

Isle of Wight River and Water Authority Act 1964

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ELIZABETH II

1964 CHAPTER xxv

An Act to constitute the Isle of Wight River and Water Authority; to confer upon that authority the functions of a river authority under the Water Resources Act 1963 and the functions of statutory water undertakers under the Water Acts, 1945 and 1948; to transfer to that authority the undertaking of the Isle of Wight Water Board and to dissolve that board; to confer powers upon the said authority; and for other purposes.

[16th July 1964]

WHEREAS—

(1) The Isle of Wight River Board (hereinafter called "the river board") were established under section 1 of the River Boards Act, 1948, by the Isle of Wight River Board Constitution Order, 1949, and exercise functions within the Isle of Wight under that Act and under other enactments:

(2) The Water Resources Act 1963 (in this Act called "the Act of 1963") provides (inter alia) for the establishment of an authority to be called the Isle of Wight River Authority for the area of the river board, for the transfer to that authority, on a date to be appointed by order to be made by the Minister of Housing and Local Government (in this Act called "the Minister") and the Minister of Agriculture, Fisheries and Food, of the functions of the river board and for the dissolution of the river board by order of the said Ministers and confers further functions upon the river authorities to be established under the Act of 1963 (including the Isle of Wight River Authority):

(3) The Isle of Wight Water Board (in this Act called "the existing board") were constituted by the Isle of Wight Water Board Order, 1950, and are authorised by the Isle of Wight Water Board Orders, 1950 to 1956, to supply water and under those orders are supplying water within the Isle of Wight:

(4) It is expedient that an authority be constituted by the name of the Isle of Wight River and Water Authority (in this Act called "the Authority") comprising members appointed respectively by the Isle of Wight County Council, the council of each of the county districts in the Isle of Wight, the Minister and the Minister of Agriculture, Fisheries and Food:

(5) It is expedient to provide that instead of the Isle of Wight River Authority being established as provided by the Act of 1963, the functions of the river board should be transferred to the Authority and that the powers and duties conferred and imposed on river authorities under the Act of 1963 should be conferred and imposed upon the Authority:

(6) It is expedient to transfer to the Authority the undertaking of the existing board, to provide for the dissolution of the existing board and to confer and impose upon the Authority the powers and duties of statutory water undertakers under the Water Acts, 1945 and 1948:

(7) It is expedient that the other provisions contained in this Act be enacted:

(8) The purposes of this Act cannot be effected without the authority of Parliament:

(9) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act, 1933, as applied by the Isle of Wight Water Board Order, 1950, have been observed by the existing board:

(10) The Minister and the Minister of Agriculture, Fisheries and Food have granted their consent under section 21 of the River Boards Act, 1948, to the promotion by the river board of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Isle of Wight River and Water Authority Act 1964.

PART I —*cont.*

2. This Act is divided into Parts as follows:— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Constitution of Isle of Wight River and Water Authority.

Part III.—Water.

Part IV.—Finance and miscellaneous.

3.—(1) In this Act unless the subject or context otherwise requires— Interpretation.

" the Act of 1945 " means the Water Act, 1945;

" the Act of 1963 " means the Water Resources Act, 1963;

" the Authority " means the Isle of Wight River and Water Authority;

" constituent council " means the county council or a district council;

" constituent district " means a county district mentioned in Schedule 1 to this Act;

" the county council " means the Isle of Wight County Council;

" district council " means the council of a constituent district;

" the existing board " means the Isle of Wight Water Board;

" the limits of supply " means the Isle of Wight;

" the Order of 1950 " means the Isle of Wight Water Board Order, 1950;

" owner " in relation to land, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land, or, where the land is not let at a rack rent, would be so entitled if it were so let;

" statutory borrowing power " means any power, whether or not coupled with a duty, of borrowing, or continuing on loan, or reborrowing money, or of redeeming or paying off or creating or continuing payment of, or in respect of, any annuity, rentcharge, rent or other security representing, or granted in place of, consideration money, for the time being existing under any enactment;

" the undertaking " means the undertaking of the Authority as for the time being authorised for the purposes of their water functions;

PART I —*cont.*

"water functions" and "water resources functions" have the respective meanings assigned to those expressions by section 4 (Incorporation of Authority) of this Act;

"year" means a period of twelve months commencing on 1st April;

and any expression not hereinbefore defined to which a meaning is assigned by the Act of 1963 or by Schedule 3 to the Act of 1945 shall have the meaning so assigned.

(2) The provisions of subsection (1) of section 295 of the Local Government Act, 1933 (which provides as to the doing of things which fall to be done on Sundays and public holidays), shall apply for the purpose of this Act as if for the reference therein to that Act there were substituted a reference to this Act.

(3) Unless the context otherwise requires references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

PART II

CONSTITUTION OF ISLE OF WIGHT RIVER AND WATER AUTHORITY

Incorporation of Authority.

4.—(1) On and after the first appointed day there shall be an Authority constituted as provided by this Act.

(2) The Authority shall be a body corporate by the name of the Isle of Wight River and Water Authority and shall have perpetual succession and a common seal.

(3) The functions of the Authority shall be—

(*a*) water resources functions, that is to say, the functions of a river authority under the Act of 1963; and

(*b*) water functions, that is to say—

(i) the procuring of a supply of water and the distribution thereof in the limits of supply;

(ii) the supplying of water in bulk within the limits of supply; and

(iii) the doing of all things (not being included in water resources functions) necessary for, connected with, incidental to, or consequent upon the powers, rights, duties, capacities and liabilities exercisable by or attaching to the Authority.

Constitution of Authority.

5.—(1) The Authority shall consist of twenty-one members to be appointed as follows:—

(*a*) two members appointed by the county council;

(*b*) two members appointed by each of the district councils;

PART II —*cont.*

(*c*) two members appointed by the Minister of Agriculture, Fisheries and Food as being qualified in respect of land drainage generally or as being qualified in respect of the protection of land against erosion or encroachment by the sea or any other particular aspects of land drainage;

(*d*) two members appointed by that Minister as being qualified in respect of fisheries;

(*e*) two members appointed by that Minister as being qualified in respect of agriculture;

(*f*) one member appointed by the Minister as being qualified in respect of industry other than agriculture.

(2) In the preceding subsection " qualified ", in relation to any subject mentioned in paragraphs (*c*) to (*f*) of that subsection, means qualified as having had experience of, and shown capacity in, or otherwise as having special knowledge of, matters which relate to that subject as it affects the area of the Authority.

Qualification of members.

6.—(1) Each of the members of the Authority appointed by a constituent council shall be a member of the constituent council by which he shall be appointed.

(2) A person shall not represent more than one constituent council and if the same person is appointed a member of the Authority by more than one constituent council, he shall within one month after the second appointment choose under which appointment he will serve and give notice of his choice to the clerk to the Authority, or, if at that time the Authority have not appointed a clerk, to the clerk to the Isle of Wight River Board, and thereupon the other appointment shall be deemed void, and, if he fails to give that notice, the second and subsequent appointments shall be deemed void and in either case a further appointment shall be made as if a casual vacancy had occurred in the office of membership of the Authority.

(3) A member of the Authority who ceases to be a member of the constituent council by which he was appointed, and a member of the Authority who otherwise becomes disqualified for membership thereof, shall thereupon cease to be a member of the Authority:

Provided that a member of the Authority shall be deemed not to have ceased to be a member of the constituent council by which he was appointed, if on or before the day on which he goes out of office he has been re-elected a member of the constituent council.

(4) In this section the expression " the clerk to the Authority " includes any person designated by the Authority to receive notices.

PART II —*cont.*

Application of Act of 1963.

7. The provisions of the Act of 1963 (except the provisions thereof mentioned in Part I of Schedule 2 to this Act) shall subject to the modifications specified in Part II of that schedule be incorporated with this Act and apply to the Authority as if the Authority were a river authority established by virtue of section 3 of the Act of 1963.

Ministers not to establish Isle of Wight River Authority.

8. So much of the Act of 1963 as requires the Ministers to establish the Isle of Wight River Authority shall cease to have effect.

PART III

WATER

Application of Schedule 3 to Act of 1945.

9.—(1) As from the second appointed day the provisions of Schedule 3 to the Act of 1945 (except the provisions thereof mentioned in Part I of Schedule 3 to this Act) shall subject to the modifications specified in Part II of Schedule 3 to this Act apply to the undertaking and are hereby incorporated with this Act:

Provided that the provisions of Schedule 3 to the Act of 1945 as applied and incorporated by this Act shall apply only in respect of the water functions of the Authority except sections 9, 12 to 17, 19, 20, 22, 28, 67 and 68, which shall also apply for the purposes of anything done or to be done by the Authority in the performance of their new functions (as defined in the Act of 1963) and for those purposes the said sections shall have effect in relation to the Authority subject to the modifications specified in Schedule 9 to the Act of 1963 as applied and incorporated by this Act.

(2) Section 5 of Schedule 3 to the Act of 1945 (which empowers undertakers to lay or erect telephone wires, etc.) as applied and incorporated by this Act shall have effect as if any wires, posts, conductors or other apparatus laid or erected under any enactment repealed by this Act or by the Order of 1950 for the purpose of establishing telegraphic, telephonic or other electrical communication had been laid or erected under the provisions of the said section 5 and of section 4 of Schedule 3 to the Act of 1945 (which empowers undertakers to construct subsidiary works) as so applied and incorporated shall have effect as if any other electrical works or apparatus constructed laid or erected under any enactment repealed by this Act or by the Order of 1950 had been constructed laid or erected under the said section 4.

(3) Section 70 of Schedule 3 to the Act of 1945 (which empowers undertakers to affix meters, etc.) as applied and incorporated by this Act shall have effect as if any meters or other apparatus for

PART III —*cont.*

measuring water or for preventing and detecting waste affixed under any enactment repealed by this Act or by the Order of 1950 had been affixed under the said section 70.

Appointment of water committee.

10.—(1) The Authority shall appoint a committee (hereinafter referred to as " the water committee ") to which all water functions of the Authority shall stand referred.

(2) Subject to the provisions of subsection (1) of this section the provisions of Schedule 4 to the Act of 1963 (as incorporated with this Act) shall apply to the water committee as if that committee were a committee appointed under paragraph 11 of that schedule.

(3) The persons appointed by the Authority to be members of the water committee shall be members of the Authority.

Transfer of undertaking of existing board.

11.—(1) Subject to the provisions of this Act, on the second appointed day the undertaking of the existing board shall by virtue of this Act be transferred to and vest in the Authority.

(2) For the purposes of this Act any mains, pipes or other works so transferred shall be deemed to have been laid or constructed by the Authority.

Repayment of loan charges to district councils.

12.—(1) Subject to the provisions of this section and of section 13 (Redemption of liability to district councils) of this Act, the Authority shall pay to each district council in the year current on the second appointed day and in each year thereafter any amounts which, in pursuance of arrangements in force immediately before the second appointed day for the redemption of loan and the payment of interest thereon, would but for this Act have fallen on or after that day to be paid to the council in pursuance of section 22 (Repayment to constituent councils of loan charges) of the Order of 1950.

(2) Any sum payable under subsection (1) of this section shall (unless otherwise agreed) be paid by half-yearly instalments.

(3) Any question which may arise as to the method of calculating any amount for the purposes of subsection (1) of this section shall be determined by an arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Municipal Treasurers and Accountants on the application of either party after giving notice in writing to the other party.

(4) Any payment made by the Authority under the foregoing provisions of this section in respect of the liability for the redemption of a loan shall be deemed to be a capital payment and any other such payment shall be deemed to be an annual payment.

PART III —*cont.*

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

Redemption of liability to district councils.

13.—(1) At any time after the second appointed day the Authority may, after giving not less than six months' notice to the district council concerned, redeem their liability to any of the district councils under subsection (1) of section 12 (Repayment of loan charges to district councils) of this Act, by paying to the district council such sum as may be agreed between the Authority and the district council or, in default of agreement, may be determined by an arbitrator and on the payment of that sum the liability of the Authority to the district council under the said section 12 shall cease.

(2) In arbitrations under subsection (1) of this section the reference shall be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the President of the Institute of Municipal Treasurers and Accountants on the application of either party after giving notice in writing to the other party.

Compensation to existing officers.

14. If in consequence of anything done in pursuance of this Part of this Act any person who, immediately before the second appointed day, is in the employment of the existing board suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments he shall, unless provision for his compensation is made by or under any other enactment for the time being in force, be entitled to receive compensation from the Authority and, for the purposes of this section, the Water Officers Compensation Act, 1960, and the Water Officers (Compensation) Regulations 1964 and any regulations amending the same shall with any necessary modifications extend and apply as if this Act were an order made under the Act of 1945 and the material date shall be—

(1) for the purposes of regulations 3 and 5 of the Water Officers (Compensation) Regulations 1964 the date of the passing of this Act; and

(2) for the purposes of the Water Officers (Compensation) Regulations, 1964 (other than the said regulations 3 and 5) the second appointed day.

PART III —*cont.*

Power to maintain transferred works and to take water.

15.—(1) As from the second appointed day, the Authority may for the purposes of the undertaking—

(*a*) continue and maintain the reservoirs, wells, boreholes, pumping stations, mains, pipes and other works transferred to them by this Part of this Act; and

(*b*) subject to the provisions of the local enactments mentioned in Schedule 4 to this Act, take any water which may be taken or intercepted by any of the said works.

(2) Any electrical works or apparatus continued or maintained under the powers of this section shall be so continued and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

Application of enactments.

16.—(1) On and after the second appointed day, the local enactments mentioned in column 1 of Schedule 4 to this Act shall, subject to the modifications specified in column 2 of that schedule, apply in relation to the Authority and have effect as if for references to the undertakers therein mentioned there were substituted (unless the context otherwise requires) references to the Authority:

Provided that no such local enactment shall by virtue of this subsection apply to any area to which it did not apply immediately before the second appointed day.

(2) The provisions of any other enactment for the protection or benefit of the existing board shall, on and after the second appointed day, inure for the protection or benefit of the Authority and have effect as if for references in that enactment to the existing board there were substituted (unless the context otherwise requires) references to the Authority.

(3) Any byelaws made by the existing board under sections 17 or 18 of the Act of 1945 (which provide for byelaws for preventing waste, misuse or contamination of water and for byelaws for preventing pollution of water of undertakers) and in force in any area within the limits of supply immediately before the second appointed day shall, for the period of two years beginning on that day, continue in force and have effect in that area (unless revoked by the Authority) as if made by the Authority in relation to water supplied by them, or (as the case may be) water belonging to them or which they are authorised to take.

Repeal of Order of 1950.

17. As from the second appointed day the Order of 1950 shall be repealed.

Dissolution of existing board.

18.—(1) As from the second appointed day the existing board shall be dissolved.

PART III —*cont.*

(2) The accounts of the existing board and of their committees and officers shall be made up to the second appointed day and shall be audited in like manner and subject to the like incidents and consequences as if this Act had not been passed.

(3) Any sum certified by the district auditor to be due from any person at any such audit as is mentioned in the last foregoing subsection shall be paid to the Authority.

Continuance of proceedings.

19. Nothing in this Part of this Act shall release, discharge or suspend any action, arbitration or other proceeding, or any cause of action, arbitration or other proceeding, pending or existing immediately before the second appointed day by, in favour of or against the existing board and any such action, arbitration or proceeding or cause of action, arbitration or proceeding may be maintained, prosecuted or continued by, in favour of or against the Authority.

Books to remain evidence.

20. All books and documents which if this Act had not been passed would have been evidence in respect of any matter for or against the existing board shall be admissible in evidence on and after the second appointed day in respect of the same matter for or against the Authority.

Water rates and charges.

21. For the purposes of Part XII of Schedule 3 to the Act of 1945—

(*a*) the prescribed rate-poundage for a supply of water for domestic purposes shall be three shillings in the pound;

(*b*) the minimum charge for such a supply as aforesaid shall be twenty shillings per annum;

(*c*) the additional annual sum chargeable under subsection (1) of section 48 of the said schedule shall be thirty shillings;

(*d*) the maximum charge for a supply of water by meter shall be four shillings per thousand gallons;

(*e*) the prescribed proportion for the purposes of paragraph (*b*) of subsection (1) of section 46 of the said schedule shall be three-quarters.

Demand and collection of water rates and charges by constituent councils.

22.—(1) The rates and charges which under this Act may be made for the supply of water (otherwise than in bulk) within the limits of supply shall, if the Authority so require in relation to any constituent district and in relation to any water rates and charges, be demanded and collected by the council thereof as agents for the Authority, and by agreement with the Authority such council may act as agents for the Authority in the recovery by the Authority of any such rates and charges.

PART III —*cont.*

(2) Any such rates and charges may be collected by the district council together with the general rate of their district and the same books and forms of demand note and receipt may be used for the general rate and the water rates and charges.

(3) The Authority shall allow any district council who are for the time being required to demand and collect rates and charges as aforesaid to retain out of any amounts so received an amount equal to four per cent. thereof or such other amount as may be agreed between the Authority and the district council as payment for the cost of collection.

Inspection, etc., of documents.

23. The Authority may inspect and shall at their expense be entitled to copies of all registers, books of accounts, maps, plans, specifications, engineering reports and other documents not transferred to the existing board by the Order of 1950 which relate to any of the undertakings transferred by that order.

PART IV

FINANCE AND MISCELLANEOUS

Separate account for water functions.

24.—(1) The Authority shall keep a separate account to be called the " water account " of the Authority.

(2) There shall be carried to the credit of the water account all amounts received by the Authority in connection with their water functions.

(3) There shall be debited to the water account of the Authority all expenses incurred and payments made by the Authority in connection with their water functions including so much of the necessary and proper establishment expenses of the Authority as is attributable to those functions.

(4) The amount of any charge levied on the Authority under a charging scheme shall be debited to the water account of the Authority and credited to their water resources account.

Apportionment of deficiency.

25.—(1) Before the commencement of any year the Authority shall make or cause to be made estimates of their probable income and expenditure on revenue account in respect of water functions during that year, making allowances for any estimated credit or debit balance to be brought forward from any previous year.

(2) If the estimates made under the foregoing subsection show that expenditure will exceed income the Authority may apportion to each district council a sum bearing to the sum required to meet the deficiency the same proportion as the appropriate penny rate product for the constituent district of that council bears to the sum of the appropriate penny rate products for all the constituent districts.

PART IV —*cont.*

(3) For the purpose of this section " the appropriate penny rate product " for any constituent district means—

(*a*) the product of a rate of a penny in the pound for the year in respect of which a deficiency is to be apportioned as estimated for the purpose of section 9 (2) of the Rating and Valuation Act, 1925 (which provides for the making of estimates of a rate of a penny in the pound); or

(*b*) the standard penny rate product, as defined in section 5 of the Local Government Act, 1958 (which provides for rate-deficiency grants to local authorities), as last notified for the said year by the Minister to the constituent council for the purposes of the said section 5;

whichever is the greater.

Precepts in respect of water functions.

26.—(1) The Authority shall before each 1st March in respect of the year beginning next thereafter issue a precept to each district council for a sum equal to the amount, if any, apportioned to that council in pursuance of the last foregoing section.

(2) A precept so issued may require payment thereof by such instalments payable on such dates as may be specified therein.

(3) The Authority shall in relation to each constituent district, as soon as may be after the end of each year, calculate in respect of that year the difference, if any, between the sum for which a precept was issued to the district council for that district under subsection (1) of this section and the sum which would have been required to be contributed by that council if the deficiency had been apportioned by reference to the greater of the following amounts, that is to say:—

(*a*) the actual product of a rate of a penny in the pound for that constituent district for that year; and

(*b*) the final standard penny rate product for that constituent district;

and the Authority shall pay to or, as the case may require, recover from the council concerned the amount shown by the Authority's calculation to have been overpaid or underpaid by that council.

For the purposes of this subsection the final standard penny rate product for a constituent district shall be taken to be the standard penny rate product of that district as used by the Minister for the conclusive calculation, under the regulations for the time being in force for that purpose, of the rate-deficiency grant (if any) payable to that council for the year in question.

(4) Any sum mentioned in a precept issued under this section by the Authority to any district council shall be a debt due from that council and may be recovered accordingly, without prejudice

PART IV —*cont.*

however to the right of the Authority to exercise any powers conferred upon them by section 13 of the Rating and Valuation Act, 1925.

Application of moneys received by Authority in respect of water functions.

27.—(1) All moneys of a revenue nature received by the Authority in respect of their water functions including amounts brought forward from any previous year shall be applied by them for the following purposes so far as they relate to water functions:—

first, in payment of the working and establishment expenses and cost of maintenance of the undertaking including all costs, expenses, penalties and damages incurred or payable by the Authority consequent upon any proceedings by or against them or their officers, clerks or servants in relation to the undertaking;

secondly, in payment of the sums referred to in section 12 (Repayment of loan charges to district councils) of this Act;

thirdly, in payment of the interest on moneys borrowed by the Authority under any statutory borrowing power;

fourthly, in providing the requisite appropriations or sinking fund payments or instalments in respect of the repayment of moneys borrowed by the Authority under any statutory borrowing power;

fifthly, in payment of all other expenses of executing this Act not being expenses properly chargeable to capital;

sixthly, if the Authority think fit, in extending, improving and constructing any works for the purpose of the undertaking;

seventhly, if the Authority think fit, in providing working capital; and

eighthly, if the Authority think fit, in setting apart money for a reserve fund under section 84 of the Act of 1963 as incorporated with this Act or a replacement fund under section 85 of that Act as so incorporated.

(2) Any credit or debit balance remaining over in any year including any balance brought forward shall be carried forward to the following year.

(3) All capital moneys received by the Authority in respect of the disposal of any property forming part of the undertaking and used for the purpose of water functions shall be applied by them in the reduction of the capital moneys borrowed by them or in setting apart money for a reserve fund under section 84 of the Act of 1963 as incorporated with this Act or in such other way as may be approved by the Minister and any such reduction shall be in addition to and not in substitution for any other mode of extinguishment, except to such extent and upon such terms as may be approved by the Minister:

PART IV —*cont.*

Provided that no approval shall be required for the application of capital moneys in cases fulfilling the conditions specified in paragraphs (*a*) or (*d*) of subsection (2) of section 27 of the Town and Country Planning Act, 1959.

Isle of Wight Internal Drainage Board.

28. For the avoidance of doubt it is hereby declared that the functions of the Isle of Wight River Board as the internal drainage board for the Isle of Wight internal drainage board area shall be transferred to the Authority on the second appointed day and on and after that day shall be exercised by the Authority.

Termination of right to supply of water on special terms.

29.—(1) In this section "contractual obligation" means any obligation of the Authority (not being an obligation with which the Authority are required to comply by or by virtue of an order or undertaking in force at the passing of this Act and made by or given to a court) under any deed, conveyance, covenant, lease, agreement or other similar instrument to provide to any person or to the owners, tenants or occupiers of any land a supply of water free of charge or on terms more favourable to that person or to those owners, tenants or occupiers than those which apart from the obligation would be applicable.

(2) Subject to the provisions of this section the Minister may by order made on the application of the Authority terminate a contractual obligation on such terms and conditions (other than terms and conditions as to compensation) as he may think fit and as from the date specified in the order the contractual obligation to which the order relates shall cease to apply to the Authority.

(3) (*a*) Before making application to the Minister for an order under this section the Authority shall serve notice upon every person who at the date of the service of the notice is entitled to enforce the contractual obligation to which the application relates unless after reasonable inquiry the identity of any such person cannot be ascertained.

(*b*) Any such notice shall describe the contractual obligation to which the application relates and shall specify the time (not being less than twenty-eight days from the date of the service of the notice) within which and the manner in which objections to the application for the order can be made.

(4) Any person upon whom notice is served under subsection (3) of this section may object to the said application by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Authority:

Provided that if after the service of a notice on a person under subsection (3) of this section the rights of that person to enforce the contractual obligation to which the notice relates are by reason

PART IV —*cont.*

of the sale or other disposition of land vested in some other person, that other person may (instead of the first-mentioned person) exercise the rights conferred by this and the next following subsections.

(5) If any objection is duly made as aforesaid and is not withdrawn, the Minister shall before making the order afford to the person making the objection and to the Authority an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(6) (*a*) Whenever a contractual obligation is terminated by an order under this section, the Authority shall pay compensation to the person who immediately before the making of the order was entitled to enforce the contractual obligation so terminated and any claim for compensation made by a person whose contractual rights are terminated under this section may include all reasonable professional fees incurred by him in relation to such claim.

(*b*) The amount of compensation payable to a person under this subsection shall be assessed by reference to the value at the date of the making of the order of the rights of that person secured by the contractual obligation which is terminated by the order and in assessing the value regard shall be had to the amount of the rate or charge or of the rate and charge (as the case may be) which may reasonably be expected to become payable as a result of the termination of the obligation.

(*c*) In case of dispute the amount of any compensation payable under this subsection shall be determined by the Lands Tribunal.

(7) An obligation to give a supply of water or to grant an easement or right for pipes or to give any other benefit or advantage to the existing board or to any undertakers whose undertaking was transferred by the Order of 1950, entered into in consideration of a contractual obligation shall not be deemed to be terminated by reason only of the termination by an order made under this section of the last-mentioned obligation.

Costs of Act.

30. All the costs, charges and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining and passing of this Act shall be paid by the existing board and the Isle of Wight River Board in equal shares.

SCHEDULES

SCHEDULE 1

CONSTITUENT DISTRICTS

The borough of Newport.

The borough of Ryde.

The urban district of Cowes.

The urban district of Sandown-Shanklin.

The urban district of Ventnor.

The rural district of Isle of Wight.

SCHEDULE 2

PART I

PROVISIONS OF ACT OF 1963 EXCEPTED FROM INCORPORATION

Subsection (1) of section 3 (Establishment of river authorities).

Subsections (1), (2), (3), (4), (5) and (7) of section 6 (Constitution of river authorities).

Section 7 (Local authority members of river authorities).

Subsections (2) and (3) of section 8 (Additional members of river authorities).

Section 10 (Alteration of river authority areas).

Paragraph (*b*) of subsection (1) of section 61 (Revision of charging schemes).

Subsection (3) of section 69 (General powers in relation to land and works).

Subsection (5) of section 121 (Calculation of appropriate penny rate product).

Section 125 (Provisions as to Thames, Lee and London areas).

Section 126 (Provisions as to border rivers).

Section 127 (Consultation with authorities in Scotland).

Section 131 (Inland waters owned or managed by British Waterways Board).

Paragraphs 1, 2 (4) and 16 of Schedule 4.

Schedule 5.

Schedule 6.

Paragraph 4 (*d*) of Schedule 7.

SCH. 2 —*cont.*

PART II

MODIFICATIONS IN PROVISIONS OF ACT OF 1963 AS APPLIED TO THE AUTHORITY

1. Section 3 (except subsection (1)) shall apply to the Authority as if the Authority were a river authority established by virtue of that section.

2. The following subsection shall be substituted for subsection (5) of section 8:—

"(5) Where the membership of a river authority includes one or more members appointed by virtue of subsection (4) of this section, there shall also be appointed by or on behalf of the constituent councils (as defined in the Isle of Wight River and Water Authority Act, 1964), in such manner as the Ministers may direct, an equivalent number of additional members."

3. Subsections (1) and (2) of section 11 shall apply to the Authority as if the Authority were a river authority established under section 3 of the Act of 1963.

4. Section 52 shall be modified as follows:—

In subsection (1) for the words "impounding works in their areas" there shall be substituted the words "any work which is prohibited by any enactment except with a licence from a river authority".

5. The following section shall be substituted for section 84:—

"Reserve funds of river authorities.

84.—(1) A river authority may establish and maintain a reserve fund (in this section referred to as 'the reserve fund'):

Provided that no moneys relating to water resources functions shall be paid into the reserve fund until a charging scheme prepared by the river authority comes into operation.

(2) The accounts in respect of the reserve fund shall show separately the moneys in the fund relating to water resources functions and the moneys in the fund relating to water functions.

(3) Any sum standing to the credit of the reserve fund of the Isle of Wight Water Board formed under section 20 of the Isle of Wight Water Board Order, 1950, may be transferred to the reserve fund.

(4) Subject to the next following subsection the river authority may pay into the reserve fund any receipts of the authority carried to the credit of their water resources account and such moneys as they are authorised so to pay by section 27 (Application of moneys received by Authority in respect of water functions) of the Isle of Wight River and Water Authority Act 1964.

SCH. 2 —*cont.*

(5) Except with the consent of the Minister, no sum shall be paid into the reserve fund so as to make—

(*a*) the amount at any time shown in the accounts of the reserve fund as relating to water resources functions exceed ten per cent. of the aggregate water resources capital expenditure, or

(*b*) the amount at any time shown in the accounts of the reserve fund as relating to water functions exceed ten per cent. of the aggregate water capital expenditure;

and the amount of moneys relating to water resources functions or water functions paid into the reserve fund in any financial year shall not, except with the consent of the Minister, exceed one per cent. of the aggregate water resources capital expenditure or (as the case may be) one per cent. of the aggregate water capital expenditure.

(6) Any moneys for the time being comprised in the reserve fund may, if shown in the accounts of the reserve fund as relating to water resources functions, be applied in or towards the payment of any expenses (whether properly chargeable to capital or to revenue account) which, apart from this section, would fall to be debited to the river authority's water resources account, and if shown in the accounts of the reserve fund as relating to water functions, be applied in or towards the payment of any expenses (whether properly chargeable to capital or to revenue account) which, apart from this section, would fall to be debited to the river authority's water account.

(7) In this and the next following section—

the expression ' capital expenditure ' means expenditure properly chargeable to capital account;

the expression ' the aggregate water resources capital expenditure ' in relation to any time means capital expenditure incurred before that time on water resources functions by the river authority and by the Isle of Wight River Board;

the expression ' the aggregate water capital expenditure' in relation to any time means capital expenditure incurred before that time on water functions by the river authority and by the Isle of Wight Water Board and by any statutory water undertakers whose undertaking was transferred to that Board by the Isle of Wight Water Board Order, 1950;

and the expressions ' water resources functions ' and ' water functions ' have the respective meanings assigned to them by the Isle of Wight River and Water Authority Act 1964."

SCH. 2 —*cont.*

6. The following section shall be substituted for section 85:—

"Replacement funds of river authorities.

85.—(1) A river authority may at any time establish and thereafter maintain a replacement fund, and, subject to the following provisions of this section, may pay into that fund any receipts of the authority.

(2) The accounts in respect of the replacement fund of the river authority shall show separately the moneys in the fund relating to water resources functions and the moneys in the fund relating to water functions.

(3) Any moneys for the time being comprised in the replacement fund of a river authority may, if shown in the accounts of the replacement fund as relating to water resources functions, be applied in or towards defraying the cost of replacing or repairing any plant, machinery, vehicle or article belonging to the authority and used for the purposes of water resources functions or any part of any such plant, machinery, vehicle or article and, if shown in those accounts as relating to water functions, in or towards defraying the cost of replacing or repairing any plant, machinery, vehicle or article belonging to the authority and used for the purpose of water functions or any part of any such plant, machinery, vehicle or article.

(4) Except with the consent of the Minister, no sum shall be paid into the replacement fund of a river authority so as to make—

(*a*) the amount at any time shown in the accounts of the fund as relating to water resources functions exceed five per cent. of the aggregate water resources capital expenditure, or

(*b*) the amount at any time shown in those accounts as relating to water functions exceed five per cent. of the aggregate water capital expenditure;

and the amount of moneys relating to water resources functions or water functions paid into the replacement fund of a river authority in any financial year shall not, except with the consent of the Minister, exceed one-half of one per cent. of the aggregate water resources capital expenditure or (as the case may be) one-half of one per cent. of the aggregate water capital expenditure, incurred before the beginning of that year."

7. In section 86 for any reference to section 84 (3), section 84 (4), section 85 (2) or section 85 (3) of the Act of 1963 there shall be substituted respectively references to section 84 (5), section 84 (6), section 85 (3) or section 85 (4) of the said Act as modified by this Act.

8. Section 87 shall be modified as follows:—

In subsection (6) after the word "section" there shall be inserted the words "in respect of water resources functions" and for

SCH. 2 —*cont.*

the words " local authority members of the river authority " there shall be substituted the words " members of the river authority appointed by the county council or the district councils (as respectively defined in the Isle of Wight River and Water Authority Act, 1964) ".

9. In section 92 there shall be inserted at the end of paragraph (*d*) of subsection (2) —

" or borrowed by the Isle of Wight Water Board or by any statutory water undertakers whose undertaking was transferred to that Board by the Isle of Wight Water Board Order, 1950;

(*e*) the provision of working capital for water functions (as defined in the Isle of Wight River and Water Authority Act, 1964);

(*f*) any of the purposes of the Isle of Wight River and Water Authority Act 1964."

and in subsection (3) after " in paragraphs (*a*) to (*c*) " there shall be inserted " or paragraph (*e*) or paragraph (*f*) ".

10. The following subsection shall be substituted for subsection (1) of section 94:—

" (1) The provisions of this section, and of sections 95 to 97 of this Act, as modified by the Isle of Wight River and Water Authority Act, 1964, shall apply to the Isle of Wight River Board and the Isle of Wight Water Board and in those provisions as so applied the expression ' the board ' means either the Isle of Wight River Board or the Isle of Wight Water Board as the case may be and the expression ' the authority ' means the Isle of Wight River and Water Authority."

11. In section 96 subsection (2) shall be omitted.

12. Section 121 shall be modified as follows:—

In subsection (1) for the words " sections 7 and 87 of this Act " there shall be substituted the words " section 87 of this Act, as modified by the Isle of Wight River and Water Authority Act, 1964 ".

13. For the purpose of section 134 the Authority shall be deemed to have been established by an order made by the Ministers under section 3 of the Act of 1963 and the constitution of the Authority under section 5 (Constitution of Authority) of this Act shall be deemed to have been specified in that order.

14. In Schedule 1 " The Isle of Wight River and Water Authority " shall be substituted for " The Isle of Wight River Authority ".

15. In paragraph 2 (1) of Schedule 4 the words " local authority " shall be omitted.

16. In paragraph 2 (2) of Schedule 4 for the words " in the order establishing the authority " there shall be substituted the words " by the Minister ".

17. In paragraph 3 of Schedule 4 the words "local authority" shall be omitted. SCH. 2 —*cont.*

18. In paragraph 30 of Schedule 4 after the words "legal proceedings)" there shall be inserted the words "and section 278 of that Act (which relates to certain matters to be proved in proceedings)" and for the words "it has" there shall be substituted the words "they have".

SCHEDULE 3

PART I

PROVISIONS OF SCHEDULE 3 TO ACT OF 1945 EXCEPTED FROM INCORPORATION

Section 2 (Permissible limits of deviation).

Section 7 (Power to acquire easements for underground works).

Section 10 (Provisions as to compensation water).

Part XV (Financial provisions applicable to water companies).

PART II

MODIFICATIONS IN PROVISIONS OF SCHEDULE 3 TO ACT OF 1945

1. In section 1, in paragraph (*b*) of the definition of "communication pipe" after the words "the boundary of" there shall be inserted the words "the part of".

2. In section 19 (which confers a power to lay mains) the expression "main" shall be deemed to include discharge pipes, and in subsection (1) for paragraph (*b*) there shall be substituted the following paragraph:—

"(*b*) with the consent of every owner and occupier of any land not forming part of a street, in, on or over that land".

3. In section 42 there shall be added at the end of subsection (8) the following:—

"or

(*d*) the houses are separately owned by different persons."

4. In subsection (1) of section 54 (which provides that water rates on certain houses may be demanded from the owners) for the words "thirteen pounds" there shall be substituted the words "fifty-six pounds or such other value as may, in the area in which that house or other building is situated, be the limit of value for the time being in force for the purposes of the proviso to section 11 (1) of the Rating and Valuation Act, 1925" and the proviso shall be omitted.

5. Section 64 (which relates to waste of water by non-repair of water fittings) shall have effect as set out in the schedule to the Local Government (Miscellaneous Provisions) Act, 1953.

SCHEDULE 4

LOCAL ENACTMENTS APPLIED TO THE AUTHORITY

1 Local enactments applied	2 Modifications
Ryde Improvement Act, 1854 (17 & 18 Vict. c. lxxxiii)— Sections 94 to 96, 104 to 106 and 108	The reference in section 96 to section 28 of the Waterworks Clauses Act, 1847, shall be construed as a reference to sections 19 and 21 of Schedule 3 to the Act of 1945 with the omission, in the said section 19, of the words "subject to the provisions of the next succeeding section".
Ryde Water Act, 1861 (24 & 25 Vict. c. lviii)— Section 9	—
Isle of Wight Waterworks Act, 1861 (24 & 25 Vict. c. lv)— Section 19 (set out in the schedule to the Sandown Urban District Council Act, 1928)	The words from the beginning of the section to "Therefore" shall be omitted; for the words "incorporated Acts" there shall be substituted the words "incorporated enactments"; and the words "make and" and the words from "and to enter upon" to "Purposes of the Act" shall be omitted.
Section 50 (set out as aforesaid)	—
Isle of Wight Water Act, 1927 (17 & 18 Geo. 5 c. lxxv)— Section 22 (set out as aforesaid)	—
Sandown Urban District Council Act, 1928 (18 & 19 Geo. 5 c. lxxiv)— Subsection (1) of section 16 ...	—
Section 19	The reference to section 35 of the Waterworks Clauses Act, 1847, shall be construed as a reference to section 31 of Schedule 3 to the Act of 1945.
Ventnor Urban District Council Act, 1931 (21 & 22 Geo. 5 c. 1)— Subsection (1) of section 16 and sections 17, 66, 67 and 101	—
The Isle of Wight Water Board Order, 1953— The whole Order	—
The Isle of Wight Water Board Order, 1956— The whole Order	—

Table of Statutes referred to in this Act

Short title	Session and chapter
Waterworks Clauses Act, 1847	10 & 11 Vict. c. 17.
Ryde Improvement Act, 1854	17 & 18 Vict. c. lxxxiii.
Isle of Wight Waterworks Act, 1861 ...	24 & 25 Vict. c. lv.
Ryde Water Act, 1861	24 & 25 Vict. c. lviii.
Rating and Valuation Act, 1925	15 & 16 Geo. 5 c. 90.
Isle of Wight Water Act, 1927	17 & 18 Geo. 5 c. lxxv.
Sandown Urban District Council Act, 1928	18 & 19 Geo. 5 c. lxxiv.
Ventnor Urban District Council Act, 1931	21 & 22 Geo. 5 c. 1.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Water Act, 1945	8 & 9 Geo. 6 c. 42.
Water Act, 1948	11 & 12 Geo. 6 c. 22.
River Boards Act, 1948	11 & 12 Geo. 6 c. 32.
Local Government (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2 c. 26.
Local Government Act, 1958	6 & 7 Eliz. 2 c. 55.
Town and Country Planning Act, 1959 ...	7 & 8 Eliz. 2 c. 53.
Water Officers Compensation Act, 1960 ...	8 & 9 Eliz. 2 c. 15.
Water Resources Act, 1963	1963 c. 38.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
SIR PERCY FAULKNER, K.B.E., C.B.
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1*s.* 6*d.* net

PRINTED IN ENGLAND