

1975 No. 396

WATER, ENGLAND AND WALES

The Water Authorities (Collection of Charges) Order 1975

Made - - - 13th March 1975
Laid before Parliament 25th March 1975
Coming into Operation 27th March 1975

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:—

PART I

INTRODUCTORY

Title, commencement, and territorial extent of exercise of powers

1.—(1) This order may be cited as the Water Authorities (Collection of Charges) Order 1975 and shall come into operation on 27th March 1975.

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

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

- “general rate”, “rateable value”, “rating area” and “rating authority” have the same meanings as in the 1967 Act;
- “hereditament” has the same meaning as in the 1967 Act, and includes a hereditament treated as being occupied by virtue of section 33(3) or 34(3) of that Act;

(a) 1972 c. 70.

(b) 1973 c. 37.

(c) 1974 c. 7.

(d) 1889 c. 63.

- “the 1945 Act” means the Water Act 1945(a);
- “the 1967 Act” means the General Rate Act 1967(b);
- “the 1972 Act” means the Local Government Act 1972;
- “the 1973 Act” means the Water Act 1973;
- “the 1974 Act” means the Local Government Act 1974;
- “the principal order” means the Water Authorities (Collection of Charges) Order 1974(c), as amended by the Water Authorities (Collection of Charges) (Amendment) Order 1974(d);
- “qualifying area” means an area in respect of which, in relation to the year 1974–75, a rating authority have been required, by a water supply notice issued by a water authority under the principal order (including any notice required by the principal order to be treated as such a notice), to collect and recover on behalf of the water authority amounts payable to that authority in respect of the supply of water;
- “qualifying hereditament” means a hereditament which—
- (a) is a dwelling-house within the meaning of section 115(1) of the 1967 Act or a mixed hereditament within the meaning of section 48 of that Act, and
 - (b) on 1st April 1975 is not drained by any sewer or drain communicating directly or indirectly with a public sewer provided for foul water, or for foul water and surface water;
- “the relevant constitution order”, in relation to a water authority, means the order made by the Secretary of State and the Minister of Agriculture, Fisheries and Food under sections 2 and 3 of the 1973 Act, establishing that authority and specifying the number of persons to be appointed members thereof;
- “sewerage and sewage disposal area”, in relation to a water authority, means—
- (a) the area specified in the relevant constitution order as their area for the purposes of their functions relating to sewerage and sewage disposal, or
 - (b) where no such area is so specified, the area specified in that order as the authority’s general water authority area or, in the case of the Welsh National Water Development Authority, as the general Welsh authority area;
- “water authority” has the same meaning as in the 1973 Act;
- “water supply area”, in relation to a water authority, means the area specified in the relevant constitution order as the area within which it shall be the duty of that authority to supply water under Part II of the 1973 Act;
- “the year 1974–75” and “the year 1975–76” mean the financial year beginning on 1st April 1974 and 1st April 1975 respectively.
- (3) Unless the context otherwise requires, any provision of this order with respect to the general rate shall, in its application to the City of London, apply also in relation to the poor rate.
- (4) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order.

(a) 1945 c. 42.

(b) 1967 c. 9.

(c) S.I. 1974/448 (1974 I, p. 1734).

(d) S.I. 1974/1081 (1974 II, p. 3991).

(5) Unless the context otherwise requires, any reference in this order to a provision of the 1967 Act relating to a particular matter includes a reference to any provision of the 1974 Act making corresponding or different provision with respect to that matter.

General effect of order

3. Notwithstanding anything in section 38(1) of the 1945 Act, and subject to the express provision of any other order made under section 254 of the 1972 Act (as originally enacted or as applied or extended by any other enactment) this order shall have effect in relation to the calculation, collection and recovery by local authorities on behalf of water authorities of amounts becoming payable on or after 1st April 1975 in respect of services provided by water authorities during the year 1975-76.

PART II

WATER SUPPLY CHARGE

Water supply notice

4.—(1) Subject to the provisions of this order, a water authority may issue a notice (in this order referred to as “a water supply notice”) to any rating authority whose rating area lies wholly or partly within the water authority’s water supply area, requiring them to collect and recover on behalf of the water authority amounts payable to the water authority in respect of the supply of water by them to premises in any qualifying area specified in the notice, being an area comprising, or lying within, the area of the water authority.

(2) A water supply notice shall be issued as soon as may be and shall authorise the rating authority to demand and collect the said amounts by means of a charge (in this order referred to as “a water rate”) to be expressed as a poundage to be determined by the water authority and specified in the notice and by means of such other charges (in this order referred to as “water charges”) as may be so specified.

(3) A water supply notice shall specify the period to which it relates and may specify such other matters as the water authority may consider appropriate, including any or all of the following matters:—

- (a) the classes of premises in respect of which the water rate is to be levied on the net annual value of the premises;
- (b) the classes of premises in respect of which the water rate is to be levied on a proportion only of the net annual value and the proportion appropriate to each such class;
- (c) any minimum charge which is to be made for the supply of water in such cases as may be specified;
- (d) where the water rates and water charges are to be collected by instalments, particulars of those instalments;
- (e) where discounts or rebates are to be allowed in consideration of prompt payment of water rates and water charges, particulars of the discounts or rebates allowable;
- (f) where the water authority are empowered to demand water rates or water charges in certain circumstances from the owner of premises instead of the occupier, particulars of the circumstances in which such a demand may be made, and particulars of any allowance to be made in consideration of prompt payment.

(4) A water authority may issue different notices in relation to different areas within the same rating area, and where a notice relates to more than one area it may specify different matters in relation to different areas.

(5) A water authority may, after consultation with a rating authority to whom they have issued a notice, vary or revoke that notice by giving notice in writing to that authority.

(6) A water authority shall furnish to a rating authority from time to time such information as the rating authority may require for the exercise of their powers or duties under this part of this order.

(7) In this part of this order, unless the context otherwise requires, “the water authority” means a water authority who have issued a water supply notice to a rating authority, “the notice” means that notice, and “the rating authority” means that rating authority.

Effect of water supply notice

5.—(1) Subject to the provisions of this article, where a rating authority receive a water supply notice from a water authority they shall be under a duty to collect and recover, in accordance with the provisions of the notice and of this order, the water rate relating to all relevant premises within any area specified in the notice and any water charges specified therein, and to remit the amounts so collected and recovered to the water authority in accordance with the provisions of article 6.

(2) The water authority shall allow the rating authority to retain, as payment for the cost of collection, out of any amount so collected or recovered, such an amount as may be agreed between the water authority and the rating authority or as may in default of agreement be determined by an arbitrator to be appointed either by agreement between the parties or in default of agreement by the President of the Chartered Institute of Public Finance and Accountancy.

(3) A notice issued before the coming into operation of this order by a water authority to a rating authority, being a notice relating to amounts becoming payable as stated in article 3 and expressed in terms complying with paragraphs (1) to (4) of article 4, whether or not it is expressly referred to therein as “a notice” or “a water supply notice”, shall be treated as a water supply notice duly issued for the purposes of this order.

Remitting of water rates and charges to water authority

6. Subject to the provisions of article 5(2), where in any month a rating authority have received on behalf of a water authority any amounts by way of water rates or water charges, they shall pay them over to the water authority as soon as reasonably practicable after the end of that month, and in any case within seven days from the end thereof.

PART III

GENERAL SERVICES CHARGE

General services notice

7.—(1) Subject to the provisions of this order, a water authority may issue a notice (in this order referred to as “a general services notice”) to any rating authority whose rating area lies wholly or partly within the water authority’s

sewerage and sewage disposal area, requiring them to collect and recover on behalf of the water authority amounts payable to the water authority in respect of services (other than the supply of water) provided by the water authority in the area specified in the notice, being the rating area of the rating authority, or so much of that area as lies within the water authority's sewerage and sewage disposal area.

(2) A general services notice shall be issued as soon as may be and shall authorise the rating authority to demand and collect the said amounts by means of a charge (in this order referred to as "a general services charge") which shall be expressed as a poundage to be determined by the rating authority in accordance with the provisions of article 9, and shall be charged by them on hereditaments in the area specified in the notice in accordance with the provisions of this part of this order.

(3) A general services notice shall specify the period to which it relates and the total amount which the water authority by means of that notice require the rating authority to pay to them in respect of that period in relation to hereditaments in the area specified in the notice (in this order referred to as "the general services payment"), and may specify such other matters as the water authority may consider appropriate.

(4) A water authority may, after consultation with a rating authority to whom they have issued a notice, vary or revoke that notice by giving notice in writing to that authority.

(5) A water authority shall furnish to a rating authority from time to time such information as the rating authority may require for the exercise of their powers or duties under this part of this order.

(6) In this part of this order, unless the context otherwise requires, "the water authority" means a water authority who have issued a general services notice to a rating authority, "the notice" means that notice, and "the rating authority" means that rating authority.

Effect of general services notice

8.—(1) Where a rating authority receive a general services notice from a water authority, they shall be under a duty to collect and recover, in accordance with the provisions of the notice and of this order, the general services charge relating to the hereditaments within the area specified in the notice and to pay the general services payment therein specified to the water authority in accordance with the provisions of article 14.

(2) A notice issued before the coming into operation of this order by a water authority to a rating authority, being a notice relating to amounts becoming payable as stated in article 3 and expressed in terms complying with paragraphs (1) to (3) of article 7, whether or not it is expressly referred to therein as "a notice" or "a general services notice", shall be treated as a general services notice duly issued for the purposes of this order.

Calculation of poundage

9.—(1) For the purposes of collecting the general services charge and of paying over to the water authority the general services payment specified in any general services notice, the rating authority to whom the notice has been issued shall calculate and determine the general services charge relating to the hereditaments within their rating area in accordance with the provisions of this article.

(2) The general services charge shall be a charge at a uniform amount per pound on the rateable value of each hereditament in the rating area of the rating authority and that amount per pound is referred to in this part of this order as “the relevant poundage”.

(3) Subject to the provisions of paragraphs (4) to (8) below, the relevant poundage in relation to any general services payment or payments payable by a rating authority shall be determined in such a way as to secure that if a charge at the relevant poundage were levied by reference to the aggregate of the rateable values of all the hereditaments in the rating area of the authority the total amount so levied would be equal to that general services payment or, where the rating authority are required to make such payments to more than one water authority, to the total amount of those payments.

(4) Without prejudice to the generality of paragraph (3) above, in ascertaining the aggregate of rateable values of all the hereditaments in the rating authority’s area for the purposes of that paragraph there shall be included—

- (a) where in respect of any hereditament the general rate is subject to any restriction, relief or rebate under section 8 or 40 of the 1967 Act or sections 11 to 14 of the 1974 Act, the full rateable value of that hereditament, and
- (b) where in respect of any hereditament a contribution in aid of rates is made under section 37 or 38 of the 1967 Act, the value entered in the rating list as representing its rateable value.

(5) For the purpose of estimating the relevant poundage in relation to any general services payment in pursuance of paragraph (3) above, the rating authority may take into account such amounts as they may reasonably estimate as representing the cost of collection of the charge (including the cost of ascertaining at any time which hereditaments in their rating area are qualifying hereditaments) and the loss on collection thereof.

(6) In estimating the loss on collection, the rating authority shall have regard to the provisions of paragraph 5 (loss on collection) of the Schedule to the Rate Product Rules 1974(a), other than sub-paragraph (1)(b) or (2) thereof (or to the corresponding provisions of any rules made in replacement of those rules by virtue of section 113(1)(c) of the 1967 Act), as if the charge formed part of the general rate but were not subject to relief or rebate under section 40 of the 1967 Act or sections 11 to 14 of the 1974 Act.

(7) In any case where payment of the general rate charged in respect of any hereditament is remitted under section 53 or 103(2) of the 1967 Act, the rating authority shall not be required to collect the general services charge in respect of that hereditament, and in estimating the loss on collection of the charge in pursuance of paragraphs (5) and (6) above they may have regard to any such case.

(8) Where in accordance with the foregoing provisions of this article the rating authority estimate the relevant poundage to be an amount per pound which includes an amount less than one-tenth of a penny, they may round up the relevant poundage to the next highest one-tenth of a penny but no higher.

Collection of general services charge

10.—(1) The rating authority shall collect the general services charge from every person who is liable to pay the general rate in respect of a hereditament in the area of the authority, or who is making a contribution in aid of rates

(a) S.I. 1974/364 (1974 I, p. 1184).

under section 37 or 38 of the 1967 Act in respect of such hereditament, and, subject to the provisions of article 11, the amount payable by way of the charge in respect of any hereditament shall be the amount arrived at by multiplying the relevant poundage by the rateable value of that hereditament or, as the case may be, by the value entered in the valuation list as representing its rateable value.

(2) Subject to the provisions of this part of this order, a rating authority who are under a duty under this part of this order to collect the general services charge in relation to any area—

- (a) may, if they are also under a duty under Part II of this order to collect the water rate in relation to any area comprising, or lying within their rating area, collect the general services charge in like manner as the water rate, whether or not they collected it in that manner during the year 1974–75, and
- (b) in any case where they do not collect that charge in the manner specified in sub-paragraph (a) above, shall collect it in like manner as the general rate.

(3) The provisions of article 12 shall apply to the collection of the general services charge in like manner as the general rate.

(4) The provisions of article 13 shall apply to the collection of the general services charge in like manner as the water rate.

Remission of charge where premises not drained into public sewer

11.—(1) Where, but for the provisions of this article, a rating authority would be entitled by virtue of article 10 to require payment of an amount by way of general services charge from any person in respect of a hereditament, and that hereditament is a qualifying hereditament, the authority shall allow to that person in respect of that payment a remission equal to one-half of that amount.

(2) Where a rating authority demand payment of the general services charge from any person in respect of a hereditament which appears to the authority to be a qualifying hereditament, they may reduce the charge, at the time when they make the demand, by the amount of the relevant remission, and in any such case the payment by that person of the charge as so reduced shall be accepted by the authority in full settlement of the charge in respect of that hereditament.

(3) The rating authority shall be under a duty to take reasonable steps to make known the effect of paragraph (1) above to persons from whom the general services charge is demanded and, when so doing, to invite any person from whom the said charge is demanded in respect of a qualifying hereditament (other than a person in whose favour a remission is made under paragraph (2) above) to submit a claim for the relevant remission by notice in writing to the rating authority during the year 1975–76 and, when submitting such a claim, or at any later time during the said year, to deduct the relevant remission from the general services charge paid by him in respect of that hereditament.

(4) In this article, “the relevant remission”, in relation to an amount payable by way of general services charge in respect of a qualifying hereditament means the remission allowable in respect of that payment by virtue of this article.

Collection of general services charge in like manner as general rate

12.—(1) Where the rating authority are required by article 10(2)(b) to collect the general services charge in like manner as the general rate they may collect that charge in that manner within their whole rating area in accordance with the provisions of this article.

(2) Subject to the following provisions of this article and without prejudice to the generality of paragraph (1) above, where a rating authority collect the general services charge in like manner as the general rate, the collection of that charge may so far as practicable be made in that manner with regard to the following matters:—

- (a) collection of the charge by instalments;
- (b) the allowing of discounts or rebates for prompt payment;
- (c) collection from owners instead of occupiers;
- (d) the liability of any person in respect of periods during which property is unoccupied;
- (e) the rating of unoccupied property;
- (f) where an amount falls to be recovered or repaid by the rating authority by reason of an alteration in the valuation list in consequence of a proposal for such an alteration, the date from which the recovery or repayment is to have effect.

(3) Where any owner of property—

- (a) is liable to pay all or part of the general rate in respect of that property for a period during which it is unoccupied, and
- (b) is liable by virtue of this order to pay the general services charge in respect of that property for the same period,

the amount which he is so liable to pay by way of general services charge shall not exceed the amount which bears to the relevant general services charge the proportion which the amount payable as aforesaid by way of general rate bears to the relevant general rate, and in any case shall not exceed the amount of the relevant general services charge.

(4) Where a rating authority collect the general services charge in like manner as the general rate, no rebate or reduction shall be allowed in respect of that charge under or by reference to any of the following provisions:—

- (a) section 8 of the 1967 Act (restriction of amount recoverable in certain cases);
- (b) section 40 of the 1967 Act (relief for charitable and other organisations);
- (c) sections 11 to 14 of the 1974 Act (statutory and local rate rebate schemes).

(5) In any case where a rating authority collect a charge in the said manner and there is a total or partial default by any person in respect of the charge or of the general rate in relation to any period, the amount of that default shall, for the purposes of collection and recovery, be apportioned between the charge and the general rate in proportion to the amounts payable respectively by way of the charge and of the rate in relation to that period.

Collection of general services charge in like manner as water rate

13.—(1) Subject to the provisions of paragraph (2) below, where the rating authority are empowered by article 10(2)(a) to collect the general services charge in like manner as the water rate, and they do so collect it, they may collect that charge in that manner within their whole rating area.

(2) Without prejudice to the generality of paragraph (1) above, where a rating authority collect the general services charge in the said manner, the collection of the charge may so far as practicable be made in that manner with regard to the following matters:—

- (a) collection of the charge by instalments;
- (b) the allowing of discounts or rebates;
- (c) collection from owners instead of occupiers;
- (d) the liability of any person in respect of periods during which premises are unoccupied;
- (e) where an amount falls to be recovered or repaid by the rating authority by reason of an alteration in the valuation list in consequence of a proposal for such an alteration, the date from which the recovery or repayment is to have effect.

Remitting of general services payment to water authority

14.—(1) Where a rating authority are required under article 8(1) to pay a general services payment to a water authority, they shall pay that amount by twelve monthly instalments in accordance with the provisions of this article.

(2) The rating authority shall pay each such instalment as soon as reasonably practicable after the end of the month to which it relates, and in any case within seven days from the end of that month.

(3) In respect of the year 1975–76 the rating authority may deduct from the general services payment an amount not exceeding the aggregate of all the amounts allowed by them by way of remission under article 11 during that year (in this article referred to as “the said aggregate”).

(4) The amount of each monthly instalment payable by the rating authority under this article shall be one-twelfth of the general services payment less an amount which, in the reasonable opinion of the rating authority, represents an appropriate proportion of the said aggregate (or of the best available estimate thereof), having regard to the total of any similar amounts deducted by the authority when making any previous monthly payments under this article and to the authority’s obligation to secure that the total amount to be so deducted in respect of the year 1975–76 shall not exceed the said aggregate.

(5) The rating authority shall submit to the water authority with each monthly instalment a statement of the manner in which the relevant deduction has been calculated, and shall furnish to that authority, from time to time, particulars of the qualifying hereditaments in respect of which remissions have been allowed under article 11.

(6) The water authority and the rating authority may, by agreement between them, vary the application of any of the foregoing provisions of this article.

PART IV

GENERAL

Recovery of rates and charges

15.—(1) Where a rating authority are required or empowered to collect or recover any amount under or by virtue of this order on behalf of a water authority, they may, without prejudice to any other remedy or proceedings available to them, enforce any remedy or institute any proceedings which that water authority could have enforced or instituted if they were collecting or recovering that amount on their own account.

(2) Without prejudice to the generality of paragraph (1) above, 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 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.

Records, accounts and forms

16. Where in pursuance of this order any rate or charge is collected together with the general rate, the same records and accounts and forms of demand and receipt may be used for the general rate and for that rate or charge.

12th March 1975.

Anthony Crosland,
Secretary of State for the
Environment.

13th March 1975.

John Morris,
Secretary of State for Wales.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to England and Wales, makes provision for the collection and recovery on behalf of water authorities, by local authorities who are rating authorities, of charges made by water authorities for the supply of water (in Part II of the Order) and for services other than the supply of water (in Part III of the Order) during the year beginning on 1st April 1975.

The provisions are similar to those of the Water Authorities (Collection of Charges) Order 1974, which has effect for the same purposes in relation to the year beginning on 1st April 1974. The only difference of substance is that this Order allows a remission of one-half of the general services charge (that is to say, the charge for services other than the supply of water) where the charge is made in respect of a dwelling-house or mixed hereditament which is not drained, directly or indirectly, into a public sewer.

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