

ELIZABETH II



1977 CHAPTER xx

An Act to confer powers on the North West Water Authority relating to the provision of sludge mains; and for other purposes. [29th July 1977]

WHEREAS—

(1) The North West Water Authority (hereinafter in this Act referred to as “the Authority”) were, in pursuance of the Water Act 1973, constituted as the authority responsible for water conservation, the supply of water, the provision of public sewerage and sewage disposal, land drainage, the prevention of pollution, water recreation and the management and improvement of salmon, trout and freshwater fisheries in an area comprising the greater part of the counties of Cumbria, Lancashire, Greater Manchester, Merseyside and Cheshire, and parts of the counties of Northumberland, North Yorkshire, West Yorkshire, South Yorkshire, Derbyshire, Staffordshire and Salop: 1973 c. 37.

(2) It is expedient to confer on the Authority power for the provision of pumping mains and other works for the disposal of the residues of sewage treated at certain sewage disposal works

within the Authority's area and thereby enable the Authority to provide an integrated scheme to meet the urgent need for the improvement of existing facilities in parts of their area for the disposal of such residues:

(3) It is expedient that the other provisions in this Act should be enacted:

(4) 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:—

Short title.

1. This Act may be cited as the North West Water Authority Act 1977.

Interpretation.
1936 c. 49.

2.—(1) In this Act, unless the context otherwise requires, any expression used in Part II of the Public Health Act 1936 has the same meaning as in that Part of that Act; and—

“ the Authority ” means the North West Water Authority;

“ local authority ” means a county council or a district council;

“ pipe ” includes a tunnel;

“ sludge main ” means a pipe or system of pipes (together with any pumps or other machinery or apparatus associated therewith) for the conveyance of the residue of sewage treated in sewage disposal works, or the products of dewatering or incineration of such residue, or partly for any of those purposes and partly for the conveyance of trade effluent or the residue thereof; and
“ apparatus ” includes any works constructed for the accommodation of apparatus;

1974 c. 40.

“ trade effluent ” has the same meaning as in the Control of Pollution Act 1974.

(2) For the avoidance of doubt, the expression “ sludge main ” does not include sludge storage works, being works provided, or to be provided, for the storage of such sewage treatment residues as are referred to in the definition of that expression in subsection (1) above.

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

3.—(1) The Authority may, under and in accordance with the following provisions of this section, provide and maintain sludge mains. Provision and maintenance of sludge mains.

(2) The following enactments shall apply in relation to sludge mains provided, or to be provided, by the Authority under this section as they apply in relation to public or other sewers:—

(a) sections 15, 30 and 31 of the Public Health Act 1936 and so much of Part XII of that Act as relates to those enactments; 1936 c. 49.

(b) sections 25 and 32 (1) (a) of the Public Health Act 1936 and so much of Part XII of that Act as relates to those enactments;

(c) section 14 (5) to (7) of the Water Act 1973. 1973 c. 37.

(3) (a) Before constructing, diverting or closing a sludge main in the area of a county council the Authority shall consult the county council.

(b) Upon consultation with any local authority in pursuance of paragraph (a) above or section 14 (5) of the Water Act 1973, as applied in relation to any sludge main to be provided by the Authority under this section, the Authority shall submit to that local authority a plan showing the route of the proposed sludge main and such particulars of the sludge main as shall be reasonably required.

(c) If, within twenty-eight days from the delivery to a local authority of a plan under paragraph (b) above, the local authority serve upon the Authority notice of their objection to the proposed sludge main, or any part thereof, the Authority shall not proceed with the provision of that sludge main, or the part of that sludge main to which the objection relates, as the case may be, unless the objection is withdrawn or the Secretary of State, after giving to the Authority and the local authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State, has approved the proposed sludge main, or that part thereof.

(d) The approval by the Secretary of State of a proposed sludge main, or any part thereof, under paragraph (c) above may be given with or without modification of the proposals submitted by the Authority to the local authority.

(4) The Public Utilities Street Works Act 1950 shall have effect in relation to sludge mains provided, or to be provided, under this section as it has effect in relation to public sewers. 1950 c. 39.

(5) Except in so far as the Pipe-lines Act 1962 applies to any pipeline which, or the right to use which, may be acquired under this section for the provision of sludge mains, that Act shall not apply to sludge mains provided, or to be provided, under this section. 1962 c. 58

Conveyance
of trade
effluents.

4. The Authority may permit the discharge of trade effluent, or the residue of trade effluent, into any sludge main provided, or to be provided, by them subject to such terms and conditions (including the payment of charges for the reception of the trade effluent or residue thereof into the sludge main) as may be determined by the Authority.

Construction
of sludge
storage works.

5.—(1) In their application to development consisting of or including the construction by the Authority of any such sludge storage works as are mentioned in subsection (2) of section 2 (Interpretation) of this Act, not being development by the Authority of operational land held for the purposes of sewage disposal works, article 3 of, and Classes XVI and XVII in Schedule 1 to, the Town and Country Planning General Development Order 1977 (planning permission for development by water authorities or for sewerage and sewage disposal) shall have effect as if the construction of such sludge storage works (whether or not above ground level) were excepted from the development therein described.

(2) In this section the reference to article 3 of, and Classes XVI and XVII in Schedule 1 to, the Town and Country Planning General Development Order 1977 includes a reference to corresponding provisions of any general order superseding that order made under section 24 of the Town and Country Planning Act 1971, or any corresponding provision of an Act repealing that section.

1971 c. 78.

Power to
obtain
particulars
of persons
interested in
land.

6.—(1) Where, with a view to performing a function conferred on them by any enactment, the Authority consider that they ought to have information connected with any land, the Authority may serve on one or more of the following persons, namely:—

- (a) the occupier of the land; and
- (b) any person who has an interest in the land either as freeholder, mortgagee or lessee or who directly or indirectly receives rent for the land; and
- (c) any person who, in pursuance of an agreement between himself and a person interested in the land, is authorised to manage the land or to arrange for the letting of it;

a notice specifying the land and the function and the enactment which confers the function and requiring the recipient of the notice to furnish to the Authority, within a period specified in the notice (which shall not be less than fourteen days beginning with the day on which the notice is served), the nature of his interest in the land and the name and address of each person whom the recipient of the notice believes is the occupier of the land and of each person whom he believes is, as respects the land, such a person as is mentioned in paragraphs (b) and (c) of this subsection.

(2) A person who—

- (a) fails to comply with the requirements of a notice served on him in pursuance of subsection (1) above; or
- (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

7. Section 265 of the Public Health Act 1875 (protection from personal liability of members and officers of certain authorities when acting under the direction of the authority) shall apply to the Authority as if—

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

- (a) references to a local authority were references to the Authority or to a committee of the Authority;
- (b) 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 except functions under the Control of Pollution Act 1974”; and
- (c) for the words “out of the fund or rate applicable by such authority to the general purposes of this Act” there were substituted the words “by the Authority”.

1974 c. 40.

8. All costs, charges and expenses of, and incidental to, the preparing, applying for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Authority.

Costs of Act.

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CHAPTER XX

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