



Water Act 1973

1973 CHAPTER 37

PART IV

MISCELLANEOUS

33 Abolition of existing central and local bodies

The following bodies shall cease to exist on 1st April 1974, that is to say—

- (a) the Water Resources Board;
- (b) the Central Advisory Water Committee;
- (c) all river authorities;
- (d) the Conservators of the River Thames and the Lee Conservancy Catchment Board;
- (e) the Isle of Wight River and Water Authority;
- (f) all statutory water undertakers existing immediately before the passing of this Act, except statutory water companies, joint water boards, joint water committees and existing local authorities and other bodies exercising functions not affected by this Act;
- (g) all joint sewerage boards and joint committees of sewerage authorities existing immediately before the passing of this Act;
- (h) the Water Supply Industry Training Board;

and section 263 of the 1972 Act (continuation of existing joint boards and committees) shall not apply to bodies which cease to exist by virtue of this section.

34 Consequential, transitional and supplementary provision

- (1) The following provisions of the 1972 Act, that is to say—
 - section 254 (consequential orders, etc.) and section 68 (transitional agreements as to property and finance) as applied by section 254 ;
 - section 255 (transfer of officers);
 - section 256 (continuity of employment);
 - section 257 (staff commission);

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section 259 (compensation for loss of office);

section 260 (option for early retirement);

shall apply for the purposes of this Act as they apply for the purposes of that Act or, as the case may be. Part IV of that Act, but subject to the exceptions and modifications contained in Part I of Schedule 6 to this Act.

- (2) The provisions of Part II of that Schedule, being provisions which reproduce with modifications certain provisions of section 262 of the 1972 Act (local Acts and instruments), shall have effect with respect to local statutory provisions in force immediately before 1st April 1974.
- (3) An order under section 2(5) above altering the boundaries of a water authority area and an order under section 25 above may include the like provision in relation to the order as may be made by regulations of general application under section 67 of the 1972 Act by virtue of subsection (2) of the latter section.

35 Isles of Scilly

- (1) The Secretary of State may, on the application of the Council of the Isles of Scilly, make an order providing for the exercise as respects the Isles of Scilly of functions corresponding to any of those transferred to water authorities by this Act.
- (2) Without prejudice to section 254 of the 1972 Act as applied by section 34 above, an order under this section may—
 - (a) apply, with or without modifications, any provision of this Act to the Isles of Scilly ;
 - (b) save the application to the Isles of Scilly of any enactment applying there immediately before 1st April 1974 and repealed as respects England in general by this Act.
- (3) Except as provided by an order under this section, this Act shall not extend to the Isles of Scilly.

36 Orders, regulations and byelaws

- (1) Any power to make orders or regulations conferred on the appropriate Minister or Ministers by or by virtue of this Act shall be exercisable by statutory instrument.
- (2) Any power to make an order conferred by or by virtue of any provision of this Act shall include power to make an order varying or revoking any order previously made under or by virtue of that provision.
- (3) Part I of Schedule 7 to this Act shall have effect with respect to the making of byelaws by the appropriate Minister or Ministers by virtue of any enactment under which water authorities discharge their functions and Part II of that Schedule shall have effect with respect to the making of byelaws by water authorities, other statutory water undertakers and internal drainage boards under any enactment.

37 Expenses

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act;

- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

38 Interpretation

- (1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

" the appropriate Minister or Ministers " and " the Ministers " have the meanings assigned to them by section 1 above;

" the Council " means the National Water Council;

" county ", " district ", " county council ", and " district council ", mean respectively a county, district, county council and district council established by the 1972 Act;

" development corporation " means a development corporation established under the New Towns Act 1965 or any Act replaced by that Act;

" existing local authority " means a local authority within the meaning of the Local Government Act 1933;

" joint water board " and " joint water committee " mean respectively a joint board and a joint committee which has been constituted under section 9 of the Water Act 1945 and on which a statutory water company is represented;

" land drainage " includes defence against water (including sea water), irrigation other than spray irrigation, warping and the provision of flood warning systems, and "land drainage functions" shall be construed accordingly;

" local authority " means a county council, the Greater London Council, a district council, a London borough council or the Common Council of the City of London;

" local land drainage committee " and " regional land drainage committee " mean respectively the committees established by those names under Schedule 8 to this Act;

" local land drainage district " means a local land drainage district established under that Schedule and any part of a water authority area which is to be treated as a local land drainage district for the purposes of Parts II and III of that Schedule;

" local statutory provision " means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect to some area or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

" London excluded area " means so much of Greater London, and of any area adjoining Greater London, as—

- (a) in relation to a time before 1st April 1974, does not at that time lie within the Thames catchment area, the Lee catchment area or the area of any river authority;

- (b) in relation to a time after 31st March 1974, does not at that time lie, for the purpose of the exercise of land drainage functions, within the area of any water authority;

" the 1972 Act " means the Local Government Act 1972;

" public authority " includes a statutory water company;

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" public sewer " has the same meaning as in the Public Health Act 1936 and "private sewer" shall be construed accordingly;

" regional water board " and " water development board " have the same meanings respectively as in the Water (Scotland) Act 1967;

" river authority " " underground strata ", " inland water ", " watercourse " and " water resources " have the same meanings respectively as in the Water Resources Act 1963;

" statutory water company " means a company authorised immediately before the passing of this Act by any local statutory provision to supply water or a company in whom the assets of any company so authorised have subsequently become vested;

" statutory water undertakers " has the meaning assigned to it by section 11(6) above ;

" supply of water in bulk " and " water fittings " have the same meanings as in the Water Act 1945;

- (2) Section 269 of the 1972 Act (which relates to the meaning of " England" and " Wales " in Acts passed after 1st April 1974) shall apply to this Act as if this Act had been passed after that date.
- (3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended, applied or extended by or under any other enactment, including this Act.

39 Commencement

- (1) The following provisions of this Act shall come into operation on 1st April 1974, that is to say—

section 9, except so far as relating to sections 21 and 22 of the Land Drainage Act 1930, Part VI of the Local Government Act 1948, section 21 of the Land Drainage Act 1961 and section 82 of the Water Resources Act 1963 ;

section 10;

section 11, except subsection (6) so far as relating to section 12 of the Water Act 1945 ;

section 12(1) and (6) to (11), except subsections (9) and (11) so far as relating to section 12 of the Water Act 1945 ;

section 13(3) and (4);

section 14;

section 16;

section 17;

section 18;

section 19(6) to (11);

section 20;

section 21(3) to (6).

section 24;

section 25;

section 28;

section 29(1);

section 33;

section 40(2), except so far as relating to the amendments of the House of Commons Disqualification Act 1957 made by Schedule 8 ;
section 40(3).

- (2) Any provision of, or any instrument made under, another Act which is modified or amended by a provision of this Act which comes into operation before 1st April 1974 shall between the passing of this Act and that date have effect both as modified or amended by this Act and as it would have had effect without the modification or amendment.

40 Short title, minor amendments, repeals and extent

- (1) This Act may be cited as the Water Act 1973.
- (2) The enactments specified in Schedule 8 to this Act shall have effect subject to the amendments, modifications and adaptations set out in that Schedule, being amendments, modifications and adaptations which are consequential on the foregoing provisions of this Act and minor amendments.
- (3) The enactments specified in Schedule 9 to this Act (which include enactments that were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent mentioned in column 3 of that Schedule.
- (4) The following provisions of this Act, that is to say—
- (a) section 4(5) to (8), so far as relating to the matters mentioned in section 4(5) (d) and (e);
 - (b) section 9, so far as relating to any enactment which extends to Scotland;
 - (c) section 18;
 - (d) paragraphs 43, 69 and 93 of Schedule 8 ;
 - (e) in Schedule 9, the repeals in the Water (Scotland) Act 1967; and
 - (f) so much of this Act as relates to the interpretation or commencement of the foregoing provisions;
- extend to Scotland, but except as aforesaid this Act does not extend to Scotland.
- (5) This Act, except section 4(5) to (8), so far as relating to the matters mentioned in section 4(5)(d) and (e) and paragraph 69 of Schedule 8 and so much of this Act as relates to the interpretation of those provisions, does not extend to Northern Ireland.
- (6) For the purposes of section 6 of the Government of Ireland Act 1920 (which relates to the powers of the Parliament of Northern Ireland) this Act shall be deemed to be an Act passed before the appointed day.