
 STATUTORY INSTRUMENTS

1974 No. 1081

WATER

**The Water Authorities (Collection of Charges) (Amendment)
Order 1974**

<i>Made</i>	- - -	24th June 1974
<i>Laid before Parliament</i>		2nd July 1974
<i>Coming into Operation</i>		23rd July 1974

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them by subsections (1) (a) and (2) (c) of section 254 of the Local Government Act 1972(a), as applied by section 34(1) of, and Schedule 6 to, the Water Act 1973(b), and of the powers so conferred by the provisions of the said section 254 as so applied and as extended by paragraph 5(2)(c) and (cc) (as inserted by paragraph 14 of Schedule 7 to the Local Government Act 1974(c)) of the said Schedule 6, and of all other powers enabling them in that behalf, hereby make the following order:—

Title, commencement and territorial extent of exercise of powers

1.—(1) This order may be cited as the Water Authorities (Collection of Charges) (Amendment) Order 1974 and shall come into operation on 23rd July 1974.

(2) The Water Authorities (Collection of Charges) Order 1974(d) (in this order referred to as “the principal Order”) and this order may be cited together as the Water Authorities (Collection of Charges) Orders 1974.

(3) The Anglian Water Authority (Collection of Charges) Order 1974(e) (in this order referred to as “the Anglian Order”) and this order may be cited together as the Anglian Water Authority (Collection of Charges) Orders 1974.

(4) This order is made—

- (a) by the Secretary of State for Wales in relation to the Welsh National Water Development Authority, and
- (b) by the Secretary of State for the Environment in relation to any other water authority.

Interpretation

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

Amendment of principal Order

3. The principal Order is hereby amended as follows:—

- (a) at the beginning of article 3 (general effect of order) there shall be

(a) 1972 c. 70.	(b) 1973 c. 37.	(c) 1974 c. 7.
(d) S.I. 1974/448 (1974 I, p. 1493).	(e) S.I. 1974/484 (1974 I, p. 1734).	
(f) 1889 c. 63.		

inserted the words “Notwithstanding anything in section 38(1) of the 1945 Act and ”;

(b) at the end of article 14 (recovery of rates and charges) there shall be added the following paragraphs:—

“(2) Without prejudice to the generality of the preceding paragraph, and subject to the following provisions of this article, in any case where a rating authority are required or empowered to collect or recover any amount from any person under or by virtue of this order, they may recover that amount in like manner as, and together with, any amount due to them from that person in respect of the general rate.

(3) In any such case, the provisions of Part VI (Distress for Rates) of the 1967 Act shall have effect as if any reference therein to a sum legally assessed on and due from a person in respect of a rate included a reference to a sum a person is liable to pay in respect of any charge payable under or by virtue of this order, and—

(a) references in the said Part VI to a sum to which a person has been rated or to the rating or assessment of a person shall be construed accordingly, and

(b) the forms in Schedule 12 to the 1967 Act, or forms to the like effect, subject to any necessary modifications, may be used in proceedings under the said Part VI, as that Part has effect by virtue of this article.

(4) In any such case as aforesaid, being a case where any amounts payable under or by virtue of this order are payable in advance by half-yearly instalments under section 55 of Schedule 3 to the 1945 Act, as applied by any enactment in that behalf, the rating authority may enforce payment of those amounts in accordance with the provisions of the said Part VI, as those provisions have effect by virtue of this article, notwithstanding anything in subsection (3) (a) of the said section 55.”.

Amendment of Anglian Order

4. The Anglian Order is hereby amended as follows:—

(a) at the beginning of article 3 (general effect of order) there shall be inserted the words “Notwithstanding anything in section 38(1) of the Water Act 1945(a) and”;

(b) at the end of article 10 (recovery of rates and charges) there shall be added the following paragraphs:—

“(2) Without prejudice to the generality of the preceding paragraph, and subject to the following provisions of this article, in any case where a rating authority are required or empowered to collect or recover any amount from any person under or by virtue of this order, they may recover that amount in like manner as, and together with, any amount due to them from that person in respect of the general rate.

(3) In any such case, the provisions of Part VI (Distress for Rates) of the 1967 Act shall have effect as if any reference therein to a sum legally assessed on and due from a person in respect of a rate included

a reference to a sum a person is liable to pay in respect of any charge payable under or by virtue of this order, and—

- (a) references in the said Part VI to a sum to which a person has been rated or to the rating or assessment of a person shall be construed accordingly. and
- (b) the forms in Schedule 12 to the 1967 Act, or forms to the like effect, subject to any necessary modifications, may be used in proceedings under the said Part VI, as that Part has effect by virtue of this article.”.

21st June 1974.

Anthony Crosland,
Secretary of State for the Environment.

24th June 1974.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Water Authorities (Collection of Charges) Order 1974 (S.I. 1974/448) made provision for the collection and, to a limited extent, for the recovery, on behalf of water authorities, by rating authorities, of charges made by water authorities for the supply of water and for other services provided by water authorities during the year beginning on 1st April 1974. The Anglian Water Authority (Collection of Charges) Order 1974 (S.I. 1974/484) made similar provision, in relation to water supply only, within an area where before 1st April 1974 the supply of water was mainly financed by precepts and not by the usual method of levying a water rate.

Those orders were made under the provisions of section 254 of the Local Government Act 1972, as applied and extended by the Water Act 1973. This order is made under those provisions, as further extended by the Local Government Act 1974, and amends those orders so as to provide that payment of any charges demanded under either order may be enforced in like manner as payment of the general rate is enforced, and recovered together with the general rate.

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