this section referred to as "the relevant lists") a cumulo-value of all such hereditaments shall be ascertained by multiplying the capital value of all such works by a fraction of which the numerator is the total of the

PART V
—cont.

cumulo-values of the undertakings of all statutory water undertakers in England and Wales, as ascertained in accordance with paragraph 1 (7) of Schedule 4 to the said Act of 1967 for the purposes of the relevant lists, and the denominator is the total of the capital values of the undertakings of all such statutory water undertakers, as assessed for the purposes of the apportionment of the cumulo-value of each such undertaking among rating districts in the relevant lists.

(3) The cumulo-value of the hereditaments so occupied by the Authority, as determined under subsection (2) of this section, shall be apportioned among the rating districts in which the hereditaments are situated, and, for the purposes of the relevant lists, the amount apportioned to any rating district shall be the rateable value of such hereditaments in that district and such rateable values (but no net annual values) shall be shown accordingly in lists transmitted to rating authorities.

(4) (a) The cumulo-value of the undertaking of each of the statutory water undertakers which pay charges to the Authority under the charging scheme for the time being in force in the Dee and Clwyd area under section 58 of the Act of 1963, or which make contributions to the Authority in respect of the cost of such works under section 81 of the Act of 1963 or otherwise, shall, for the purposes of the relevant valuation lists, be reduced by the deduction therefrom of an amount equal to the portion of the cumulo-value of the hereditaments so occupied by the Authority which is obtained by multiplying the cumulo-value of the hereditaments so occupied by the Authority by a fraction of which the numerator is the charge or contribution so payable to the Authority by that one of the statutory water undertakers in the year immediately preceding that in which, in the case of the valuation lists in force at the commencement of this Act, this section comes into force, in the case of any new valuation lists coming into force at any time, those valuation lists come into force, and, in the case of any alteration of the relevant valuation lists, any such alteration takes effect, and the denominator is the total of all charges and contributions so payable to the Authority in that year by all persons licensed to abstract water in the Dee and Clwyd area.

(b) For the purposes of this subsection charges and contributions do not include fees payable to the Authority.

(5) (a) The provisions of this section shall cease to have effect upon the coming into effect, under or by virtue of any future public general Act, of any enactment making corresponding or different provision with respect to the rating of works provided or held by the Authority in respect of their new functions.

(b) The provisions of paragraph (a) of this subsection shall have effect subject to any transitional provisions applicable to this

section in any such enactment and, subject thereto, section 38 of the Interpretation Act 1889 shall apply as it applies to the repeal by any enactment of a former enactment.

PART V
—cont.

1889 c. 63.

17.—(1) The Authority may, by agreement with the Liverpool Corporation, acquire any lands and works provided by the Liverpool Corporation under the Liverpool Corporation Act 1962 or otherwise for generating and transforming electricity and, upon the acquisition of such works, the Authority may exercise all or any of the powers of the Liverpool Corporation under that Act subject to the same provisions as are applicable under that Act to the exercise of such powers by the Liverpool Corporation and to any obligations of the Liverpool Corporation incurred in connection with the exercise of those powers, being obligations incurred before 27th November, 1972 (or, subject to the approval of the Authority, after that date) and subsisting immediately before the date on which such acquisition takes effect.

Acquisition of
electricity
generating
plant.
1962 c. xiv.

(2) (a) For the purposes of the generation and transmission of electricity by means of the said works in connection with their new functions (including the powers exercisable by virtue of subsection (1) of this section or anything done thereunder) the Authority may lay down or erect electric lines and apparatus—

- (i) in, under or over any street, subject however to the provisions of paragraph (c) of this subsection; and
- (ii) with the consent of every owner and occupier of any land not forming part of a street in, on or over that land;

and may maintain and from time to time inspect, repair, alter or renew or may at any time remove any electric line or apparatus laid down or erected by them, whether by virtue of this subsection or otherwise:

Provided that a consent required for the purposes of this paragraph shall not be unreasonably withheld, and any question whether such a consent is, or is not, unreasonably withheld shall be determined by the Secretary of State.

(b) (i) Where the Authority in the exercise of the powers of this subsection lay down or erect any electric line or apparatus in, on or over any land not forming part of a street, or inspect, repair, alter, renew or remove any electric line or apparatus laid down or erected in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the laying down, erection, inspection, repair, alteration, renewal or removal of the electric line or apparatus, and to the

PART V
—cont.

Central Electricity Generating Board or the Merseyside and North Wales Electricity Board for any damage done to, or injurious affection of, any apparatus belonging to them in, on or over that land by reason of the said operations.

(ii) Any dispute as to the amount of compensation to be paid under this paragraph shall be determined by a single arbitrator to be appointed by agreement between the parties or, failing agreement, by the Secretary of State.

1945 c. 42.

(c) The following provisions of Schedule 3 to the Water Act 1945 shall apply, with the necessary modifications, to the laying down, erection, inspection, repair, alteration, renewal or removal of electric lines and apparatus under this subsection, and for the purpose of such application the area of the Authority shall be deemed to be the limits of supply:—

Section 22 (Power to break open streets);

Section 25 (Protection for railway companies navigation authorities tramway undertakers etc.);

Section 27 (Remedies where undertakers fail to comply with foregoing requirements);

Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense);

Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

1888 c. 12.

1947 c. 54.

1899 c. 19.

1969 c. 48.

(d) Without prejudice to the operation of section 4 of the Electric Lighting Act 1888, those provisions of the Electricity (Supply) Acts 1882 to 1936 as amended by the Electricity Act 1947 and in the schedule to the Electric Lighting (Clauses) Act 1899 which, as applied by the Post Office Act 1969, afford protection to the Post Office and its telegraphic lines shall, so far as applicable, extend and apply to any electric lines or apparatus laid down or erected under this subsection, and references in those provisions to the electricity board or the undertakers shall be construed as references to the Authority.

Land drainage
and
pollution:
service of
documents.

1930 c. 44.

1961 c. 48.

18. In its application to the Authority section 120 of the Act of 1963 (which makes provision for the service of documents) shall have effect as if the reference to that Act in subsection (1) of that section included reference to the Land Drainage Act 1930, the Land Drainage Act 1961 and the Rivers (Prevention of Pollution) Acts 1951 to 1961.

19. Section 229 of the Local Government Act 1972 (which relates to the making of microfilm and other photographic copies of documents) shall, with the necessary modifications, apply to the Authority as if they were a local authority within the meaning of that Act.

PART V
—cont.

Photographic
copies.
1972 c. 70.

20.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

Local
inquiries.

(2) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry; and for that purpose the definition of “department” in subsection (8) of that section shall include any Minister of the Crown having functions under this Act.

1933 c. 51.

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

1946 c. 31.

21. Section 265 of the Public Health Act 1875 shall apply to the Authority as if—

(a) references in that section to a local authority were references to the Authority or to a committee of the Authority;

(b) references in that section to a member of a local authority were references to a member of the Authority and included references to a member of a committee of the Authority;

(c) for the words “for the purpose of executing this Act” there were substituted the words “for the purpose of carrying out any of the functions of the Authority”; and

(d) for the words “out of the fund or rate applicable by such authority to the general purposes of the Act” there were substituted the words “by the Authority”.

Protection
of members
and officers
of Authority
from personal
liability.
1875 c. 55.

22. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing nothing in this Act shall authorise the Authority to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners or belonging to a government department

Crown rights.

PART V
—cont.

or held in trust for Her Majesty for the purposes of a government department without the consent in writing of those commissioners on behalf of Her Majesty or, as the case may be, the consent in writing of that government department first had and obtained for that purpose.

Costs of Act.

23. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto, as taxed by the taxing officer of the House of Lords or of the House of Commons, shall be paid by the Authority.

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