

1976 No. 514**WATER, ENGLAND AND WALES****The Water Authorities (Collection and Refunding of
Charges) Order 1976**

<i>Made - - - -</i>	<i>30th March 1976</i>
<i>Laid before Parliament</i>	<i>30th March 1976</i>
<i>Coming into Operation</i>	<i>31st March 1976</i>

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SCHEDULE—Descriptions of hereditaments subject to special rating specified for the purposes of section 1 of the Water Charges Act 1976.

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 sub-paragraphs (2)(c), (cc) (as inserted by paragraph 14 of Schedule 7 to the Local Government Act 1974(c)) and (cca) to (ccd) (as inserted by section 1(9) of the Water Charges Act 1976(d)) and (3) (as inserted by section 2(4) of the Water Charges Act 1976) of paragraph 5 of the said Schedule 6 and by section 1(8) of the Water Charges Act 1976, 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 and Refunding of Charges) Order 1976 and shall come into operation on 31st March 1976.

(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(e) 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 or 34 of that Act;

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

“the 1967 Act” means the General Rate Act 1967(g);

“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 1975 Order” means the Water Authorities (Collection of Charges) Order 1975(h);

“the 1976 Act” means the Water Charges Act 1976;

“qualifying area” means an area in respect of which, in relation to the year 1975-76, a rating authority have been required, by a water supply notice

(a) 1972 c. 70.

(b) 1973 c. 37.

(c) 1974 c. 7.

(d) 1976 c. 9.

(e) 1889 c. 63.

(f) 1945 c. 42.

(g) 1967 c. 9.

(h) S.I. 1975/396 (1975 I, p. 1208).

issued by a water authority under the 1975 Order (including any notice required by that 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;

“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;

“the Schedule” means the Schedule to this order;

“special rating” has the same meaning as in the 1976 Act;

“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 1975-76” and “the year 1976-77” mean the financial years beginning on 1st April 1975 and 1st April 1976 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.

(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.

(6) Any name, description or other expression assigned in this order to any notice, amount, payment, charge or other matter is so assigned for purposes of reference only, and a notice, memorandum, demand, receipt or other document which is duly issued for the purposes of this order and is expressed in terms which comply with the provisions thereof shall not be treated as invalid or defective by reason only that any matter is referred to therein by the use of an expression which differs from the corresponding expression assigned to that matter in this order.

PART II

REFUNDING OF CHARGES

Refund by deduction from general rate or otherwise

3.—(1) Subject to the provisions of this Part of this order, in any case where, by virtue of section 1 (duty of water authorities to refund certain charges) of the 1976 Act, it is the duty of a water authority to refund to a person a charge paid

by him to a rating authority in respect of a hereditament, the repayment of that charge, unless made direct by the water authority, shall be made in accordance with the provisions of this article.

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

“repayable charge” means an amount which it is the duty of a water authority to refund by virtue of the said section 1;

“entitled person” means a person to whom a repayable charge is required to be refunded by virtue of the said section 1, and “the entitled person” in relation to any repayable charge means the person to whom that charge is so required to be refunded.

(3) Subject to paragraphs (4) and (5) below, where a rating authority demand payment of the general rate for the year 1976-77 from any person in respect of any hereditament in the area of a water authority, and at any time before they receive payment thereof it appears to the rating authority that it is the duty of the water authority to refund any amount to that person by way of repayable charge in respect of that hereditament, they may reduce the amount of the general rate so demanded by the amount of the repayable charge, and the payment by the entitled person of the general rate as so reduced shall be accepted by the rating authority in full settlement of the general rate payable by him in respect of that hereditament for that year.

(4) A rating authority, with the approval of the water authority concerned (which may be given generally or in a particular case or class of cases), may pay all or part of any repayable charge in respect of any hereditament to the entitled person by agreement with that person, and in any such case the provisions of paragraph (3) above shall have effect subject to that agreement.

(5) A rating authority—

- (a) shall make known the general effect of paragraph (3) above, by such means and to such extent as they consider appropriate, to persons from whom the general rate is or has been demanded for the year 1976-77, and,
- (b) when so doing, may invite entitled persons (other than persons in whose favour a reduction is made under the said paragraph (3)) to submit claims for repayment of any relevant repayable charge by notice in writing to the rating authority.

Specified hereditaments subject to special rating

4. The descriptions of hereditaments subject to special rating which are specified in the Schedule are the descriptions specified for the purposes of section 1 of the 1976 Act.

Calculation of refunds in respect of specified hereditaments

5.—(1) In any case where—

- (a) a rating authority are required by article 3 to pay or allow an amount by way of repayable charge in relation to a hereditament, and
 - (b) that charge is a charge mentioned in section 1(1)(a) of the 1976 Act (which relates to certain charges for sewerage or sewage disposal), and
 - (c) that hereditament is of a description specified in the Schedule,
- the charge shall be calculated in accordance with the provisions of paragraph (2) below.

(2) In any such case, the repayable charge for the purposes of this Part of this order shall be—

- (a) in relation to a hereditament of a description specified in Part I of the Schedule, one-half of the amount which, but for this sub-paragraph, would be the repayable charge in relation thereto;
- (b) in relation to a hereditament of a description specified in Part II of the Schedule, the amount which, apart from this sub-paragraph, would be the repayable charge in relation thereto.

PART III

WATER SUPPLY CHARGE

General effect of Part III

6. 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 Part of 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 1976 in respect of the supply of water by water authorities during the year 1976-77.

Water supply notice

7.—(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 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

8.—(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 9.

(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 6 and expressed in terms complying with paragraphs (1) to (4) of article 7, 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

9.—(1) Subject to the provisions of article 8(2) and of paragraph (2) below, 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.

(2) In respect of the year 1976-77, the rating authority may deduct from any amount payable under paragraph (1) above all or part of any amount paid by them, or allowed by them by way of reduction of general rate, under article 3 during that year, in compliance with section 1(1)(b) of the 1973 Act, to the extent that the amount so paid or allowed by them has not been otherwise reimbursed to them by the water authority.

PART IV

MISCELLANEOUS SERVICES CHARGE

General effect of Part IV

10. 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 Part of 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 1976 in respect of services (other than the supply of water) provided by water authorities during the year 1976-77.

Miscellaneous services notice

11.—(1) Subject to the provisions of this order, a water authority may issue a notice (in this order referred to as a “miscellaneous 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 performed, facilities provided or rights made available (other than the supply of water) 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 miscellaneous 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 miscellaneous services charge”) which shall comprise the following charges, that is to say—

(a) a charge for services performed, facilities provided or rights made available in the exercise of functions under section 14 (sewerage and sewage disposal) of the 1973 Act (in this order referred to as “a sewerage charge”); and

(b) a charge for services performed, facilities provided or rights made available in the exercise of functions specified in section 30(1B) of the 1973 Act (in this order referred to as “an environmental services charge”).

(3) The sewerage charge and the environmental services charge shall each be expressed as a poundage to be determined by the rating authority in accordance with the provisions of article 13, and shall be charged by them on hereditaments in the area specified in the relevant miscellaneous services notice in accordance with the provisions of this Part of this order.

(4) A miscellaneous services notice shall specify—

(a) the period to which it relates;

(b) 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 miscellaneous services payment”);

(c) those parts of that amount which are to be charged respectively in accordance with paragraph (2)(a) above (in this order referred to as “the sewerage payment”) and in accordance with paragraph (2)(b) above (in this order referred to as “the environmental services payment”),

and may specify such other matters as the water authority may consider appropriate.

(5) In determining the miscellaneous services payment for the purposes of any miscellaneous services notice, the water authority may include in the relevant sewerage payment an amount representing an appropriate proportion of the aggregate amount required to be refunded by them in respect of their sewerage and sewage disposal area under section 1(1)(a) of the 1976 Act.

(6) 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.

(7) 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.

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

Effect of miscellaneous services notice

12.—(1) Where a rating authority receive a miscellaneous 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 miscellaneous services charge relating to the hereditaments in the area specified in the notice and to pay the miscellaneous services payment therein specified to the water authority in accordance with the provisions of article 17.

(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 10 and expressed in terms complying with paragraphs (1) to (4) of article 11, whether or not it is expressly referred to therein as "a notice" or "a miscellaneous services notice", shall be treated as a miscellaneous services notice duly issued for the purposes of this order.

Calculation of poundage

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

(2) The sewerage charge shall be a charge at a uniform amount per pound on the rateable value of each hereditament to which section 30(1)(b)(i) of the 1973 Act applies in the rating area of the rating authority.

(3) The environmental 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.

(4) In relation to any sewerage charge or environmental services charge, the amount per pound mentioned in paragraph (2) or (3) above, as the case may be, is referred to in this order as "the relevant poundage".

(5) Subject to the provisions of paragraphs (7) to (12) below, the relevant poundage in relation to any sewerage payment or sewerage payments payable by a rating authority shall be determined in such a way as to secure that if a charge at that relevant poundage were levied by reference to the aggregate of the rateable

values of all the hereditaments in the rating area of the authority, other than hereditaments excluded under paragraph (8) below, the total amount so levied would be equal to that sewerage 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.

(6) Subject to the provisions of paragraphs (7) to (12) below, the relevant poundage in relation to any environmental services payment or environmental services payments payable by a rating authority shall be determined in such a way as to secure that if a charge at that 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 environmental 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.

(7) Without prejudice to the generality of paragraph (5) or (6) above, in ascertaining any aggregate of rateable values for the purposes of either of those paragraphs 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.

(8) In ascertaining any aggregate of rateable values for the purposes of paragraph (5) above, the rating authority may exclude the rateable value of any hereditament which does not appear to them to be a hereditament to which section 30(1)(b)(i) of the 1973 Act applies.

(9) For the purpose of estimating the relevant poundage in relation to any payment comprised in a miscellaneous services payment in pursuance of paragraph (5) or (6) above, the rating authority may take into account such amounts as they may reasonably estimate as representing the cost of collection of the relevant charge and the loss on collection thereof.

(10) 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.

(11) 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 miscellaneous services charge in respect of that hereditament, and in estimating the loss on collection of the charge in pursuance of paragraphs (9) and (10) above they may have regard to any such case.

(12) 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.

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

Collection of miscellaneous services charge

14.—(1) Subject to the provisions of this article, the rating authority shall collect the sewerage charge from every person who is liable to pay the general rate in respect of a hereditament to which section 30(1)(b)(i) of the 1973 Act applies in the area of the authority, or who is making a contribution in aid of rates under section 37 or 38 in respect of such a hereditament.

(2) The rating authority shall collect the environmental services charge from every person who is liable to pay the general rate in respect of any hereditament in the area of the authority, or who is making such a contribution as aforesaid in respect of such a hereditament.

(3) Subject to paragraphs (4) and (5) below, the amount payable by way of charge under paragraph (1) or (2) above 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.

(4) The amount payable by way of sewerage charge in respect of any hereditament of a description specified in Part I of the Schedule shall be one-half of the amount which would be so payable, but for this paragraph, by virtue of paragraph (3) above.

(5) No amount shall be payable by way of sewerage charge in respect of any hereditament of a description specified in Part II of the Schedule.

(6) In any case where—

(a) the rating authority include the rateable value of a hereditament when determining any aggregate of rateable values for the purpose of ascertaining the relevant poundage in relation to any sewerage payment under article 13(5), and

(b) it appears to them at any time that the hereditament is not a hereditament to which section 30(1)(b)(i) of the 1973 Act applies, and accordingly they determine not to collect, in respect of that hereditament, the amount which would be the amount of the relevant sewerage charge if it were such a hereditament,

the authority, when paying the relevant miscellaneous services payment to the water authority in pursuance of article 17, may deduct that amount in accordance with paragraph (3) of that article.

(7) 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 miscellaneous services charge in relation to any area—

(a) may, if they are also under a duty under Part III of this order to collect the water rate in relation to any area comprising, or lying within, their rating area, collect the miscellaneous services charge in like manner as the water rate, whether or not they collected it in that manner during the year 1975-76, 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.

(8) The provisions of article 15 shall apply to the collection of the miscellaneous services charge in like manner as the general rate.

(9) The provisions of article 16 shall apply to the collection of the miscellaneous services charge in like manner as the water rate.

Collection in like manner as general rate

15.—(1) Where the rating authority are required by article 14(7)(b) to collect the miscellaneous 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 miscellaneous 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 miscellaneous services charge in respect of that property for the same period,

the amount which he is so liable to pay by way of miscellaneous services charge shall not exceed the amount which bears to the relevant miscellaneous 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 miscellaneous services charge.

(4) Where a rating authority collect the miscellaneous 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 in like manner as water rate

16.—(1) Subject to the provisions of paragraph (2) below, where the rating authority are empowered by article 14(7)(a) to collect the miscellaneous 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 miscellaneous 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 miscellaneous services payment to water authority

17.—(1) Where a rating authority are required under article 12(1) to pay a miscellaneous 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 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 1976-77 the rating authority may deduct from the miscellaneous services payment an amount representing the aggregate of the following amounts (in this article referred to as “the said aggregate”):—

- (a) an amount not exceeding the total of all the payments paid by them, or allowed by them by way of reduction of general rate, as amounts refunded during that year under article 3, in compliance with section 1(1)(a) of the 1976 Act;
- (b) as payment for the cost of ascertaining, paying or allowing any such refunded amounts, such an amount as may be agreed with the water authority or determined by an arbitrator in the manner provided in article 8(2);
- (c) an amount not exceeding the total of all the amounts authorised to be deducted by virtue of article 14(6).

(4) The amount of each monthly instalment payable by the rating authority under this article shall be one-twelfth of the miscellaneous 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 limit the amounts to be deducted in respect of the year 1976-77 in the manner provided by paragraph (3) above.

(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 hereditaments in respect of which—

- (a) refunds have been paid or allowed under article 3, or

(b) deductions have been made by virtue of article 14(6).

(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 V

GENERAL

Recovery of rates and charges

18.—(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

19. 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.

SCHEDULE

DESCRIPTIONS OF HEREDITAMENTS SUBJECT TO SPECIAL RATING
SPECIFIED FOR THE PURPOSES OF
SECTION 1 OF THE WATER CHARGES ACT 1976

PART I

1. In any rating district, the water hereditaments of any statutory water undertaking.
2. Any hereditament which the British Gas Corporation are to be treated as occupying in a rating area by virtue of section 33(3) of the 1967 Act.
3. Any hereditament which an Electricity Board are to be treated as occupying in a rating area by virtue of section 34(3) of the 1967 Act.
4. In any rating district, such of the hereditaments occupied by the Post Office by the underground railway, within the meaning of section 52(7) of the Post Office Act 1969(a), as are in that district.

PART II

5. In any rating district, such of the hereditaments occupied by the Post Office by any such property as follows, namely—
posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services,
as are in that district.

PART III

Interpretation of Schedule

Expressions used in this Schedule and the 1967 Act, unless the contrary intention appears, have the same meanings in this Schedule as in that Act.

29th March 1976.

Anthony Crosland,
Secretary of State for the Environment.

30th March 1976.

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 refunding by water authorities of certain charges for sewerage and sewage disposal, and for water supply, paid for the financial years 1974-75 and 1975-76, and also provides for the collection and recovery by local authorities, on behalf of water authorities, of charges made by water authorities for the supply of water and for other services to be provided during the financial year 1976-77.

Part II (refunding of charges) provides for the making by local authorities, on behalf of water authorities, of refunds which it is the duty of water authorities to make, by virtue of the Water Charges Act 1976, in respect of certain hereditaments which, on a relevant date, had no available water supply or were without sewerage.

Parts III (water supply charge) and IV (miscellaneous services charge) are similar to the corresponding provisions of the Water Authorities (Collection of Charges) Order 1975, which have effect for the financial year 1975-76.

The only difference of substance is that in those Parts of this Order the charge for services other than water supply, which was previously made on all hereditaments, is divided into two charges, (1) an environmental services charge (which may be made on all hereditaments) and (2) a sewerage charge (which may be made only on hereditaments which benefit from public sewerage or are otherwise made expressly liable by the Water Charges Act 1976).

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