STATUTORY INSTRUMENTS

1983 No. 1318

WATER, ENGLAND AND WALES

The Water Authorities (Appointments, etc) Regulations 1983

Made - - - - -	*26th August* 1983
Laid before Parliament	*9th September* 1983
Coming into Operation	*1st October* 1983

The Secretary of State for the Environment and the Secretary of State for Wales in exercise of their powers under paragraph 3 of Schedule 3 to the Water Act 1973**(a)** as substituted by section 1(3) of, and Schedule 1 to, the Water Act 1983**(b)** and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Water Authorities (Appointments, etc) Regulations 1983 and shall come into operation on 1st October 1983.

Territorial extent of exercise

2. These regulations are made by the Secretary of State for Wales in relation to the Welsh authority and their area and by the Secretary of State for the Environment in relation to any other water authority or area.

Appointment and tenure of office

3. Subject to the provisions of the Water Act 1973, as amended by the Water Act 1983, and of these regulations a member of any water authority shall hold and vacate office in accordance with the terms of the instrument appointing him to his office and shall, on ceasing to be a member, be eligible for re-appointment.

4.—(1) For the purpose of enabling the relevant minister to satisfy himself—

(*a*) before he appoints a person to be a member of a water authority, that that person will have no such financial or other interest as is likely to affect prejudicially the exercise and performance of his functions as a member; and

(*b*) from time to time with respect to each member, that he has no such interest,

every person who is a member or whom the relevant minister proposes to appoint as a member shall, whenever requested by the relevant minister to do

(a) 1973 c. 37. **(b)** 1983 c. 23.

so, furnish the relevant minister with such information as the relevant minister considers necessary for the said purpose.

(2) For the purposes of this regulation "relevant minister" means the Secretary of State or the Minister of Agriculture, Fisheries and Food as the case may be.

5.—(1) If a member of a water authority has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter, and is present at a meeting of the authority or any subsidiary of the authority at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter or vote on any question with respect to it.

(2) For the purposes of paragraph (1) of this regulation, a member of a water authority shall be treated, subject to the provisions of paragraphs (3) and (4) of this regulation, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if—

(*a*) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(*b*) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration.

(3) Paragraph (2) of this regulation does not apply to a member of a local authority in respect of his membership of that authority.

(4) In the case of married persons living together the interests of one spouse or that spouse's nominee shall be deemed for the purposes of paragraph (2) of this regulation to be also an interest of the other.

(5) A general notice given in writing to an officer of the authority appointed for the purposes of this regulation by a member thereof that he or his spouse or any nominee of his or his spouse is a member or is in the employment of a specified company or other body, or that he or his spouse is a partner of, or is in the employment of, a specified person shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration by the authority or any subsidiary of the authority after the date of the notice.

(6) The officer of a water authority appointed for the purposes of this regulation shall record in a book to be kept for the purpose particulars of any disclosure made under paragraph (1) of this regulation, and the book shall be kept open at all reasonable hours to inspection by any member of the authority.

Minutes of proceedings

6. Minutes shall be kept of the proceedings of a water authority and of any committee thereof, and any such minutes shall, if signed by a person purporting to have acted as chairman of the meeting to which the minutes relate, or of a meeting at which they were approved as a correct record, be evidence of those proceedings; and a meeting to which any such minutes relate shall, unless the contrary is proved, be deemed to have been regularly convened and constituted.

Execution of instruments etc

7.—(1) The seal of a water authority shall be authenticated by the signature of any member or officer of the authority generally or specially authorised for that purpose by a resolution of the authority to act in that behalf.

(2) Any notice or document which a water authority are required or authorised to give, make or issue by or under any enactment may be signed on behalf of the authority by a member or officer of the authority generally or specially authorised for that purpose by a resolution of the authority to act in that behalf; and for the purposes of this paragraph the signing of a notice or document includes the reproduction of a signature by way of facsimile.

Proof of documents

8. Every document purporting to be an instrument executed or issued by or on behalf of a water authority and to be duly executed under the seal of the authority, or to be signed by a person authorised by the authority to act in that behalf, shall be received in evidence and be deemed, without further proof, to be so executed or issued unless the contrary is shown.

Signed by authority of the Secretary of State

Ian Gow,
Minister for Housing and Construction,
Department of the Environment.

24th August 1983.

Signed by authority of the Secretary of State

John Stradling Thomas,
Minister of State for Wales.

26th August 1983.

EXPLANATORY NOTE

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

These regulations relate to the appointment and tenure of office of members of water authorities who are appointed by the Secretary of State or the Minister of Agriculture, Fisheries and Food, to the minutes of proceedings of water authorities, and to the execution of instruments by them and signature of documents on their behalf, and the proof of documents.

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