

1973 No. 1361

WATER, ENGLAND AND WALES

The Southern Water Authority Constitution Order 1973

Made - - - 31st July 1973

Coming into Operation 1st August 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) and (6) 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 Southern Water Authority Constitution Order 1973 and shall come into operation on 1st August 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 Southern 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 Southern Water Authority.

(2) A reference in this order to the area of a river authority is a reference to that area as existing immediately before the passing of the Act, except that in the case of such an area which is altered after the passing of the Act otherwise than under the Act, it is a reference to the altered area.

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

(a) 1973 c. 37

(b) 1945 c. 42.

(c) 1972 c. 70.

(4) The Interpretation Act 1889^(a) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Establishment and general area of Southern 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 Southern 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 Isle of Wight and the areas of the Hampshire and Sussex River Authorities; and
- (b) the area of the Kent River Authority except the part of the area of that authority the drainage of which is directed to the Thames above Greenhithe, 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 Part 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 Part 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 nineteen 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 six.

- (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.

Area for river pollution functions

6. The area of the water authority for the purposes of their functions relating to the restoration and maintenance of the wholesomeness of rivers and other waters shall include the waters required to be included by virtue of paragraph 5 of Schedule 2 to the Act, subject to the exclusion of any part of the waters specified in Part 2 of Schedule 1 to this order which, but for the provisions of this article, would be so included.

Fisheries area

7. The area of the water authority for the purposes of their functions relating to fisheries shall include the waters required to be included by virtue of paragraph 4 of Schedule 2 to the Act, subject to the exclusion of any part of the waters specified in Part 3 of Schedule 1 to this order which, but for the provisions of this article, would be so included.

Land drainage area

8. The area of the water authority for the purposes of their functions relating to land drainage shall be the area comprising the Isle of Wight and the areas of the Hampshire, Kent and Sussex River Authorities.

Sewerage and sewage disposal area

9. 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 subject to—

- (a) the exclusion of the areas specified in Part 1 of Schedule 4; and
- (b) the inclusion of the areas specified in Part 2 of that schedule.

Articles 3, 6 and 7

SCHEDULE 1

SEAWARD BOUNDARIES

In this schedule—

- (a) “the Thames area” and “the Yantlet line” have the same meaning as in the Port of London Act 1968(a);
- (b) a group of two letters and eight figures identifying or associated with any point represents the map co-ordinates of that point estimated to the nearest ten metres on the grid of the national reference system used by the Ordnance Survey on its maps and plans.

(a) 1968 c. xxxii.

PART 1

INSTRUMENTS DESIGNATING TIDAL WATERS FOR INCLUSION IN RIVER AUTHORITY AREAS

(1)	(2)
<i>River Authority</i>	<i>Instrument</i>
Isle of Wight River and Water Authority	The Isle of Wight River and Water Authority (Seaward Boundaries of Area) Order 1964(a)
Hampshire River Authority	The Hampshire River Authority (Seaward Boundaries of Area) Order 1964(b)
Kent River Authority	The Kent River Authority (Seaward Boundaries of Area) Order 1964(c)
Sussex River Authority	The Sussex River Authority (Seaward Boundaries of Area) Order 1964(d)

PART 2

WATERS EXCLUDED FROM THE AREA FOR RIVER POLLUTION FUNCTIONS

The tidal waters and parts of the sea within the Thames area, except the waters within lines drawn—

- (a) from the northern end of the sea wall on the Isle of Grain at TQ89027701 to TR02037300 and thence due south to Warden Point on the Isle of Sheppey at TR02037256; and
- (b) from Warden Point on the Isle of Sheppey at TR02037256 to Long Rock near Whitstable at TR13676784.

PART 3

WATERS EXCLUDED FROM THE FISHERIES AREA

The tidal waters and parts of the sea within so much of the Thames area as lies within the Yantlet line.

SCHEDULE 2

Article 4

NUMBERS OF MEMBERS TO BE APPOINTED BY LOCAL AUTHORITIES

(1)	(2)
<i>County</i>	<i>Number of Members</i>
East Sussex	One
Hampshire	One
Isle of Wight	One
Kent	One
West Sussex	One
<i>District</i>	
Brighton, Eastbourne, Hastings, Hove, Lewes, Rother, Wealden	One between them
Basingstoke, Eastleigh, Fareham, Gosport, Hartley Wintney, Havant, New Forest, Petersfield, Portsmouth, Rushmoor, Southampton, Test Valley, Winchester	One between them
Medina, South Wight	One between them
Ashford, Canterbury, Dartford, Dover, Gillingham, Gravesham, Maidstone, Medway, Sevenoaks, Shepway, Swale, Thanet, Tonbridge and Malling, Tunbridge Wells	One between them
Adur, Arun, Chichester, Crawley, Horsham, Mid Sussex, Worthing	One between them

(a) S.I. 1964/1510. (b) S.I. 1964/1508. (c) S.I. 1964/1511. (d) S.I. 1964/1497.

Article 5 SCHEDULE 3
EXISTING STATUTORY WATER UNDERTAKERS

Brighton Corporation
Hastings Corporation
Southampton Corporation
Tunbridge Wells Corporation
Winchester Corporation
Worthing Corporation
Isle of Wight River and Water Authority
Medway Water Board
North West Sussex Water Board
Thanet Water Board
Eastbourne Waterworks Company
Folkestone and District Water Company
Mid Kent Water Company
Mid-Sussex Water Company
Portsmouth Water Company
Sevenoaks and Tonbridge Water Company

SCHEDULE 4
Article 9 SEWERAGE AND SEWAGE DISPOSAL AREA

PART 1

AREAS WITHIN THE GENERAL WATER AUTHORITY AREA IN WHICH THE WATER AUTHORITY ARE NOT TO EXERCISE SEWERAGE AND SEWAGE DISPOSAL FUNCTIONS
So much of—

- (a) the borough of Christchurch,
- (b) the parishes of Bentworth, Medstead, Ropley, West Tisted and Wield, in the rural district of Alton,
- (c) the parishes of Allington, Idmiston and Winterbourne, in the rural district of Amesbury,
- (d) the parishes of Alderbury, Clarendon Park and Downton, in the rural district of Salisbury and Wilton,
- (e) the parishes of Burley, Christchurch East and Ellingham, in the rural district of Ringwood and Fordingbridge, and
- (f) the parishes of Dunsfold and Hascombe, in the rural district of Hambledon,

as lies within the general water authority area.

PART 2

AREAS OUTSIDE THE GENERAL WATER AUTHORITY AREA IN WHICH THE WATER AUTHORITY ARE TO EXERCISE SEWERAGE AND SEWAGE DISPOSAL FUNCTIONS
So much of—

- (a) the rural district of Winchester,
- (b) the parish of Over Wallop, in the rural district of Romsey and Stockbridge, and
- (c) the parishes of Ampport, Grately, Quarley, Shipton Bellinger, South Tedworth and Thruxton, in the rural district of Andover,

as lies outside the general water authority area.

Signed by authority of the Secretary of State.
31st 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 26 July 1973.

(L.S.) *Joseph Godber,*
Minister of Agriculture, Fisheries and Food.

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 Southern Water Authority. The authority will consist of nineteen 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) six members appointed by the Secretary of State;
- (d) five members appointed by the county councils specified in Article 4 of the Order; and
- (e) five 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 Southern 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 Isle of Wight;
- (b) the areas of the Hampshire and Sussex River Authorities; and
- (c) the area of the Kent River Authority, except the part of the area of that authority of which the drainage is directed to the Thames above Greenhithe.

The Order specifies particular areas for the exercise of the authority's functions relating to water supply (Article 5), river pollution (Article 6), fisheries (Article 7), land drainage (Article 8), and sewerage and sewage disposal (Article 9).

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