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 STATUTORY INSTRUMENTS
 

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1973 No. 1307

## WATER, ENGLAND AND WALES

## The South West Water Authority Constitution Order 1973

<i>Made</i> - - - -	25th July 1973
<i>Coming into Operation</i>	26th July 1973

The Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, acting jointly in exercise of the powers conferred on them by sections 2(4) and (6) and 3(1), (6) and (8) of the Water Act 1973(a) and of all other powers enabling them in that behalf, hereby order as follows:—

*Citation and commencement*

1. This order may be cited as the South West Water Authority Constitution Order 1973 and shall come into operation on 26th July 1973.

*Interpretation*

2.—(1) In this order, unless the context otherwise requires—

“the Act” means the Water Act 1973;

“the 1945 Act” means the Water Act 1945(b);

“the 1972 Act” means the Local Government Act 1972(c);

“county”, “district”, “county council” and “district council” means respectively a county, district, county council, and district council established by the 1972 Act;

“existing statutory water undertakers” means statutory water undertakers within the meaning of the 1945 Act who are in existence at the date of the making of this order;

“the general water authority area” has the meaning assigned to it in article 3(1);

“the map” means the map, prepared in duplicate, signed by an Under Secretary in the Department of the Environment and an Under Secretary in the Ministry of Agriculture, Fisheries and Food, and marked “Map referred to in the South West Water Authority Constitution Order 1973”, of which one duplicate has been deposited and is available for inspection at the offices of the Secretary of State for the Environment and the other at the offices of the Minister of Agriculture, Fisheries and Food;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“the water authority” means the South West Water Authority.

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(a) 1973 c. 37.  
(c) 1972 c. 70.

(b) 1945 c. 42.

(2) An article or schedule referred to only by number in this order means the article or schedule so numbered in this order.

(3) The Interpretation Act 1889<sup>(a)</sup> shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Establishment and general area of South West Water Authority*

3.—(1) There shall be established a regional water authority, which shall come into existence on the date on which this order comes into operation, and which shall be known as the South West Water Authority, for the area assigned to the water authority by virtue of section 2(2) of, and Schedule 1 to, the Act, that is to say the area comprising—

(a) the areas of the Cornwall and Devon River Authorities; and

(b) the part of the area of the Avon and Dorset River Authority the drainage of which is directed to the River Lim, which part is shown hatched black on the map,

and in this order “the general water authority area” means the area so assigned, as it is more particularly described in this paragraph.

(2) For the purposes of this order, and without prejudice to paragraphs 2 to 5 of Schedule 2 to the Act, the seaward boundaries of the area of any river authority named in column (1) of Schedule 1 to this order shall be taken as being the seaward boundaries having effect by virtue of the instrument specified in relation to that authority in column (2) of the said Schedule 1.

(3) Where the water authority perform any of their functions in any area which lies outside the general water authority area and within the area assigned to another regional water authority by virtue of section 2(2) of, and Schedule 1 to, the Act, they shall perform those functions in consultation with that authority.

*Members of water authority*

4.—(1) The water authority shall consist of fifteen members.

(2) The number of members specified for the purposes of paragraph (b) of section 3(1) of the Act as the number to be appointed by the Minister is two.

(3) The number of members specified for the purposes of paragraph (c) of section 3(1) of the Act as the number to be appointed by the Secretary of State is four.

(4) (a) The number of members to be appointed by each of the councils of counties specified in column (1) of Schedule 2, or by the councils of each group of districts so specified, shall be the number specified in relation to that county or to that group in column (2) of that schedule.

(b) Where in the said schedule the number to be appointed is specified in relation to a group of districts, the councils of the districts comprised in the group shall between them appoint that number.

(c) The year specified for the purposes of paragraph 4 of Schedule 3 to the Act (which provides that the first members to whom that paragraph applies shall hold office until the end of May in such year as may be specified for the purposes of that paragraph) is the year 1975 in the case of a member appointed by the councils of a group of districts, and the year 1977 in the case of a member appointed by the council of a county.

*Water supply area*

5. The area within which it shall be the duty of the water authority to supply water under Part II of the Act shall be the area comprising the limits of supply of the existing statutory water undertakers named in Schedule 3.

*Sewerage and sewage disposal area*

6. The area of the water authority for the purposes of their functions relating to sewerage and sewage disposal shall be the general water authority area except so much of the borough of Chard as lies within that area.

## SCHEDULE 1

Article 3

## SEAWARD BOUNDARIES

(1)	(2)
<i>River Authority</i>	<i>Instrument</i>
Cornwall River Authority	The Cornwall River Authority (Seaward Boundaries of Area) Order 1964(a)
Devon River Authority	The Devon River Authority (Seaward Boundaries of Area) Order 1964(b)

## SCHEDULE 2

Article 4

## NUMBERS OF MEMBERS TO BE APPOINTED BY LOCAL AUTHORITIES

(1)	(2)
<i>County</i>	<i>Number of Members</i>
Cornwall	Two
Devon	Two
<i>District</i>	
Caradon, Carrick, Kerrier, North Cornwall, Penwith, Restormel	Two between them
East Devon, Exeter, North Devon, Plymouth, South Hams, Teignbridge, Tiverton, Torbay, Torridge, West Devon	Two between them

## SCHEDULE 3

Article 5

## EXISTING STATUTORY WATER UNDERTAKERS

Plymouth Corporation  
 East Cornwall Water Board  
 East Devon Water Board  
 North and Mid Cornwall Water Board  
 North Devon Water Board  
 South Cornwall Water Board  
 South West Devon Water Board  
 West Cornwall Water Board

(a) S.I. 1964/1490.

(b) S.I. 1964/1502.

Signed by authority of  
the Secretary of State.  
25th July 1973.

*R. Graham Page,*  
Minister for Local Government  
and Development,  
Department of the Environment.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th July 1973.

(L.S.)

*Joseph Godber,*  
Minister of Agriculture, Fisheries  
and Food.

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The Water Act 1973 requires the Secretary of State and the Minister of Agriculture, Fisheries and Food by Order to establish regional water authorities for the areas specified in the Act. This Order accordingly establishes the South West Water Authority. The authority will consist of fifteen members appointed as follows:—

- (a) a chairman appointed by the Secretary of State;
- (b) two members appointed by the Minister of Agriculture, Fisheries and Food;
- (c) four members appointed by the Secretary of State;
- (d) four members appointed by the county councils specified in Article 4 of the Order; and
- (e) four members appointed by the councils of the groups of district councils specified in Article 4 of the Order.

The first members to be appointed by district councils will hold office until the end of May 1975, and those appointed by county councils until May 1977; otherwise the terms of office of the chairman and members will be governed by paragraphs 3 and 4 of Schedule 3 to the Act.

The South West Water Authority will come into existence on the day on which the Order comes into operation.

Except in so far as the Order specifies a particular area for the exercise of particular functions of the authority, the Act requires the authority (subject to the general provisions of the Act) to exercise their functions as respects the area specified as their area in Schedule 1 to the Act, namely

- (a) the areas of the Cornwall and Devon River Authorities; and
- (b) the part of the area of the Avon and Dorset River Authority of which the drainage is directed to the River Lim.

The Order specifies particular areas for the exercise of the authority's functions relating to water supply (Article 5) and sewerage and sewage disposal (Article 6).



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