STATUTORY INSTRUMENTS

1976 No. 307

WATER, ENGLAND AND WALES

The Anglian and Thames Water Authorities (Alteration of Boundaries) Order 1976

Made - - -	*26th February* 1976
Laid before Parliament	*11th March* 1976
Coming into Operation	*1st April* 1976

The Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on them by sections 2(5) to (7), 8(3) and 36(2) of, and paragraphs 1, 14 and 15 of Schedule 2 to, the Water Act 1973(**a**), and of all other powers enabling them in that behalf, on recommendations made to them by the Anglian Water Authority and the Thames Water Authority in pursuance of the said section 8(3), and after consultation with such persons and representative bodies as they considered it appropriate to consult, hereby make the following order:—

Citation and commencement

1. This order may be cited as the Anglian and Thames Water Authorities (Alteration of Boundaries) Order 1976 and shall come into operation on 1st April 1976.

Interpretation

2.—(1) The Interpretation Act 1889(**b**) 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—

"the Act" means the Water Act 1973;

"the Anglian Authority" means the Anglian Water Authority, and "the Thames Authority" means the Thames Water Authority;

"the authorities" means the Anglian Authority and the Thames Authority;

"the day of transfer" means 1st April 1976;

"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 Anglian and Thames Water Authorities (Alteration of Boundaries) Order 1976", 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;

(**a**) 1973 c. 37. (**b**) 1889 c. 63.

"the relevant constitution order" means—

(*a*) in relation to the Anglian Authority, the Anglian Water Authority Constitution Order 1973(**a**),

(*b*) in relation to the Thames Authority, the Thames Water Authority Constitution Order 1973(**b**), as amended(**c**);

"the transferred area" has the meaning given in article 3;

"the transferred undertaking" has the meaning given in article 4(3);

"water supply area", in relation to a water authority, means the area within which, by virtue of the relevant constitution order, it is the duty of the authority to supply water under Part II of the Act.

(3) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order.

Alteration of boundaries of water supply areas

3. The water supply area of the Thames Authority shall be altered so as to include the area shown hatched black and bounded externally by a black line on the map (in this order referred to as "the transferred area"), and the water supply area of the Anglian Authority shall be altered so as to exclude that area; and the boundary between the water supply area of the Thames Authority and the water supply area of the Anglian Authority shall be altered accordingly between the points marked "A" and "B" on the map.

Transfer of water undertaking

4.—(1) Subject to the provisions of this order, on the day of transfer the transferred undertaking shall by virtue of this order be transferred to and vest in the Thames Authority.

(2) The authorities may agree between them in any particular case that, for the purposes of this order—

(*a*) any property which, but for this sub-paragraph, would form part of the transferred undertaking, shall be treated as not forming part thereof;

(*b*) any property held by the Anglian Authority partly for the purposes of the transferred undertaking which, but for this sub-paragraph, would not form part of the transferred undertaking, shall be treated as forming part thereof.

(3) In this article "the transferred undertaking" means that part of the water undertaking of the Anglian Authority which immediately before the day of transfer exists within, or is wholly or mainly related to, the transferred area, and includes—

(*a*) all land, buildings, works, equipment and other real and personal property, assets and rights vested in, or held or enjoyed by, the Anglian Authority for, or in relation to, that part of that water undertaking immediately before the day of transfer, and all liabilities and obligations to which they were then subject in relation to that part of that undertaking;

(**a**) S.I. 1973/1359 (1973 II, p. 4170). (**b**) S.I. 1973/1360 (1973 II, p. 4178).
(**c**) The amending order is not relevant to the subject matter of this order.

(*b*) the benefits of all contracts (other than contracts for the employment of officers or servants) in force immediately before the day of transfer in respect of that part of that undertaking, subject to any obligations thereunder;

(*c*) the rights and benefits under any licence under the Water Resources Act 1963(**a**) in force immediately before the day of transfer, being a licence to abstract water or to obstruct or impede the flow of an inland water which has effect in relation to that part of that undertaking, subject to any obligations thereunder;

(*d*) all registers, books of account, maps, specifications, engineering reports and other documents relating solely to that part of that undertaking;

but excludes—

(i) any funds, money or securities for money of the Anglian Authority, whether invested or in hand (other than consumers' deposits and any money or securities in money representing the unexpended balance of any sum borrowed by the Anglian Authority for the purposes of the said part of the said undertaking);

(ii) any liabilities or obligations in respect of any sum borrowed by the Anglian Authority for the purposes of their water undertaking;

(iii) any right of the Anglian Authority to receive payments under the Rural Water Supplies and Sewerage Acts 1944 to 1971(**b**), or any payments of a similar nature under any other enactment in respect of expenditure incurred in connection with their water undertaking.

Transfer of officers

5. The Thames Authority shall take over and employ, as from the day of transfer or as from such other date as they may agree in any particular case with the person concerned, every person who immediately before the day of transfer is an officer or servant of the Anglian Authority and—

(i) is employed wholly or mainly in connection with the transferred undertaking, or

(ii) not being so employed, but being wholly or mainly employed at a place of work in the transferred area, notifies the Thames Authority in writing within the period of three months beginning on the day of transfer that he wishes to enter their employment,

on terms and conditions not less favourable than those on which he is employed by the Anglian Authority immediately before the day of transfer.

Saving of agreements, etc.

6.—(1) Subject to the provisions of this order, all sales, conveyances, grants, assurances, deeds, contracts (other than contracts the benefits of which, and the liabilities under which, are not transferred by this order), bonds, agreements, notices and demands affecting the transferred undertaking and in force immediately before the day of transfer, shall, on and after that day, be as binding and of as full force and effect in every respect and may be enforced as fully and effectually against, or in favour of, the Thames Authority as if, instead of the Anglian Authority, the Thames Authority had been a party thereto or bound thereby or entitled to the benefits thereof.

(**a**) 1963 c. 38.

(**b**) 1944 c. 26; 1955 c. 13; 1971 c. 49.

(2) Where necessary for the purposes of this article, any revenues and outgoings shall be apportioned between the authorities.

(3) Any question which may arise under this article shall be determined by an arbitrator to be appointed either by agreement between the authorities or, in default of agreement, by the President of the Chartered Institute of Public Finance and Accountancy.

Repayment of loan charges

7.—(1) Subject to the provisions of this article, the Thames Authority shall pay to the Anglian Authority in the year commencing on the day of transfer and in each year thereafter any amounts which, in pursuance of arrangements in force immediately before the day of transfer for the redemption of loans (whether by depreciation charge or repayment of principal) and the payment of interest thereon, would, but for this order, have fallen on or after that day to be debited in the final revenue account of the Anglian Authority for that year in respect of money borrowed for purposes of the transferred undertaking.

(2) The Thames Authority shall not be liable to pay so much of any amount as aforesaid as is attributable to any period before the day of transfer, and any such amount shall be calculated as if the amount due in respect of redemption of loans and payment of interest accrued from day to day.

(3) In calculating the amounts which would have fallen to be debited in respect of any loan, regard shall be had to—

(i) the income earned by any sinking fund established for the redemption of that loan; and

(ii) any sum received by the Anglian Authority under the Rural Water Supplies and Sewerage Acts 1944 to 1971, or any payments of a similar nature made under any other enactment towards the financing of the liabilities in respect of which that loan was raised.

(4) Any sum payable under paragraph (1) above shall, unless otherwise agreed, be paid by half-yearly instalments.

(5) Any question which may arise as to the amounts payable by the Thames Authority under paragraph (1) above shall be determined by an arbitrator to be appointed either by agreement between the authorities or, in default of agreement, by the President of the Chartered Institute of Public Finance and Accountancy.

(6) Without prejudice to the right of the Thames Authority to charge any payment under paragraph (1) above to revenue account, any payment made by the Thames Authority under that paragraph in respect of the liability for the redemption of a loan shall be deemed to be a capital payment, and any other such payment (other than a payment in respect of debt management expenses) shall be deemed to be an annual payment.

(7) The Thames Authority may agree with the lender and with the Anglian Authority for the transfer to the Thames Authority of the liability with respect to any outstanding loan made to the Anglian Authority in respect of the transferred undertaking, and where any liability so transferred is in respect of a loan secured by a mortgage, the mortgage (unless otherwise agreed) shall take effect in all respects as a mortgage created by the Thames Authority of their revenues to secure the loan and the interest thereon.

Recovery and apportionment of debts

8.—(1) Subject to the provisions of this article, the Anglian Authority shall be entitled to and may recover all rates, rents, charges, profits and sums of money and shall discharge and pay all debts and liabilities in respect of the transferred undertaking which accrue due or become payable before the day of transfer and, subject to the provisions of this order, the Thames Authority shall be entitled to and may recover all such revenues and shall discharge or pay all such outgoings which accrue due or become payable on or after that day.

(2) Except so far as may be otherwise agreed between the authorities, so much of any amount recovered or paid by the Anglian Authority by virtue of this article as is attributable to any period beginning on or after the day of transfer shall (as the case may require) be paid by them to, or be repaid to them by, the Thames Authority; and so much of any amount so recovered or paid by the Thames Authority as is attributable to the period before the day of transfer shall (as the case may require) be paid by them to, or be repaid to them by, the Anglian Authority.

(3) Where necessary for the purposes of this article, any revenues and outgoings shall be apportioned between the authorities.

(4) Any question which may arise under this article shall be determined by an arbitrator to be appointed either by agreement between the authorities or, in default of agreement, by the President of the Chartered Institute of Public Finance and Accountancy.

Local statutory provisions and byelaws

9.—(1) Any local statutory provision which immediately before the day of transfer applies to the transferred area shall have effect, so far as relates to the supply of water in the transferred area and to things done or falling to be done in the exercise of functions relating to such supply of water, as if for any reference to the Anglian Authority (being an express reference to that authority or a reference thereto substituted for a reference to some other body by virtue of any enactment) there were substituted a reference to the Thames Authority.

(2) Any byelaws made by the Anglian Authority (or having effect as if so made) which relate to the supply of water, and which immediately before the day of transfer are in force in the transferred area, shall have effect on and after that day in relation to that area as if they had been made by the Thames Authority.

Collection of water rates and charges

10.—(1) Where, in pursuance of an order to which this article applies, the Anglian Authority have, before the day of transfer, issued a notice to any local authority requiring them to collect and recover on behalf of the Anglian Authority amounts payable to that authority in respect of the supply of water to premises in the transferred area during the year commencing on the day of transfer, that notice shall have effect on and after the day of transfer as if it had been issued by and in favour of the Thames Authority and the provisions of the said order shall have effect accordingly.

(2) This article applies to any order made by the Secretary of State in exercise of powers conferred upon him by section 254 of the Local Government Act 1972(**a**) as applied by section 34(1) of, and Schedule 6 to, the Water Act 1973 and as extended by paragraph 5(2) of the said Schedule 6, whereby water authorities are empowered to require local authorities to calculate, collect and recover on their behalf amounts payable in respect of water supplied by the water authorities.

(**a**) 1972 c. 70.

Continuance of actions

11. Any action, arbitration or other proceeding or any cause of action, arbitration or other proceeding, pending or existing on the day of transfer by, or against, or in favour of, the Anglian Authority in respect of the transferred undertaking shall not be prejudicially affected by reason of this order and may be continued, prosecuted and enforced by, or against, or in favour of, the Thames Authority.

Amendment of constitution orders

12. The relevant constitution orders relating to the authorities shall be amended as follows:—

(*a*) at the end of article 5 (water supply area) of the Anglian Water Authority Constitution Order 1973, and

(*b*) at the end of article 5 (water supply area) of the Thames Water Authority Constitution Order 1973—

there shall be added the words "as altered by article 3 of the Anglian and Thames Water Authorities (Alteration of Boundaries) Order 1976".

Anthony Crosland,
Secretary of State for the Environment.

26th February 1976.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 26th February 1976.

(L.S.)

Frederick Peart,
Minister of Agriculture, Fisheries and Food.

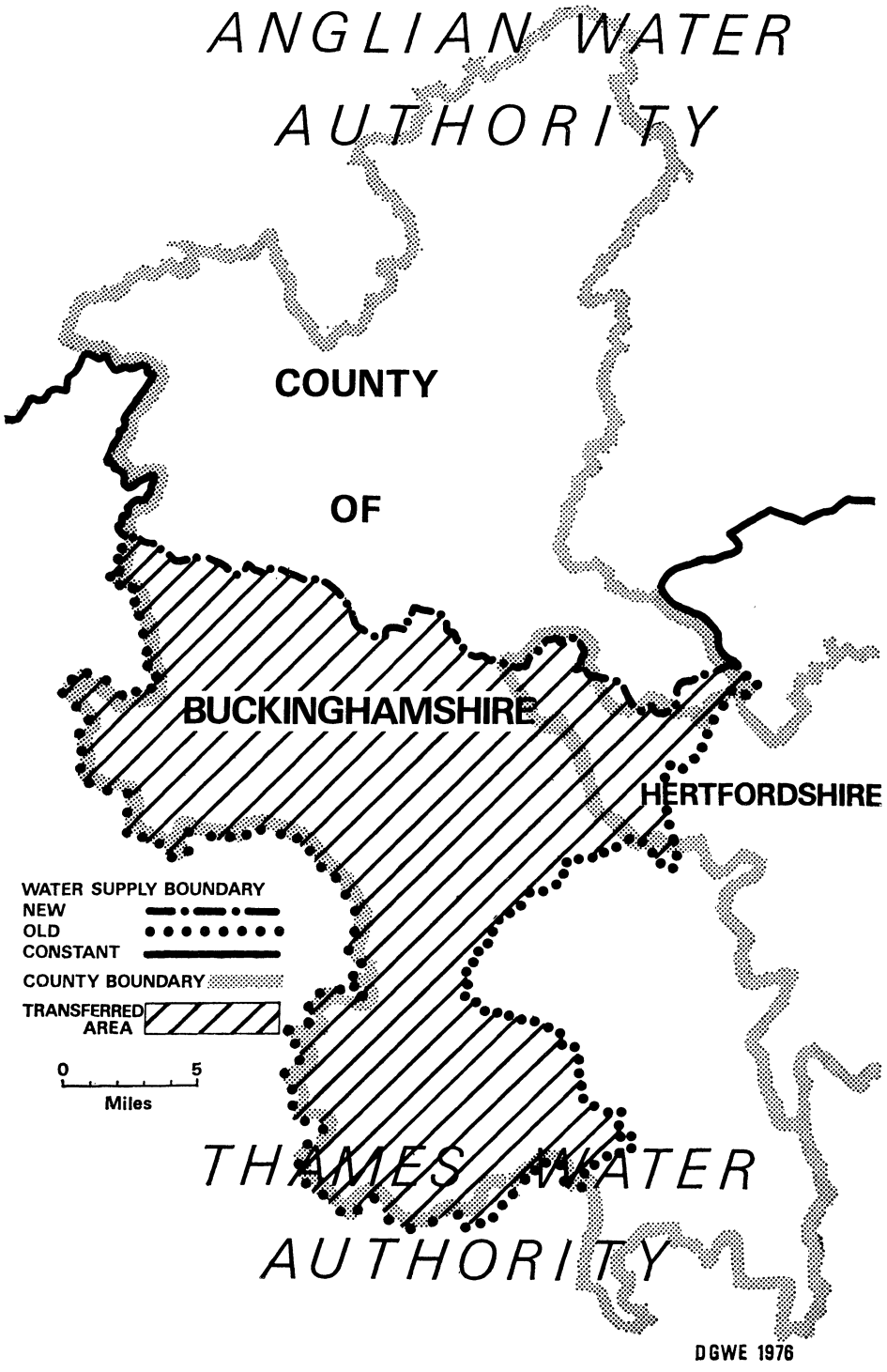
EXPLANATORY NOTE

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

When the Anglian Water Authority was established on 1st August 1973 by the Anglian Water Authority Constitution Order 1973, made under sections 2 and 3 of the Water Act 1973, the area within which it was to be the authority's duty to supply water was defined as comprising the limits of supply of 24 statutory water undertakers, including the Bucks Water Board. This Order transfers the southern part of the former Board's area to the water supply area of the Thames Water Authority and alters the water supply boundary between that authority and the Anglian Water Authority. (The transferred area and altered boundary are shown on the map forming part of this Note.)

The Order provides for related transfers of property, rights and liabilities between the two authorities, and makes transitional, incidental, supplementary and consequential provision concerning other matters, including the transfer of

employees (article 5), the repayment of loan charges (article 7), local statutory provisions and byelaws (article 9) and the collection of water rates and charges (article 10).



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