STATUTORY INSTRUMENTS

1976 No. 515

WATER, ENGLAND AND WALES

The Anglian Water Authority (Collection of Charges) Order 1976

Made - - - -	29*th March* 1976
Laid before Parliament	30*th March* 1976
Coming into Operation	31*st March* 1976

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*), (*cc*) (as inserted by paragraph 14 of Schedule 7 to the Local Government Act 1974**(c)**) and (*cca*) (as inserted by section 1(9) of the Water Charges Act 1976**(d)**) 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 1976 and shall come into operation on 31st March 1976.

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—

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

"exempted hereditament" means a hereditament for which on 1st April 1976 the Water Authority do not make available a supply of water or a hereditament of a description specified in Part I or Part II of the Schedule to the principal Order;

"the former Boards' area" means the area which on 31st March 1974 comprised the limits of supply of the Mid-Northamptonshire Water Board and the Higham Ferrers and Rushden Water Board;

"general rate", "rateable value", "rating area" and "rating authority" have the same meaning as in the 1967 Act;

(a) 1972 c. 70. **(b)** 1973 c. 37. **(c)** 1974 c. 7.
(d) 1976 c. 9. **(e)** 1889 c. 63.

"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;

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

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

"the 1974 Act" means the Local Government Act 1974;

"the 1976 Act" means the Water Charges Act 1976;

"the principal Order" means the Water Authorities (Collection and Refunding of Charges) Order 1976**(b)**;

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

"the Water Authority" means the Anglian Water Authority;

"the year 1976-77" means the financial year beginning on 1st April 1976.

(3) Unless the contrary intention appears, 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 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 Water Act 1945**(c)**, 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 the Water Authority of amounts becoming payable on or after 1st April 1976 in respect of services provided by that authority during the year 1976-77.

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 rating authority whose rating area lies wholly or partly within the former 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

(a) 1967 c. 9. **(b)** S.I. 1976/514 (1976 I, p. 1522). **(c)** 1945 c. 42.

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) In determining the water services payment for the purposes of any general water notice, the Water Authority may include therein an amount representing an appropriate proportion of the aggregate amount required to be refunded by them in respect of the former Boards' area by virtue of section 1(1)(*b*) of the 1976 Act.

(5) 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.

(6) 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.

(7) 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.

(8) 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, 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 general 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 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 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 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 section 11 to 14 of the 1974 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) Subject to the provisions of paragraph (2) below, 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 provides and maintains a hereditament in respect of which a contribution in aid of rates is made under section 37 or 38 of the 1967 Act, 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) The rating authority shall not collect the water services charge from any person in respect of any exempted hereditament.

(3) 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.

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

Collection of water services charge in like manner as general rate

8.—(1) Where the rating authority are required by article 7(3) 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;

(*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—

(*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.

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 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 water 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 of the principal Order (which relates to the refund of certain charges by virtue of section 1 of the 1976 Act) in compliance with section 1(1)(*b*) 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) of the principal Order;

(*c*) an amount not exceeding the total of all the amounts which, but for the provisions of article 7(2), they would have been required to collect during the said year in respect of exempted hereditaments in their chargeable area.

(4) The amount of each monthly instalment payable by the rating authority under this article shall be one-twelfth of the water 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 them, from time to time, particulars of the hereditaments in respect of which—

(*a*) refunds have been paid or allowed under article 3 of the principal Order, or

(*b*) the water services charge has not been collected, by reason of article 7(2).

(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.

Recovery of rates and charges

10.—(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 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.

(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 substantially 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.

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

12.—(1) Subsection (3) of section 25 of the Mid-Northamptonshire Water Board Order Confirmation (Special Procedure) Act 1949**(a)** 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.

Anthony Crosland,
29th March 1976. Secretary of State for the Environment

(a) 1949 c. ix. (b) S.I. 1954/383. (c) 1902 c. xii.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order makes 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 the supply of water during the year beginning on 1st April 1976 in the area in which, until the coming into operation of the main provisions of the Water Act 1973 on 1st April 1974, the supply of water was provided by the Mid-Northamptonshire Water Board and the Higham Ferrers and Rushden Water Board.

The provisions of the Order are similar to those of the Anglian Water Authority (Collection of Charges) Order 1975 (S.I. 1975/481), which has effect for the same purposes in relation to the year beginning on 1st April 1975. The only material differences are that (1) exemption from the water services charge is now extended to all hereditaments for which a supply of water is not made available by the Authority at the beginning of the year 1976-77, and (2) certain consequential provisions are included (in articles 4(4) and 9(3) and (5)) following the passing of the Water Charges Act 1976 (which required the Water Authority to refund certain water supply charges paid to them for the years 1974-75 and 1975-76).

As in the case of the 1975 Order, this Order makes special provision for the collection of water supply charges in the area to which it relates, for the reason that in that area, before 1st April 1974, the supply of water was mainly financed by precepts on local authorities and not by the usual method of levying a water rate. General provision for the collection of water supply charges in the rest of England (and in Wales) is made by the Water Authorities (Collection and Refunding of Charges) Order 1976.

SI 1976/515
ISBN 0-11-060515-2

