STATUTORY INSTRUMENTS

1974 No. 484

WATER

The Anglian Water Authority (Collection of Charges) Order 1974

Made - - - -	19*th March* 1974
Laid before Parliament	26*th March* 1974
Coming into Operation	27*th March* 1974

The Secretary of State for the Environment, in exercise of the powers conferred upon him 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*) of the said Schedule 6, and of all other powers enabling him in that behalf, hereby makes the following order:—

Title and commencement

1. This order may be cited as the Anglian Water Authority (Collection of Charges) Order 1974 and shall come into operation on 27th March 1974.

Interpretation

2.—(1) The Interpretation Act 1889(**c**) 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 Boards' area" means the area which comprises the limits of supply of the Mid-Northamptonshire Water Board and the Higham Ferrers and Rushden Water Board on the day on which this order is made;

"chargeable area", in relation to a rating authority, means so much of the rating area of that authority as lies within the Boards' area;

"general rate", "rating area", "rating authority", and "rateable value" have the same meaning 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) 1889 c. 63.

" new rating authority " means a local authority established by or under the 1972 Act who are a rating authority ;

" the 1967 Act " means the General Rate Act 1967(**a**) ;

" the 1972 Act " means the Local Government Act 1972 ;

" the relevant poundage " has the meaning assigned to it in article 6(2) ;

" the Water Authority " means the Anglian Water Authority.

(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.

(4) 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 Local Government Act 1974(**b**) making corresponding or different provision with respect to that matter.

General effect of order

3. 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 the Water Authority of amounts becoming payable on or after 1st April 1974 in respect of services provided by that authority during the year beginning on that date.

General water notice

4.—(1) Subject to the provisions of this order, the Water Authority may issue a notice (in this order referred to as " a general water notice ") to any new rating authority whose rating area lies wholly or partly within the Boards' 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 in any area specified in the notice, being a chargeable area comprising, or forming part of, the area of the rating authority.

(2) A general water 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 services charge ") which shall be expressed as a poundage to be determined by the rating authority in accordance with the provisions of article 6 and charged by them on hereditaments in the area specified in the notice in accordance with the provisions of this order.

(3) A general water 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 water services payment "), and may specify such other matters as the Water Authority may consider appropriate.

(4) The 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) The 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.

(a) 1967 c. 9. (b) 1974 c. 7.

(6) The 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 order.

(7) In the following provisions of this order, where the Water Authority have issued a general water notice to a rating authority, " the notice " means that notice and " the rating authority " means that rating authority.

Effect of general water notice

5. (1) Where a rating authority receive a general water notice from the 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 services charge relating to the hereditaments within the area specified in the notice and to pay the water services payment therein specified to the Water Authority in accordance with the provisions of article 9.

(2) A notice issued before the coming into operation of this order by the Water Authority to a rating authority 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 general water notice ", shall be treated as a general water notice duly issued for the purposes of this order.

Calculation of poundage

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

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

(3) Subject to the provisions of paragraphs (4) to (7) below, the relevant poundage in relation to any water services payment 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 chargeable area of the authority the total amount so levied would be equal to that water services payment.

(4) Without prejudice to the generality of paragraph (3) above, in ascertaining the aggregate of rateable values of all the hereditaments in the chargeable area for the purposes of paragraph (3) above 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, 40 or 49 of the 1967 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 that 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 water 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 and the loss on collection thereof, and in estimating the last-mentioned amount they shall have regard to the provisions of paragraph 5 (loss on collection) of the Schedule to the Rate Product Rules 1968(**a**) (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 or 49 of the 1967 Act.

(6) 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 water services charge in respect of that hereditament, and in estimating the loss on collection of the charge in pursuance of paragraph (5) above they may have regard to any such case.

(7) 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 water services charge

7. (1) The rating authority shall collect the water services charge from every person who is liable to pay the general rate in respect of a hereditament in the chargeable area of the authority, or who is making a contribution in aid of rates under section 37 or 38 of the 1967 Act in respect of such a hereditament, and 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 order, a rating authority who are under a duty to collect the water services charge in relation to any area shall collect it in like manner as the general rate.

Collection of water services charge in like manner as general rate

8. (1) Where the rating authority are empowered by article 7(2) to collect the water services charge in like manner as the general rate they may collect that charge in that manner within their chargeable area in accordance with the following 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 water 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 ;

(**a**) S.I. 1968/491 (1968 I, p. 1202).

(*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 water services charge in respect of that property for the same period,

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

(4) Where a rating authority collect the water 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 of the 1967 Act—

(*a*) section 8 (restriction of amount recoverable in certain cases) ;

(*b*) section 40 (relief for charitable and other organisations) ;

(*c*) section 49 (right to rebate in respect of rates on dwelling).

(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 general rate and the charge in proportion to the amounts payable respectively by way of the charge and of the rate in relation to that period.

Remitting of water services payment

9.—(1) Where a rating authority are required under article 5(1) to pay a water services payment to the Water Authority, they shall pay that amount by twelve equal monthly instalments.

(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.

Recovery of rates and charges

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

Records, accounts and forms

11. Where in pursuance of this order any 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 charge.

Amendments and repeals

12. (1) Subsection (3) of section 25 of the Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act 1949(**a**) (in this article referred to as "the 1949 Act") shall have effect as if any reference to an amount by which the charges made to any person shall be reduced by virtue of that subsection were a reference to any amount payable by such a person in accordance with the provisions of this order.

(2) Subsection (1) of section 4 of the Higham Ferrers and Rushden Water Board Order 1954(**b**) shall have effect as if any reference to an amount by which the charges made to any person under section 71 of the Higham Ferrers and Rushden Water Board Act 1902(**c**) shall be reduced by virtue of that subsection were a reference to any amount payable by such a person in accordance with the provisions of this order, and subsection (2) of the said section 4 shall be construed accordingly.

(3) Section 29 of the 1949 Act (which relates to the issuing of precepts by the Mid-Northamptonshire Water Board) and section 21 of the Higham Ferrers and Rushden Water Board Order 1951(**d**) (which relates to the issuing of precepts by the Higham Ferrers and Rushden Water Board) shall cease to have effect.

Anthony Crosland,
Secretary of State for the Environment.

19th March 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Water Act 1973 established ten water authorities, including the Anglian Water Authority, to exercise, throughout England and Wales, functions as to water (including water supply and conservation, sewerage and sewage disposal, fisheries and land drainage) and as to recreation and amenity in connection with water. The Act empowered water authorities to fix, demand, take and recover such charges as they might think fit (subject to the provisions of the Act) for the services performed, facilities provided, or rights made available by them.

The 1973 Act also empowered the Secretary of State to make Orders under section 254 (consequential and supplementary provision) of the Local Government Act 1972, as applied by the 1973 Act, for the calculation, collection and recovery on behalf of a water authority by a local authority during a transitional period of amounts payable in respect of services provided in the local authority's area by the water authority, and he has made general provision accordingly in the Water Authorities (Collection of Charges) Order 1974 (S.I. 1974/448).

(**a**) 1949 c. ix. (**b**) S.I. 1954/383. (**c**) 1902 c. xii. (**d**) S.I. 1951/574.

There is, however, one area, namely the area comprising the limits of supply of the Mid-Northamptonshire Water Board and the Higham Ferrers and Rushden Water Board, where the provisions of that general Order are not appropriate, because in that area the supply of water has been mainly financed, not by the usual method of levying a water rate, but by precepts on the constituent councils of the two Boards.

This Order therefore makes special provision for the collection and recovery on behalf of the Anglian Water Authority, by local authorities who are rating authorities, of charges made by the Water Authority for services provided during the year beginning on 1st April 1974 in the area in which, until that date, the supply of water has been provided by the Mid-Northamptonshire Water Board and the Higham Ferrers and Rushden Water Board.

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