STATUTORY INSTRUMENTS

1973 No. 1288

WATER, ENGLAND AND WALES

The Northumbrian Water Authority Constitution Order 1973

Made - - - -	*25th July* 1973
Coming into Operation	*26th July* 1973

The Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, acting jointly in exercise of the powers conferred on them by sections 2(4) and (6) and 3(1) and (6) of the Water Act 1973**(a)** and of all other powers enabling them in that behalf, hereby order as follows:—

Citation and commencement

1. This order may be cited as the Northumbrian Water Authority Constitution Order 1973 and shall come into operation on 26th July 1973.

Interpretation

2.—(1) In this order, unless the context otherwise requires—

"the Act" means the Water Act 1973;

"the 1945 Act" means the Water Act 1945**(b)**;

"the 1972 Act" means the Local Government Act 1972**(c)**;

"county", "district", "county council" and "district council" mean respectively a county, district, county council, and district council established by the 1972 Act;

"existing statutory water undertakers" means statutory water undertakers within the meaning of the 1945 Act who are in existence at the date of the making of this order;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"the water authority" means the Northumbrian Water Authority.

(2) An article or schedule referred to only by number in this order means the article or schedule so numbered in this order.

(3) The Interpretation Act 1889**(d)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(a) 1973 c. 37.
(b) 1945 c. 42.
(c) 1972 c. 70.
(d) 1889 c. 63.

Establishment and general area of Northumbrian Water Authority

3.—(1) There shall be established a regional water authority, which shall come into existence on the date on which this order comes into operation, and which shall be known as the Northumbrian Water Authority, for the area asssigned to the water authority by virtue of section 2(2) of, and Schedule 1 to, the Act, that is to say the area of the Northumbrian River Authority, and in this article "the general water authority area" means the area so assigned.

(2) For the purposes of this order, and without prejudice to paragraphs 2 to 5 of Schedule 2 to the Act, the seaward boundaries of the Northumbrian River Authority shall be taken as being the seaward boundaries having effect by virtue of the Northumbrian River Authority (Seaward Boundaries of Area) Order 1964**(a)**.

(3) Where the water authority perform any of their functions in any area which lies outside the general water authority area and within the area assigned to another regional water authority by virtue of section 2(2) of, and Schedule 1 to, the Act, they shall perform those functions in consultation with that authority.

(4) The provisions of this order shall be without prejudice to the provisions of section 126 (which relates to certain border rivers) of the Water Resources Act 1963**(b)**.

Members of water authority

4.—(1) The water authority shall consist of nineteen members.

(2) The number of members specified for the purposes of paragraph (*b*) of section 3(1) of the Act as the number to be appointed by the Minister is two.

(3) The number of members specified for the purposes of paragraph (*c*) of section 3(1) of the Act as the number to be appointed by the Secretary of State is six.

(4) (*a*) The number of members to be appointed by each of the councils of counties specified in column (1) of Schedule 1, or by the councils of each group of districts so specified, shall be the number specified in relation to that county or to that group in column (2) of that Schedule.

(*b*) Where in the said schedule the number to be appointed is specified in relation to a group of districts, the councils of the districts comprised in the group shall between them appoint that number.

(*c*) The year specified for the purposes of paragraph 4 of Schedule 3 to the Act (which provides that the first members to whom that paragraph applies shall hold office until the end of May in such year as may be specified for the purposes of that paragraph) is the year 1975 in the case of a member appointed by the councils of a group of districts, and the year 1977 in the case of a member appointed by the council of a county.

Water supply area

5. The area within which it shall be the duty of the water authority to supply water under Part II of the Act shall be the area comprising the limits of supply of the existing statutory water undertakers named in Schedule 2.

(a) S.I. 1964/1493. **(b)** 1963 c. 38.

SCHEDULE 1

Article 4

NUMBERS OF MEMBERS TO BE APPOINTED BY LOCAL AUTHORITIES

(1)	(2)
Metropolitan County	*Number of Members*
Tyne and Wear	Two
Non-Metropolitan County	
Cleveland	One
Durham	One
Northumberland	One
Metropolitan District	
Gateshead, Newcastle upon Tyne, North Tyneside, South Tyneside, Sunderland	Two between them
Non-Metropolitan District	
Hartlepool, Langbaurgh, Middlesbrough, Stockton-on-Tees	One between them
Chester-le-Street, Darlington, Derwentside, Durham, Easington, Sedgefield, Teesdale, Wear Valley	One between them
Alnwick, Berwick-upon-Tweed, Blyth Valley, Castle Morpeth, Tynedale, Wansbeck	One between them

SCHEDULE 2

Article 5

EXISTING STATUTORY WATER UNDERTAKERS

Darlington Corporation
Tynemouth Corporation

Durham County Water Board
Tees Valley and Cleveland Water Board

Hartlepools Water Company
Newcastle and Gateshead Water Company
Sunderland and South Shields Water Company

Signed by Authority
of the Secretary of State.
25th July 1973.

R. Graham Page,
Minister for Local Government
and Development,
Department of the Environment.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 20th July 1973.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The Water Act 1973 requires the Secretary of State and the Minister of Agriculture, Fisheries and Food by Order to establish regional water authorities for the areas specified in the Act. This Order accordingly establishes the Northumbrian Water Authority. The authority will consist of nineteen members appointed as follows:—

(*a*) a chairman appointed by the Secretary of State;

(*b*) two members appointed by the Minister of Agriculture, Fisheries and Food;

(*c*) six members appointed by the Secretary of State;

(*d*) five members appointed by the county councils specified in Article 4 of the Order; and

(*e*) five members appointed by the councils of the groups of district councils specified in Article 4 of the Order.

The first members to be appointed by district councils will hold office until the end of May 1975, and those appointed by county councils until May 1977; otherwise the terms of office of the chairman and members will be governed by paragraphs 3 and 4 of Schedule 3 to the Act.

The Northumbrian Water Authority will come into existence on the day on which the Order comes into operation.

Except in so far as Article 5 (relating to water supply) specifies a particular area for the exercise of particular functions of the authority, the Act requires the authority (subject to the general provisions of the Act) to exercise their functions as respects the area specified as their area in Schedule 1 to the Act, namely the area of the Northumbrian River Authority.

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