



Water Act 1973

1973 CHAPTER 37

PART II

FUNCTIONS OF WATER AUTHORITIES

9 Transfer to water authorities of functions of river authorities

Subject to Part IV of Schedule 5 to this Act and to the provisions of any instrument under this Act, the functions which immediately before 1st April 1974 are exercisable by river authorities as respects their respective areas under any enactment or instrument shall be exercisable by water authorities as respects water authority areas and accordingly, but subject to any such provision, in any enactment or instrument—

- (a) any reference to a river authority or any reference which falls to be construed as a reference to a river authority shall, except where it is a reference to a specified river authority or is to be construed as such, be construed as a reference to a water authority; and
- (b) any reference to a river authority area or any reference which falls to be construed as a reference to a river authority area shall, except where it is a reference to a specified area or is to be construed as such, be construed as a reference to a water authority area.

10 Water conservation

- (1) It shall be the duty of each water authority to take all such action as the authority may from time to time consider necessary or expedient, or as directions under this Act or the Water Resources Act 1963 may require them to take, for the purpose of conserving, redistributing 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 water authority.
- (2) The reference in this section to action for the purpose of augmenting water resources includes a reference to action for the purpose of treating salt water (whether taken from the sea or elsewhere) by any process for removing salt or other impurities.

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11 Water supply

- (1) It shall be the duty of a water authority to supply water within their area.
- (2) It shall be the duty of every local authority to take such steps from time to time as may be necessary for ascertaining the sufficiency and wholesomeness of water supplies within their area and to notify the water authority of any insufficiency or unwholesomeness in those supplies.
- (3) Where the following conditions are satisfied, that is to say—
 - (a) a local authority notify a water authority that the supply of water to specified premises in the local authority's area is insufficient or unwholesome to the extent of causing a danger to health ; and
 - (b) a supply of wholesome water by the water authority for domestic purposes is required for those premises and it is not practicable to provide such a supply in pipes, but is practicable to provide such a supply otherwise, at a reasonable cost;

it shall be the duty of the water authority to provide a supply of wholesome water otherwise than in pipes for domestic purposes to, or within a reasonable distance of, those premises.
- (4) Any dispute between the local authority and the water authority as to the insufficiency or unwholesomeness of any supply of water or whether it causes a danger to health shall be determined by the Secretary of State.
- (5) If any question arises under subsection (3) above whether or not any description of supply of water can be provided at a reasonable cost in the area of a local authority, the Secretary of State, if requested to do so by the local authority, by a parish or community council or by ten or more local government electors in that area, shall after consulting that authority and the water authority, determine that question, and the water authority shall give effect to his determination.
- (6) Subject to subsections (7) and (9) below, any functions exercisable by statutory water undertakers as such under any enactment or instrument shall be exercisable also by water authorities and shall not be exercisable by local authorities, and accordingly (but subject as aforesaid) references in any enactment or instrument to statutory water undertakers as such shall be construed as references to water authorities, statutory water companies, joint water boards and joint water committees, and to no other body.
- (7) The following provisions shall have effect with respect to the supply of water:—
 - (a) in sections 27, 36 and 37 of the Water Act 1945 (miscellaneous duties as to the supply of water) references to statutory water undertakers shall be construed as references only to water authorities ;
 - (b) subject to any provision to the contrary contained in any instrument made under or by virtue of this Act, Parts VII and IX of Schedule 3 to that Act (supply of water for domestic purposes, and duties as to constancy of supply and pressure) shall apply throughout every water authority area, whether or not applied by or under any other enactment; and
 - (c) references in those Parts to statutory water undertakers shall be construed as references only to water authorities.
- (8) Section 10 of that Act (variation of limits of supply) shall not authorise the Secretary of State to vary the boundary between two water authority areas.

- (9) No functions shall be exercisable by local authorities under Part IV of the Public Health Act 1936, except under sections 123, 124(1) and (2), 125(1) and (2), 137, 138, 140 and 141, and accordingly that Part of that Act, except those provisions and section 142, shall cease to have effect.
- (10) In this section, except subsection (6), " local authority " does not include a county council or the Greater Loudon Council.

12 Supply of water by statutory water companies on behalf of water authorities

- (1) Where the area of a water authority includes the whole or part of the limits of supply of a statutory water company, the authority shall discharge their duties with respect to the supply of water within those limits through the company.
- (2) Where it appears to a water authority that subsection (1) above will apply to their area on 1st April 1974 they shall, on or before 1st November 1973, or such later date as the Secretary of State may authorise in the case of that authority generally or in any particular case, send to the company concerned a draft of arrangements to be entered into between the authority and the company whereby the company undertake to act on behalf of the authority for the purposes of that subsection and provision is made for such incidental, supplementary and consequential matters (including matters of a financial nature) as the authority think desirable.
- (3) Arrangements for the purposes of subsection (1) above may include provision for—
- (a) the management or operation of sources of supply;
 - (b) the supply of water in bulk by or to the company;
 - (c) the company's charges for the supply of water.
- (4) If, within a period of two months beginning with the date on which a draft of any such arrangements was sent by a water authority to the company, the water authority and the company have not entered into the arrangements, the water authority shall, within seven days of the end of that period, notify the Secretary of State of that fact and the Secretary of State shall settle the terms of the arrangements, which shall, subject to subsection (5) below, be binding on the authority and the company.
- (5) The parties to any arrangements in force by virtue of the foregoing provisions of this section, as varied (if it be the case) under this subsection, may vary the arrangements or either of the parties may, in default of agreement, apply to the Secretary of State to vary the arrangements and the Secretary of State may by direction to the parties vary the arrangements in a manner specified in the direction and the arrangements as varied shall, subject to a further application of this subsection, be binding on the parties.
- (6) The Secretary of State shall not so settle or vary arrangements under this section as to oblige the company to fix their charges at a level which will endanger their ability, so long as their undertaking is managed efficiently, to provide a reasonable return on their paid-up capital, having regard to their probable future expenditure and to the need to provide for any contributions which they may lawfully carry to any reserve fund or contingency fund, to make good depreciation (in so far as provision therefor is not made by any such fund as aforesaid) and to meet all other costs, charges and expenses properly chargeable to revenue.
- (7) It shall be the duty of a water authority on whose behalf water is being supplied by a statutory water company to take all reasonable steps for making water available to

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the company to enable them to meet the foreseeable demands of consumers within their limits of supply.

- (8) Subject to the provisions of any order made under section 254 of the 1972 Act as applied by section 34 below, so much of the enactments relating to the undertaking of a statutory water company as imposes on the company any duty to supply water, except Part VIII of Schedule 3 to the Water Act 1945 (supply for public purposes) and any local statutory provision which is similar to any provision of that Part, shall cease to have effect.
- (9) For sections 12 and 13 of the Water Act 1945 (supply of water in bulk and default powers) there shall be substituted the sections set out in Part I of Schedule 4 to this Act.
- (10) Sections 2(1)(b) and (4) and 4(2) to (4) of the Water Act 1948 (which also relate to the supply of water in bulk) shall cease to have effect.
- (11) Part II of Schedule 4 to this Act shall have effect in relation to the making and confirmation of orders by a water authority under sections 12 and 13 of the Water Act 1945 as substituted by Part I of that Schedule.

13 Power of statutory water undertakers to supply places outside their limits of supply

- (1) Statutory water undertakers shall have power to make agreements with other statutory water undertakers to supply water outside their limits of supply, subject to such conditions as may be specified in the agreement.
- (2) An agreement under subsection (1) above may contain such incidental, consequential and supplementary provisions as the statutory water undertakers consider necessary or expedient for the purposes of the agreement.
- (3) While statutory water undertakers are supplying water outside their limits of supply in pursuance of an agreement under subsection (1) above, the enactments relating to that part of their limits of supply which is contiguous to the area in which they are supplying water in pursuance of the agreement shall have effect, subject to subsection (4) below, as if the area within which they are thus supplying water were an area within their limits of supply and to which those enactments extend apart from this subsection.
- (4) Where an area in which undertakers are supplying water in pursuance of such an agreement is contiguous to areas within the undertakers' limits of supply but to which different enactments apply, the Secretary of State may determine, upon the application of the undertakers, which of those enactments are to apply to the area in which the undertakers are supplying water in pursuance of the agreement; and the Secretary of State may determine under this subsection that different enactments shall apply to different parts of the area and that any enactment is to apply to the whole of the area or to any part of it subject to such modifications or exceptions as he may specify.

14 Sewerage and sewage disposal

- (1) It shall be the duty of every water authority to provide, either inside or outside their area, such public sewers as may be necessary for effectually draining their area and to make such provision, whether inside or outside their area, by means of sewage disposal works or otherwise, as may be necessary for effectually dealing with the contents of their sewers; and accordingly section 14 of the Public Health Act 1936 (general duty of local authority with respect to sewerage and sewage disposal) and section 16 of

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that Act (provision of sewers and sewage disposal works outside a local authority's district) shall cease to have effect.

- (2) Subject to subsection (3) below, the functions conferred on local authorities by the following enactments, that is to say—
- (a) sections 15 to 24, 27 to 31, 33 to 36 and 42 of the Public Health Act 1936 and so much of Part XII of that Act as relates to those sections ;
 - (b) the Public Health (Drainage of Trade Premises) Act 1937;
 - (c) section 13 of the Local Government (Miscellaneous Provisions) Act 1953 ;
and
 - (d) sections 12 to 14 and Part V of and Schedule 2 to the Public Health Act 1961;
- shall be exercisable by water authorities, and accordingly references in those enactments to a local authority and their district, except any such reference in section 24(4) of the said Act of 1936, shall be construed respectively as references to a water authority and their area, and any reference in Part II of the Public Health Act 1936 and, subject to any order made by virtue of this Act, in any other enactment, to a sewerage authority and their district shall be similarly construed.
- (3) Notwithstanding anything in subsection (2) above, the power conferred on local authorities by section 21(1)(a) of the Public Health Act 1936 (use of highway authorities' drains and sewers to carry off surplus water) shall be exercisable by local authorities as well as being exercisable by water authorities.
- (4) In section 34(1) of the said Act of 1936 (right to drain into public sewers) for all the words before the proviso there shall be substituted the words " Subject to the provisions of this section, the owner or occupier of any premises or the owner of any private sewer shall be entitled to have his drains or sewer made to communicate with the public sewers of any water authority and thereby to discharge foul water and surface water from those premises or that private sewer ".
- (5) Before constructing, diverting or closing a public sewer in the area of a local authority a water authority shall consult the local authority and the water authority shall inform a local authority of the construction, diversion or closure of a public sewer by the water authority in the area of the local authority.
- (6) Where it is proposed to erect or extend a building over a water authority's sewer of which a map is kept under section 32(1) of the said Act of 1936 and plans of the building or extension are in accordance with building regulations deposited with the council of a district or outer London borough, or notice of the building or extension is served on the proper officer of the Greater London Council under section 83 of the London Building Acts (Amendment) Act 1939, the council of the district or borough or the Greater London Council, as the case may be, shall notify the water authority of the proposal.
- (7) A water authority may give directions to the council of a district or outer London borough as to the manner in which the council are to exercise their functions under section 25(1) of the said Act of 1936 (requirement for local authority's consent to erection or extension of buildings over sewers).
- (8) In this section " local authority " does not include a county council and, except in subsection (2), does not include the Greater London Council.

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15 Arrangements for discharge of sewerage functions

- (1) Subject to subsection (6) below, it shall be the duty of a water authority and every relevant authority whose area is wholly or partly situated in the water authority's area to endeavour to make arrangements for the relevant authority to discharge as respects their area the functions of the water authority under Part II of the Public Health Act 1936, other than those excepted by subsection (3) below.
- (2) Arrangements under subsection (1) above shall—
 - (a) require the relevant authority to prepare and annually revise a programme for the discharge of the said functions as respects their area, having regard to any guidance given to them by the water authority, and to submit every such programme to the water authority for their approval;
 - (b) require the relevant authority to carry out any programme approved by the water authority under paragraph (a) above;
 - (c) provide for vesting in the water authority any public sewer provided by the relevant authority in pursuance of the arrangements;
 - (d) require the relevant authority to provide such vehicles and equipment as may be necessary for maintaining the sewers which it is their function to maintain under the arrangements;
 - (e) provide for the water authority to reimburse the relevant authority any expenses incurred by the latter in the discharge of the said functions;
 - (f) provide for the relevant authority to conduct on behalf of the water authority any prosecutions or other legal proceedings in connection with the discharge of those functions; and
 - (g) provide for the transfer to the water authority of officers of the relevant authority in the event of the ending of the arrangements under subsection (7) below and for the compensation of any such officers who suffer loss as a result of any variation or the ending of the arrangements under that subsection.
- (3) Subsection (1) above shall not apply to any functions of a water authority relating to—
 - (a) sewage disposal;
 - (b) the maintenance or operation of any sewer which immediately before 1st April 1974 was vested in a joint sewerage board or the Greater London Council.
- (4) Subject to subsection (6) below, a water authority shall, not later than 1st November 1973, or such later date as the Secretary of State may authorise in the case of that authority generally or in any particular case, send to every relevant authority with whom they are under a duty to endeavour to make arrangements under subsection (1) above a draft of the arrangements with the relevant authority.
- (5) Subject to subsection (6) below, if within a period of two months beginning with the date on which any such draft was sent by a water authority to a relevant authority, the two authorities have not entered into the arrangements, the water authority shall, within seven days of the end of that period, notify the Secretary of State of that fact and the Secretary of State shall settle the terms of the arrangements, which shall be binding on both authorities.
- (6) If at any time before arrangements are settled under this section a water authority and a relevant authority come to the conclusion that in the interests of efficiency it would be inexpedient to enter into any arrangements under subsection (1) above or, as the case may be, to be bound by arrangements settled by the Secretary of State under subsection (5) above—

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- (a) the water authority shall not take the action required by subsection (4) or (5) above ; or
 - (b) where the water authority have already notified the Secretary of State under subsection (5) above that arrangements have not been entered into, they shall further notify him of the conclusion and he shall not settle the terms of the arrangements.
- (7) The parties to any arrangements in force by virtue of subsection (1) or subsection (5) above, as varied (if it is the case) under this subsection, may vary or end the arrangements, or either of the parties may, in default of agreement, apply to the Secretary of State to vary or end the arrangements and the Secretary of State may by direction to the parties vary the arrangements in a manner specified in the direction or end the arrangements, and—
- (a) in the case of variation, the arrangements shall (subject to a further application of this subsection), be binding on the parties ; and
 - (b) the ending of the arrangements shall not preclude the parties from entering into further arrangements under this section.
- (8) Where by virtue of this section any functions of a water authority are to be discharged by a local authority, then, subject to the terms of the arrangements, the local authority may arrange for the discharge of those functions by a committee, subcommittee or officer of theirs and—
- (a) where by virtue of this subsection any such functions may be discharged by a committee of a local authority, then, unless the water authority or local authority otherwise direct, the committee may arrange for the discharge of any of those functions by a sub-committee or an officer of the local authority; and
 - (b) where by virtue of this subsection any such functions may be discharged by a sub-committee of a local authority, then, unless the water authority, the local authority or the committee otherwise direct, the subcommittee may arrange for the discharge of any of those functions by an officer of the local authority.
- (9) Any arrangements made by a local authority or committee under subsection (8) above for the discharge of any functions by a committee, sub-committee or officer shall not prevent the authority or committee by whom the arrangements are made from discharging those functions.
- (10) In this section " relevant authority " means—
- (a) except in relation to a new town as respects which an order is in force under section 34 of the New Towns Act 1965, the council of a district or London borough or the Common Council of the City of London; and
 - (b) in relation to any such new town, whichever of the following bodies is selected by the water authority, that is to say, the development corporation and any such council within whose area the town is wholly or partly situated.

16 Requisitioning of sewers for domestic purposes

- (1) It shall be the duty of a water authority to provide any public sewer to be used for domestic purposes for the drainage of premises in their area—
- (a) if the owners or occupiers of the premises require the authority to provide a public sewer, otherwise than for the drainage of new buildings which they propose to erect on the premises, and the conditions mentioned in subsection (2) below are satisfied; or

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- (b) if the owners of the premises require the authority to provide a public sewer for the drainage of new buildings which they propose to erect on the premises and the conditions mentioned in subsection (3) below are satisfied; or
 - (c) if the conditions specified in subsection (4) below are satisfied.
- (2) In a case to which paragraph (a) of subsection (1) above applies, the conditions which must be satisfied are—
 - (a) that the reckonable charges payable in respect of the premises will not be less than the qualifying amount; and
 - (b) that the persons making the requisition agree severally with the water authority to pay the reckonable charges in respect of the premises for three years at least from the date on which the laying of the sewer is completed.
- (3) In a case to which paragraph (b) of subsection (1) applies, the conditions which must be satisfied are—
 - (a) that the sewer which the owners of the premises require the water authority to provide is a sewer communicating (in such manner and in such place as the authority consider appropriate) with a private sewer provided by the owners; and
 - (b) that the owners undertake to meet any relevant deficit.
- (4) The conditions mentioned in paragraph (c) of subsection (1) above are—
 - (a) that the reckonable charges payable in respect of the premises will be less than the qualifying amount; and
 - (b) that the local authority in whose area the premises are situated undertake to meet any relevant deficit.
- (5) Any obligation to pay an annual sum under subsection (3) or (4) above shall cease on the expiration of a period of twelve years from the date on which the laying of the sewer is completed.
- (6) A water authority may require a landowner (other than a public authority) to deposit with them, as security for the payment of an annual sum under subsection (3) above, such sum, not exceeding the total expense of laying the sewer, as the water authority may require.
- (7) The water authority shall pay interest at a rate prescribed by regulations made by the Secretary of State or, if no rate is for the time being prescribed, at 4 per cent. per annum, on any sum in their hands by virtue of subsection (6) above, and—
 - (a) shall, on the request of the landowner appropriate out of that sum any amount due under his undertaking; and
 - (b) when the undertaking is finally discharged, repay to him any sum remaining in their hands.
- (8) A water authority may agree with a local authority or any other person who is obliged by virtue of this section to meet any portion of the expense of providing a sewer that the whole or any part of the amount for which that person is liable shall be deemed to be satisfied by payment of a capital sum.
- (9) If the conditions mentioned in subsection (2), (3) or (4) above are satisfied and the water authority do not lay the necessary sewer within six months or such longer period as may be agreed between the parties or be determined under subsection (10) below, they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable on summary conviction to a fine not exceeding £400.

- (10) Any dispute arising under this section—
- (a) as to the qualifying amount in the case of any premises ;
 - (b) as to the nature or extent of the work necessary for laying a sewer; or
 - (c) as to the period within which a sewer is to be laid,
- shall be determined by a referee appointed by the parties or in default of agreement by the President of the Institution of Civil Engineers.
- (11) In this section—
- " local authority " does not include a county council or the Greater London Council;
 - " qualifying amount ", in relation to any premises, means one eighth of the expense of providing such a sewer as is sufficient to satisfy the requirements of subsection (1) above in the case of those premises and of providing any other sewer which it is necessary or appropriate to provide in consequence;
 - " reckonable charges ", in relation to a sewer, means charges in respect of the drainage of premises attributable to its use and includes such proportion of any charge payable under Part III of this Act for services which include sewerage as is stated by the water authority to be so attributable;
 - " relevant deficit " means the difference between the qualifying amount and the reckonable charges received by a water authority in respect of each year.
- (12) A sewer shall be treated for the purposes of this section as used for domestic purposes if it is used for removing the contents of a lavatory or removing water used for cooking or washing other than water used for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises.
- (13) It shall be the duty of a water authority, at the request of any person, to state the proportion of any charge under Part III of this Act which is a reckonable charge for the purposes of this section.
- (14) Nothing in section 14 above or any arrangements made under section 15 above shall be taken to impose on a water authority any such obligation to provide a public sewer as may be imposed on them under this section without the requirements of this section being satisfied.

17 River pollution

- (1) The Rivers (Prevention of Pollution) Acts 1951 to 1961 shall have effect in relation to new or altered outlets or discharges of a water authority subject to such exceptions and modifications as may be prescribed by regulations made by the Secretary of State.
- (2) Any such regulations may in particular provide for securing—
- (a) that consent to tile bringing into use of a new or altered outlet or the making of a new discharge shall be granted (or be deemed to be granted) by the Secretary of State;
 - (b) that, in such cases and subject to such conditions as may be prescribed by the regulations, any necessary consent shall be deemed to be granted by the Secretary of State unless the Secretary of State requires an application for it to be made to him by the water authority; and
 - (c) that where a consent is deemed to be granted as mentioned in paragraph (b) above, the water authority shall give such notice of that fact as may be prescribed by the regulations.

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- (3) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In section 7 of the Rivers (Prevention of Pollution) Act 1951 (restrictions on new or altered outlets for the discharge of trade or sewage effluents), subsection (9) and the proviso to subsection (16) shall cease to have effect.
- (5) Where an estuary is situated in the areas of two or more water authorities, the Secretary of State may direct those authorities to make arrangements under section 6 above for the discharge by a joint committee of theirs of their functions relating to the restoration and maintenance of the wholesomeness of rivers and other waters.

18 Fisheries

- (1) It shall be the duty of every water authority—
 - (a) to maintain, improve and develop the salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries in the area for which they exercise functions under the Salmon and Freshwater Fisheries Acts 1923 to 1972;
 - (b) to establish advisory committees of persons who appear to them to be interested in any such fisheries in that area and consult them as to the manner in which the authority are to discharge their duty under paragraph (a) above.
- (2) The duty to establish advisory committees imposed by paragraph (b) of subsection (1) above is a duty to establish a regional advisory committee for the whole of the area mentioned in paragraph (a) of that subsection and such local advisory committees as the water authority consider necessary to represent the interests referred to in paragraph (b) of that subsection in different parts of that area.

19 Land drainage

- (1) A water authority shall exercise a general supervision over all matters relating to land drainage in their area but shall arrange for the discharge by their regional land drainage committee (without prejudice to any scheme for the appointment of local land drainage committees) of all their land drainage functions except the making of drainage charges, the levying of precepts and the borrowing of money.
- (2) A water authority may give their regional land drainage committee directions as to the exercise of any land drainage function other than an internal drainage function, so far as the exercise of that function appears to the authority likely to affect materially the authority's management of water for purposes other than land drainage.
- (3) In subsection (2) above " internal drainage function " means the functions of a water authority under the following enactments (which relate to internal drainage boards and internal drainage districts) namely—
 - (a) sections 4, 7, 10, 11, 21 and 24(6) and (7) of the Land Drainage Act 1930;
 - (b) sections 18, 21(1), 26(3), (4) and (7), 27 and 36 of the Land Drainage Act 1961.
- (4) Parts I to III of Schedule 5 to this Act shall have effect in relation to the land drainage functions of water authorities.
- (5) Land drainage functions relating to the London excluded area shall continue to be exercised by the Greater London Council and other authorities by whom they are

exercisable immediately before the passing of this Act, and in accordance with the enactments by virtue of which they are exercisable, but Part IV of Schedule 5 to this Act shall have effect for the purposes of their exercise.

- (6) Nothing in sections 29 to 32 below shall apply in relation to a water authority's land drainage functions until a charges option order comes into force for the area of that authority.
- (7) If—
- (a) at any time after 31st March 1978 a water authority apply to the Minister for a charges option order; and
 - (b) the Ministers are satisfied that—
 - (i) the authority's regional land drainage committee recommended the authority to make the application ; and
 - (ii) the making of an order would be in the public interest,the Ministers may make such an order.
- (8) In this section "charges option order" means an order that sections 1 and 1A of the Land Drainage Act 1961 (general drainage charges), and Part II of Schedule 5 to this Act shall cease to have effect in relation to a water authority area and shall thereupon be treated for the purposes of section 38(2) of the Interpretation Act 1889 (effect of repeals) as if they had been repealed in relation to that area by another Act.
- (9) When a charges option order comes into force for a water authority area, sections 29 to 32 below shall apply to the water authority for that area in relation to their land drainage functions, but with the substitution of references to the Ministers for references to the Secretary of State in relation to any direction—
- (a) which is proposed to be given to the authority after the date when the order comes into force; and
 - (b) which relates to the authority's land drainage functions.
- (10) A charges option order shall be subject to special parliamentary procedure.
- (11) A charges option order may make such incidental, consequential, transitional or supplemental provision as the Ministers consider necessary or expedient.

20 General provisions as to recreation

- (1) Every water authority and all other statutory water undertakers may take steps to secure the use of water and land associated with water for the purposes of recreation and it shall be the duty of all such undertakers to take such steps as are reasonably practicable for putting their rights to the use of water and of any land associated with water to the best use for those purposes.
- (2) In discharging their duty under subsection (1) above statutory water undertakers other than a water authority shall consult the water authority for the area in which the water or land in question is situated and shall take account of any proposals formulated by the authority for discharging their own duty under that subsection.
- (3) A water authority may, with the consent of the owner of an inland water which they have no right to use for the purposes of recreation or of land associated therewith and of any other person having a right to use the water or an estate or interest in the land, use the water or land for those purposes.

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- (4) In exercising their functions under subsection (1) or (3) above a water authority shall not obstruct or otherwise interfere with navigation which is subject to the control of a harbour or navigation authority without the consent of the harbour or navigation authority.

In this subsection "harbour authority" has the same meaning as in the Harbours Act 1964 and "navigation authority" has the same meaning as in the Water Resources Act 1963.

- (5) Where the Secretary of State makes an order under section 23 of the Water Act 1945 or section 67 of the Water Resources Act 1963 authorising a water authority to carry out works for or in connection with the construction or operation of a reservoir in England or conferring compulsory powers for that purpose on a water authority, and it appears to him that the works to be carried out may permanently affect the area in which they are situated and are not primarily intended to benefit the inhabitants of that area, he may include in the order provision with respect to facilities for recreation or other leisure-time occupation for the benefit of those inhabitants.

21 Discharge of functions with respect to recreation in Wales

- (1) The Welsh authority shall, after consultation with the Severn-Trent Water Authority, prepare a plan for the use for the purposes of recreation of the rights of both authorities to the use of water in Wales and of any land in Wales associated with water.
- (2) Any such plan, in so far as it falls to be carried out in the area of the Severn-Trent Water Authority, shall be carried out by that authority in accordance with a scheme agreed between them and the Welsh authority or, in default of agreement, in accordance with any directions of the Secretary of State.
- (3) Without prejudice to paragraph 2 of Schedule 3 to this Act, the Welsh authority may acquire by agreement any right to use water in Wales and any estate or interest in, or right over, land in Wales which is associated with water for the purpose of using the water or land for the purposes of recreation.
- (4) Where the Welsh authority acquire any estate, interest or right under subsection (3) above which relates to water or land in the area of the Severn-Trent Water Authority, they may instead of using it themselves for the purposes of recreation grant the Severn-Trent Water Authority such derivative estate, interest or right as may be appropriate for enabling that authority to use it for those purposes.
- (5) It shall be the duty of a water authority who are carrying out works for or in connection with the construction or operation of a reservoir in Wales which permanently affect one or more communities and are not primarily intended by the authority to benefit the inhabitants of that or those communities to provide, or assist others to provide, facilities for recreation or other leisure-time occupation for the benefit of those inhabitants.
- (6) A water authority shall, in discharging their duty under subsection (5) above, consult the community councils of the communities affected in the case of communities having such councils, and in any case the council of any district in which any community affected is situated.

22 Duties with regard to nature conservation and amenity

- (1) In formulating or considering any proposals relating to the discharge of any of the functions of water authorities, those authorities and the appropriate Minister or Ministers shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural, archaeological or historic interest and shall take into account any effect which the proposals would have on the beauty of, or amenity in, any rural or urban area or on any such flora, fauna, features, buildings or objects.
- (2) In formulating or considering any such proposals, water authorities and the appropriate Minister or Ministers shall have regard to the desirability of preserving public rights of access to areas of mountains, moor, heath, down, cliff or foreshore and other places of natural beauty and shall take into account any effect which the proposals would have on the preservation of any such rights of access.
- (3) Where the Nature Conservancy Council are of opinion that any area of land, not being land for the time being managed as a nature reserve, is of special interest by reason of its flora, fauna or geological or physiographical features and may at any time be affected by schemes, operations or activities of a water authority, it shall be the duty of that council to notify that fact to the water authority in whose area the land is situated.

23 Water Space Amenity Commission

- (1) For the purpose of exercising the functions conferred on them by this section there shall be a body to be known as the Water Space Amenity Commission consisting of—
 - (a) a chairman appointed by the Secretary of State from among the members of the Council;
 - (b) the chairmen of the water authorities; and
 - (c) not more than ten other members appointed by the Secretary of State.
- (2) Of the members of the Commission, other than the chairman, appointed by the Secretary of State—
 - (a) one shall be appointed after consultation with the Countryside Commission;
 - (b) one shall be appointed after consultation with the English Tourist Board;
 - (c) one shall be appointed after consultation with the Sports Council or some other organisation appearing to him to be concerned with the encouragement of sport and recreation and prescribed for title purposes of this paragraph by an order made by him;
 - (d) the remainder shall be appointed after consultation with such associations of local authorities, and such bodies representing persons interested in the use of water and of any land associated with water for the purposes of recreation or in the enhancement and preservation of amenity, as the Secretary of State considers desirable, and with the Greater London Council.
- (3) It shall be the duty of the Commission—
 - (a) to advise the Secretary of State, after consultation with the Countryside Commission, the English Tourist Board and either the Sports Council or an organisation prescribed for the purposes of subsection (2)(c) above, on the formulation, promotion and execution of the national policy for water so far as relating to recreation and amenity in England ;

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- (b) to advise the Council and water authorities on the discharge of their respective functions so far as so relating;
 - (c) to submit to water authorities any proposals which the Commission consider appropriate for the discharge of the authorities' functions so far as so relating; and
 - (d) to encourage and assist the water authorities in the preparation of plans and programmes under section 24 below for the discharge of those functions so far as so relating.
- (4) The Commission may collate and publish information and reports on matters relating to recreation and amenity in connection with water.
- (5) The members of the Commission, other than the chairmen of the water authorities, shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to hold office, be eligible for reappointment; but any such member may at any time by notice addressed to the Secretary of State resign his office.
- (6) The Council shall provide the Commission with such officers and such accommodation as the Secretary of State considers appropriate and shall defray any expenditure incurred by the Commission with the approval of the Secretary of State in the discharge of their functions.
- (7) The Council may pay members of the Commission, other than the chairmen of the water authorities, such allowances as may be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- (8) Paragraph 40 of Schedule 3 to this Act shall have effect with respect to annual reports of the Commission.

24 Periodical reviews, plans and programmes

- (1) It shall be the duty of each water authority, as soon as practicable after 1st April 1974, in consultation with any water authority or authorities likely to be affected by the matters mentioned below—
- (a) to carry out a survey of the water in their area, the existing management of that water, the purposes for which it is being used and its quality in relation to its existing and likely future uses, and to prepare a report setting out the results of the survey;
 - (b) to prepare an estimate of the future demand for the use of that water during the period of twenty years from the date on which the survey is completed or such longer or shorter period from that date as the appropriate Minister or Ministers may in any particular case direct; and
 - (c) to prepare a plan as to action to be taken during that period by the authority (whether by way of executing works or securing the execution of works by other persons or otherwise) for the purpose of securing more efficient management of water in their area, including the meeting of future demands for water and the use of water and restoring or maintaining the wholesomeness of rivers and other inland or coastal waters in their area.
- (2) Where a statutory water company are supplying water in a water authority area, the water authority may require that company—

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- (a) to carry out a survey of the existing consumption of and demand for water supplies in the part of the water authority area within their limits of supply ;
 - (b) to prepare an estimate of the future water supply requirements of that part of the area ;
 - (c) to formulate proposals for meeting the existing or future water supply requirements of that part of the area, including proposals for the joint use with any other statutory water undertakers of any existing or proposed new source of water supply ; and
 - (d) to submit a report on any of the matters mentioned in paragraphs (a) to (c) above to the water authority within such time as the authority may specify.
- (3) Each water authority shall keep under review the particulars contained in any report or estimate prepared by them, and any plan prepared by them, under subsection (1) above, and shall at the times required by subsection (4) below revise those particulars and that plan, either by way of amendment or by taking fresh steps under subsection (1) above, or both, as the authority may consider appropriate having regard to changes which have occurred since the previous survey or (as the case may be) the revision last effected by them under this subsection.
- (4) The times at which a water authority are to carry out a revision under subsection (3) above shall be at intervals of not more than seven years, and, subject to that requirement, such times as they consider appropriate having particular regard to the times at which like revisions are proposed to be carried out by other water authorities.
- (5) Subsection (1) above shall not apply to water authorities' land drainage functions, but it shall be the duty of each water authority to carry out from time to time, and in any event at such times as the Minister may direct, a survey of their area in relation to those functions.
- (6) A water authority shall from time to time prepare, in the light of the most recent surveys (if any) carried out and the most recent plan (if any) prepared by them under the foregoing provisions of this section, one or more programmes of a general nature for the discharge of their functions over a period of not more than seven years and shall submit any such programme for the approval of the appropriate Minister or Ministers, and, if the appropriate Minister or Ministers so direct, shall at such time or times as may be specified in the direction, prepare and submit for his or their approval one or more such programmes, containing particulars of any description so specified, for the carrying out by the authority during a period so specified of projects of any class so specified.
- (7) Any programme of a water authority under subsection (6) above relating to the supply of water shall take account of any operations proposed under subsection (2) above to be undertaken in their area by a statutory water company, joint water board or joint water committee and involving a substantial outlay on capital account.
- (8) In carrying out their duty under the foregoing provisions of this section a water authority shall—
 - (a) consult every local authority whose area is wholly or partly included in the area of the water authority; and
 - (b) have regard to any of the following plans prepared for any part of that area under the Town and Country Planning Act 1971, that is to say, a structure plan, a local plan and any development plan within the meaning of Schedule 8 to that Act.

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- (9) A water authority or other statutory water undertakers shall, in carrying out any project involving substantial outlay on capital account, act in accordance with any approved programme for the time being applicable to the discharge of their functions or the carrying out of their operations under subsection (6) above.
- (10) Each water authority shall make arrangements for the carrying out of research and related activities (whether by the authority or by others) in respect of matters affecting the authority's functions, and in particular, but without prejudice to the generality of this subsection, may make arrangements for the carrying out of research and related activities in respect of such matters by subscribing or otherwise financially contributing to an organisation formed for that purpose.
- (11) The appropriate Minister or Ministers may give directions to a water authority with respect to the making of arrangements under subsection (10) above.
- (12) In the performance of their functions under this section a water authority shall consult the appropriate Minister or Ministers ; and every authority—
 - (a) shall send to the appropriate Minister or Ministers, to every local authority whose area is wholly or partly included in the area of the water authority and to the Water Space Amenity Commission a copy of any report prepared by the water authority in consequence of a survey under this section and of any amendments made by them to any such report;
 - (b) shall furnish a copy of any such report or amendments to any person on payment of such reasonable sum as the authority may determine; and
 - (c) shall furnish the appropriate Minister or Ministers with such other information as he or they may reasonably require with respect to anything done by the water authority in pursuance of this section.

25 Discharge of recreation and amenity functions in and around Greater London

- (1) The Thames Water Authority shall, after consulting the interested bodies, submit to the Secretary of State not later than 1st April 1975 proposals for the transfer to the Greater London Council of the recreation and amenity functions of water authorities as respects the whole or part of the watercourses and land to which this section applies and, subject to subsection (3) below, the Secretary of State may by order give effect to the proposals, either as submitted to him or with modifications.
- (2) The Secretary of State may himself at any time after consulting the interested bodies amend or revoke an order under subsection (1) above or, where any such order has been revoked, provide for the transfer of all or any of the recreation and amenity functions of water authorities as respects the whole or part of the watercourses or land to which this section applies to the Greater London Council.
- (3) If it appears to the Secretary of State that it is desirable to make an order under subsection (1) above giving effect to any proposals with modifications which appear to him to be substantial, he shall direct the Thames Water Authority, after consulting the interested bodies, to reconsider the proposals and submit revised proposals to him under that subsection within a time specified in the direction, but the foregoing provisions of this subsection shall not apply to an order under this subsection giving effect to the revised proposals.
- (4) While any recreation and amenity functions are exercisable by the Greater London Council by virtue of an order under this section, section 23(3) above shall have effect

as if references therein to water authorities included references to the Greater London Council.

- (5) In this section " the interested bodies " means—
- (a) the Water Space Amenity Commission ;
 - (b) the Greater London Council;
 - (c) in the case of proposals made by the Secretary of State under subsection (2) above, the Thames Water Authority and in any case any other water authority whose recreation and amenity functions will be affected by these proposals in question ;
 - (d) the Port of London Authority ;
 - (e) the Common Council of the City of London;
 - (f) the London Boroughs Association ;
 - (g) such other bodies representing persons interested in the use of the watercourses and land to which this section applies as the Thames Water Authority consider desirable or the Secretary of State directs in the case of proposals submitted to him and as he considers desirable in the case of his own proposals.
- (6) In this section " recreation and amenity functions " means, in relation to any authority, the authority's functions under section 20 above and, so far as relating to those functions, their functions under sections 22 and 24 above, not being in any case functions with respect to navigation conferred by or under any enactment.
- (7) The watercourses to which this section applies are—
- (a) so much of the River Thames as lies within Greater London;
 - (b) every watercourse, other than the River Thames, which is for the time being a main metropolitan watercourse within the meaning of Schedule 14 to the London Government Act 1963;
 - (c) so much of the River Beam, the River Ingrebourne and the River Roding as lies within Greater London; and
 - (d) so much of any other watercourse situated wholly or partly within, or adjoining the boundary of, Greater London as lies within the flow and reflow of the tides of the River Thames ;
- and the land to which this section applies is any land associated with any watercourse to which this section applies.
- (8) Without prejudice to any power exercisable by virtue of section 34 below, an order under this section may contain such transitional, incidental, supplementary or consequential provision as the Secretary of State considers necessary or expedient for the purposes of the order.
- (9) A statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26 Duties of statutory water undertakers and Council to their staff

- (1) Each water authority and all other statutory water undertakers shall make provision for advancing the skill of persons employed by them and in doing so shall comply with any scheme for training and education in force under section 4 above.
- (2) Except so far as the Council are satisfied that adequate machinery exists for the purpose it shall be the duty of the Council to seek consultation with any organisation

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appearing to them to be appropriate with a view to the conclusion between the Council and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for the settlement by negotiation of terms and conditions of employment of persons employed by the Council, the water authorities and other statutory water undertakers with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements.

- (3) It shall be the duty of every water authority and all other statutory water undertakers to comply with any such agreement.
- (4) The Council shall send copies of any such agreement, and of any instrument varying the terms of any such agreement, to the Secretary of State.

27 Superannuation of employees of statutory water undertakers

- (1) Statutory water undertakers may establish and administer pension schemes and pension funds in the interests of persons who are or have been employed by them, and may pay pensions, allowances and gratuities to or in respect of such persons or enter into and carry into effect agreements or arrangements with any other person for securing or preserving pension rights for any such persons.
- (2) It shall be the duty of all statutory water companies, by participating in a scheme for or in respect of persons who are or have been employed by any such company, to secure benefits in respect of their service after their entry into the scheme not less in amount than the corresponding benefits for employees and former employees of water authorities in the standard water authority scheme and on terms (including terms as to the transferability of benefits) not less favourable to the persons entitled to the benefits than the terms of that scheme ; and in this section " standard water company scheme " means a scheme under this subsection and " standard water authority scheme " means a scheme designated by an order under subsection (3) below.
- (3) The Secretary of State may by order—
 - (a) designate any scheme made for or in respect of employees and former employees of water authorities (including in particular a scheme contained in regulations under section 7 of the Superannuation Act 1972) as the standard water authority scheme ;
 - (b) designate a corporation to manage the standard water company scheme; and
 - (c) prescribe a date before which any person who is in the employment of a statutory water company on 31st March 1974 and intends to remain in the employment of such a company after that date, and for whom on that date superannuation arrangements will be in operation, may opt that the standard water company scheme shall not apply to him.
- (4) A person who has exercised the option conferred by subsection (3)(c) above may revoke it at any time after 31st March 1974.
- (5) Every employee of a statutory water company who is eligible for membership of the standard water company scheme shall be a member of that scheme unless he has exercised the option conferred by subsection (3)(c) above and has not revoked it.
- (6) Any question whether the terms of the standard water company scheme are less favourable than the terms of the standard water authority scheme shall be determined by the Secretary of State.

- (7) The powers conferred on statutory water undertakers by this section are without prejudice to any of their other powers.

28 Emergencies and disasters

Where an emergency or disaster involving destruction of or damage to life or property occurs or is imminent or there is reasonable ground for apprehending such an emergency or disaster and a water authority are of opinion that it is likely to affect the whole or part of their area or all or some of its inhabitants in a way connected with the discharge of their functions, they shall assist any principal council within the meaning of section 138 of the 1972 Act in taking any action under that section which is calculated to avert, alleviate or eradicate in the water authority area or among its inhabitants the effects or potential effects of the event.