STATUTORY INSTRUMENTS

1978 No. 285

WATER, ENGLAND AND WALES

The Water Authorities (Collection of Charges) Order 1978

Made - - -	*24th February* 1978
Laid before Parliament	10*th March* 1978
Coming into Operation	31*st March* 1978

The Secretary of State for the Environment and the Secretary of State for Wales, in exercise of the powers conferred upon them 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 sub-paragraphs (2)(*c*), (*cc*) (as inserted by paragraph 14 of Schedule 7 to the Local Government Act 1974(**c**)) and (3) (as inserted by section 2(4) of the Water Charges Act 1976(**d**)) of paragraph 5 of the said Schedule 6, and of all other powers enabling them in that behalf, hereby make the following order:—

PART I

INTRODUCTORY

Title, commencement, and territorial extent of exercise of powers

1.—(1) This order may be cited as the Water Authorities (Collection of Charges) Order 1978 and shall come into operation on 31st March 1978.

(2) This order is made—

(*a*) by the Secretary of State for Wales in relation to the Welsh National Water Development Authority, and

(*b*) by the Secretary of State for the Environment in relation to any other water authority.

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—

"the current surplus" and "the current deficit" have the meanings assigned to them by article 11(4);

"general rate", "rateable value", "rating area" and "rating authority" have the same meanings 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 or 34 of that Act;

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

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

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

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

"the 1973 Act" means the Water Act 1973;

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

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

"the 1977 Order" means the Water Authorities (Collection of Charges) Order 1977(**d**);

"qualifying area" means an area in respect of which, in relation to the year 1977–78, a rating authority have been required by a water supply notice issued by a water authority under the 1977 Order (including any notice required by that order to be treated as such a notice) to collect and recover on behalf of the water authority amounts payable to that authority in respect of the supply of water;

"the relevant constitution order", in relation to a water authority, means the order made by the Secretary of State and the Minister of Agriculture, Fisheries and Food under sections 2 and 3 of the 1973 Act, establishing that authority and specifying the number of persons to be appointed members thereof;

"sewerage and sewage disposal area", in relation to a water authority, means—

(*a*) the area specified in the relevant constitution order as their area for the purposes of their functions relating to sewerage and sewage disposal, or

(*b*) where no such area is so specified, the area specified in that order as the authority's general water authority area or, in the case of the Welsh National Water Development Authority, as the general Welsh authority area;

"the Schedule" means the Schedule to this order;

"water authority" has the same meaning as in the 1973 Act;

"water supply area", in relation to a water authority, means the area specified in the relevant constitution order as the area within which it shall be the duty of that authority to supply water under Part II of the 1973 Act;

"the year 1977–78" and "the year 1978–79" mean the financial years beginning on 1st April 1977 and 1st April 1978 respectively.

(3) Unless the context otherwise requires, any provision of this order with respect to the general rate shall, in its application to the City of London, apply also in relation to the poor rate.

(4) Any reference in this order to a numbered article shall be construed as a reference to the article bearing that number in this order.

(5) 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.

(**a**) 1945 c. 42. (**b**) 1967 c. 9. (**c**) S.I. 1976/514.
(**d**) S.I. 1977/315.

(6) Any name, description or other expression assigned in this order to any notice, amount, payment, charge or other matter is so assigned for purposes of reference only, and a notice, memorandum, demand, receipt or other document which is duly issued for the purposes of this order and is expressed in terms which comply with the provisions thereof shall not be treated as invalid or defective by reason only that any matter is referred to therein by the use of an expression which differs from the corresponding expression assigned to that matter in this order.

PART II

WATER SUPPLY CHARGE

General effect of Part II

3. Notwithstanding anything in section 38(1) of the 1945 Act, 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 Part of this order shall have effect in relation to the calculation, collection and recovery by local authorities on behalf of water authorities of amounts becoming payable on or after 1st April 1978 in respect of the supply of water by water authorities during the year 1978–79.

Water supply notices

4.—(1) Subject to the provisions of this order, a water authority may issue a notice (in this order referred to as "a water supply notice") to any rating authority whose rating area lies wholly or partly within the water authority's water supply 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 to premises in any qualifying area specified in the notice, being an area comprising, or lying within, the area of the rating authority.

(2) A water supply 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 rate") to be expressed as a poundage to be determined by the water authority and specified in the notice and by means of such other charges (in this order referred to as "water charges") as may be so specified.

(3) A water supply notice shall specify the period to which it relates and may specify such other matters as the water authority may consider appropriate, including any or all of the following matters:—

(*a*) the classes of premises in respect of which the water rate is to be levied on the net annual value of the premises;

(*b*) the classes of premises in respect of which the water rate is to be levied on a proportion only of the net annual value and the proportion appropriate to each such class;

(*c*) any minimum charge or other fixed charge which is to be made in respect of the supply of water in such cases as may be specified;

(*d*) where the water rates and water charges are to be collected by instalments, particulars of those instalments;

(*e*) where discounts or rebates are to be allowed in consideration of prompt payment of water rates and water charges, particulars of the discounts or rebates allowable;

(*f*) where the water authority are empowered to demand water rates or water charges in certain circumstances from the owner of premises instead of the occupier, particulars of the circumstances in which such a demand may be made, and particulars of any allowance to be made in consideration of prompt payment.

(4) A 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) A 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.

(6) A 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 Part of this order.

(7) In this Part of this order, unless the context otherwise requires, "the water authority" means a water authority who have issued a water supply notice to a rating authority, "the notice" means that notice, and "the rating authority" means that rating authority.

Effect of water supply notice

5.—(1) Subject to the provisions of this article, where a rating authority receive a water supply notice from a 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 rate relating to all relevant premises within any area specified in the notice and any water charges specified therein, and to remit the amounts so collected and recovered to the water authority in accordance with the provisions of article 6.

(2) The water authority shall allow the rating authority to retain, as payment for the cost of collection, out of any amount so collected or recovered, such an amount as may be agreed between the water authority and the rating authority or as may in default of agreement be determined by an arbitrator to be appointed either by agreement between the parties or in default of agreement by the President of the Chartered Institute of Public Finance and Accountancy.

(3) A notice issued before the coming into operation of this order by a 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 water supply notice", shall be treated as a water supply notice duly issued for the purposes of this order.

Remitting of water rates and charges to water authority

6. Subject to the provisions of article 5(2), where in any month a rating authority have received on behalf of a water authority any amounts by way of water rates or water charges, they shall pay them over to the water authority as soon as reasonably practicable after the end of that month and in any case within seven days from the end thereof.

PART III

CHARGES FOR SEWERAGE AND ENVIRONMENTAL SERVICES

General effect of Part III

7. Notwithstanding anything in section 38(1) of the 1945 Act, and subject to the express provision of any order made under section 254 of the 1972 Act (as originally enacted or as applied or extended by any other enactment) this Part of this order shall have effect in relation to the calculation, collection and recovery by local authorities on behalf of water authorities of amounts becoming payable on or after 1st April 1978 in respect of services (other than the supply of water) provided by water authorities during the year 1978–79.

Part III notice

8.—(1) Subject to the provisions of this order a water authority may issue a notice (in this order referred to as "a Part III notice") to any rating authority whose rating area lies wholly or partly within the water authority's sewerage and sewage disposal area, requiring them to collect and recover on behalf of the water authority amounts payable to the water authority in respect of services performed, facilities provided or rights made available (other than the supply of water) by the water authority in the area specified in the notice, being the rating area of the rating authority, or so much of that area as lies within the water authority's sewerage and sewage disposal area.

(2) A Part III 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 the following charges, that is to say—

(*a*) a charge for services performed, facilities provided or rights made available in the exercise of functions under section 14 (sewerage and sewage disposal) of the 1973 Act (in this order referred to as "a sewerage charge"); and

(*b*) a charge for services performed, facilities provided or rights made available in the exercise of functions specified in section 30(1B) of the 1973 Act (in this order referred to as "an environmental services charge").

(3) In this Part of this order "the Part III charges" means the sewerage charge and the environmental services charge.

(4) The sewerage charge and environmental services charge shall each be expressed as a poundage to be determined by the rating authority in accordance with the provisions of article 10, and shall be charged by them on hereditaments in the area specified in the relevant Part III notice in accordance with the provisions of this Part of this o.der.

(5) A Part III notice shall specify—

(*a*) the period to which it relates;

(*b*) the following amounts, being amounts 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, that is to say—

(i) an amount which is to be charged in accordance with paragraph (2)(*a*) above (in this order referred to as "the sewerage payment"), and

(ii) an amount which is to be charged in accordance with paragraph (2)(*b*) above (in this order referred to as "the environmental services payment"),

and may specify such other matters as the water authority may consider appropriate.

(6) A Part III notice may specify a single aggregate amount instead of the amounts required to be specified by sub-paragraphs (*b*)(i) and (*b*)(ii) of the foregoing paragraph, provided that it also specifies what proportion of that amount is to be treated as the sewerage payment and what proportion is to be treated as the environmental services payment.

(7) A 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.

(8) A 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 Part of this order.

(9) In this Part of this order, unless the context otherwise requires, "the water authority" means a water authority who have issued a Part III notice to a rating authority, "the notice" means that notice, and "the rating authority" means that rating authority.

Effect of Part III notice

9.—(1) Subject to paragraph (2) below, where a rating authority receive a Part III notice from a 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 Part III charges relating to the hereditaments in the area specified in the notice and to pay the payments therein specified to the water authority in accordance with the provisions of article 16.

(2) Where the rating area of a rating authority falls within the areas of two or more water authorities and any of those water authorities, in respect of the year 1978–79—

(*a*) inform that rating authority in writing that they do not propose to issue a Part III notice to them, or

(*b*) do not issue a Part III notice to them before 1st April 1978,

the rating authority shall not be under any duty to comply with paragraph (1) above in relation to any part of their rating area.

(3) A notice issued before the coming into operation of this order by a water authority to a rating authority, being a notice relating to amounts becoming payable as stated in article 7 and expressed in terms complying with paragraphs (1) to (6) of article 8, whether or not it is expressly referred to therein as "a notice" or "a Part III notice", shall be treated as a Part III notice duly issued for the purposes of this order.

Calculation of poundage

10.—(1) For the purposes of collecting the sewerage charge and the environmental services charge and of paying over to the water authority the sewerage payment and environmental services payment specified in any Part III notice, the rating authority to whom the notice has been issued shall calculate and determine the sewerage charge and the environmental services charge relating to the hereditaments in their rating area in accordance with the provisions of this article.

(2) The sewerage charge shall be a charge at a uniform amount per pound on the rateable value of each hereditament to which section 30(1)(*b*)(i) of the 1973 Act applies in the rating area of the rating authority.

(3) The environmental services charge shall be a charge at a uniform amount per pound on the rateable value of each hereditament in the rating area of the rating authority.

(4) In relation to any sewerage charge or environmental services charge, the amount per pound mentioned in paragraph (2) or (3) above, as the case may be, is referred to in this order as "the relevant poundage".

(5) Subject to the provisions of paragraphs (7) to (14) below, the relevant poundage in relation to any sewerage payment payable by a rating authority shall be determined in such a way as to secure that if a charge at that relevant poundage were levied by reference to the aggregate of the rateable values of all the hereditaments in the rating area of the authority to which section 30(1)(*b*)(i) of the 1973 Act applies, the total amount so levied would be equal to that sewerage payment or, where the rating authority are required to make such payments to more than one water authority, to the total amount of those payments.

(6) Subject to the provisions of paragraphs (7) to (14) below, the relevant poundage in relation to any environmental services payment payable by a rating authority shall be determined in such a way as to secure that if a charge at that relevant poundage were levied by reference to the aggregate of the rateable values of all the hereditaments in the rating area of the authority the total amount so levied would be equal to that environmental services payment or, where the rating authority are required to make such payments to more than one water authority, to the total amount of those payments.

(7) Without prejudice to the generality of paragraph (5) or (6) above, in ascertaining any aggregate of rateable values for the purposes of either of those paragraphs 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.

(8) In ascertaining any aggregate of rateable values for the purposes of paragraph (5) above—

(*a*) in respect of any hereditament mentioned in Part I of the Schedule, one-half only of the rateable value of that hereditament shall be included, and

(*b*) in respect of any hereditament mentioned in Part II of the Schedule, no amount shall be included.

(9) For the purpose of estimating the relevant poundage in relation to any sewerage payment or environmental services payment in pursuance of paragraph (5) or (6) above (but for no other purpose), the rating authority shall have regard to any current surplus or current deficit determined by them under article 11 in relation to themselves and the water authority, and in particular—

(*a*) where the balance so determined is a surplus, shall reduce the sewerage payment by an amount equal to the sewerage element of that surplus and shall reduce the environmental services payment by an amount equal to the environmental services element of that surplus, and

(*b*) where the balance so determined is a deficit, shall increase the sewerage payment by an amount equal to the sewerage element of that deficit and shall increase the environmental services payment by an amount equal to the environmental services element of that deficit.

(10) In paragraph (9) above, the expressions "sewerage element" and "environmental services element" have the meanings assigned to them by article 11(6); and any reference in that paragraph to a sewerage payment or an environmental services payment, in any case where the rating authority concerned are required to make any such payments to two or more water authorities, shall be construed as a reference to the total amount of such sewerage payments, or of such environmental services payments, as the case may be.

(11) For the purpose of estimating the relevant poundage in relation to any sewerage payment or environmental services payment in pursuance of paragraph (5) or (6) above, the rating authority may take into account such amounts as they may reasonably estimate as representing the cost of collection of the relevant charge and the loss on collection thereof.

(12) In estimating the loss on collection, the rating authority—

(*a*) 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 sections 11 to 14 of the 1974 Act, and

(*b*) where they propose to collect or recover any amounts by way of Part III charges in respect of any unoccupied property, shall take into account the total amount which they reasonably estimate that they will so collect or recover in respect of any such property in relation to the year 1978–79.

(13) 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 sewerage charge or environmental services charge in respect of that hereditament, and in estimating the loss on collection of the charge in pursuance of paragraphs (11) and (12) above they may have regard to any such case.

(**a**) S.I. 1974/364.

(14) 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.

Determination of current surplus or current deficit

11.—(1) This article shall apply to every rating authority who were required to make a miscellaneous services payment to a water authority or water authorities under Part IV of the 1976 Order and to whom there is issued a Part III notice which has effect under article 9.

(2) Where a rating authority to whom this article applies receive a Part III notice from a water authority, it shall be the duty of the rating authority, having regard to the matters mentioned in paragraph (3) below and to any other matters which appear to them to be relevant, to determine, as far as they can reasonably estimate—

(*a*) the surplus, if any, of receipts over payments and expenses expected to accrue to the rating authority or, as the case may be,

(*b*) the deficit, if any, of receipts below payments and expenses expected to be incurred by the rating authority

by reason of duties imposed on the rating authority under the 1976 Order and the 1977 Order with regard to payments made or to be made to and by the rating authority.

(3) Subject to paragraph (9) below, the matters to which regard shall be had for the purposes of paragraph (2) above are the following, that is to say—

(*a*) all amounts refunded by the rating authority on behalf of the water authority in pursuance of Part II (Refunding of Charges) of the 1976 Order, other than payments reimbursed directly to the rating authority by the water authority;

(*b*) all amounts received by the rating authority on or before 31st March 1978 by way of miscellaneous services charge in pursuance of Part IV (Miscellaneous Services Charge) of the 1976 Order, or by way of Part III charges in pursuance of Part III (Charges for Sewerage and Environmental Services) of the 1977 Order;

(*c*) all amounts paid or to be paid by the rating authority by way of miscellaneous services payment in pursuance of Part IV of the 1976 Order, or by way of sewerage payment or environmental services payment in pursuance of Part III of the 1977 Order, including payments to be so made after 31st March 1978;

(*d*) any expenses reasonably incurred by the rating authority in the discharge of any duty under Part II or Part IV of the 1976 Order or under Part III of the 1977 Order.

(4) For the purposes of this Part of this order, any surplus determined in pursuance of the foregoing provisions of this article in relation to a rating authority and a water authority shall be referred to as "the current surplus", and any deficit so determined shall be referred to as "the current deficit".

(5) For the purposes of article 10(9), the rating authority, when they have determined the amount of the current surplus or the current deficit, as the case may be, shall ascertain the sewerage element thereof and the environmental services element thereof, in accordance with paragraph (6) below.

(6) The sewerage element of any current surplus or current deficit shall be that part thereof which bears to the surplus or deficit the proportion which the sewerage payment demanded by the relevant water authority from the rating authority under article 8 bears to the aggregate of that payment and the environmental services payment so demanded; and the environmental services element of any such surplus or deficit shall be the surplus or deficit less the sewerage element so calculated.

(7) The rating authority shall maintain such records and accounts as may be reasonably required to enable them to carry out the duties imposed upon them by the foregoing provisions of this article.

(8) As soon as may be after the rating authority have determined the current surplus or the current deficit, as the case may be, and the sewerage element and the environmental services element thereof, they shall furnish particulars of those matters in writing to the water authority concerned.

(9) The water authority and the rating authority may at any time agree that, in respect of any matter mentioned in paragraph (2) or (3) above—

(*a*) a specified amount shall be paid by one authority to the other, or

(*b*) an amount which would otherwise be payable by one authority to the other shall be varied in a specified manner,

and where any payment or variation is so agreed before the rating authority have determined the relevant current surplus or current deficit, as the case may be, in pursuance of paragraph (2) above, they shall have regard to that payment or variation for the purposes of that paragraph.

Determination of closing surplus or closing deficit

12.—(1) This article shall apply to every rating authority who were required to make a sewerage payment and an environmental services payment (which payments are referred to in this article as "the specified payments") to a water authority or water authorities under Part III of the 1977 Order and on whom no duty to comply with paragraph (1) of article 9 is imposed before 1st April 1978.

(2) It shall be the duty of every rating authority to whom this article applies, as soon as it is reasonably practicable after they have paid the last monthly instalment of the specified payments required under Part III of the 1977 Order to the water authority or water authorities concerned, to determine, as far as they can reasonably estimate, having regard to the matters mentioned in paragraph (3) below and to any other matters which appear to them to be relevant—

(*a*) the surplus, if any, of receipts over payments and expenses expected to accrue to the rating authority, or, as the case may be,

(*b*) the deficit, if any, of receipts below payments and expenses expected to be incurred by the rating authority

by reason of duties imposed on the rating authority under the 1976 Order and the 1977 Order with regard to payments made to and by the rating authority.

(3) The matters to which regard shall be had for the purposes of paragraph (2) above are the following, that is to say—

(*a*) all amounts refunded by the rating authority on behalf of the water authority or water authorities in pursuance of Part II of the 1976 Order, other than payments reimbursed directly to the rating authority by a water authority;

(*b*) all amounts received by the rating authority by way of miscellaneous services charge in pursuance of Part IV of the 1976 Order, or by way of Part III charges in pursuance of Part III of the 1977 Order;

(*c*) all amounts paid by the rating authority by way of miscellaneous services payment in pursuance of Part IV of the 1976 Order, or by way of the specified payments under Part III of the 1977 Order;

(*d*) any expenses reasonably incurred by the rating authority in the discharge of any duty under Part II or Part IV of the 1976 Order, or under Part III of the 1977 Order.

(4) For the purposes of this Part of this order any surplus determined in pursuance of this article in relation to a rating authority and a water authority or two or more water authorities shall be referred to as "the closing surplus", and any deficit so determined shall be referred to as "the closing deficit".

(5) Where the rating authority were required to make the specified payments to two or more water authorities under Part III of the 1977 Order, they shall ascertain, as soon as may be after they have paid the last monthly instalment of those payments to all the water authorities concerned, the following amounts, that is to say—

(*a*) the total amount paid to each water authority by way of the specified payments under the said Part III (in this article referred to, in relation to each water authority concerned, as "the relevant Part III payment"), and

(*b*) the aggregate of all the relevant Part III payments made by that rating authority (in this article referred to as "the aggregate Part III payment").

(6) Subject to paragraph (8) below, where the amount determined by the rating authority under paragraph (2) above is a surplus, it shall be the duty of the rating authority—

(*a*) where they were required to make the specified payments to one water authority only, to pay the closing surplus to that water authority, and

(*b*) where they were required to make such payments to two or more water authorities, to pay to each of those authorities that part of the closing surplus which bears to the closing surplus the proportion which the relevant Part III payment relating to that authority bears to the aggregate Part III payment.

(7) Subject to paragraph (8) below, where the amount determined by the rating authority under paragraph (2) above is a deficit, the rating authority—

(*a*) where they were required to make the specified payments to one water authority, may recover the closing deficit from that authority, and

(*b*) where they were required to make such payments to two or more water authorities, may recover from each of those authorities that part of the closing deficit which bears to the closing deficit the proportion which the relevant Part III payment relating to that authority bears to the aggregate Part III payment.

(8) Any matter arising in relation to the amount of a payment required to be made in pursuance of paragraph (6) or (7) above shall be determined by agreement between the water authority and the rating authority or, in default of agreement, by an arbitrator to be appointed by agreement between the

parties or in default of agreement by the President of the Chartered Institute of Public Finance and Accountancy; and any matter relating to the method or time or times of payment may be determined by agreement between the water authority and the rating authority.

Collection of sewerage charge and environmental services charge

13.—(1) Subject to the provisions of this article, the rating authority shall collect the sewerage charge from every person who is liable to pay the general rate in respect of a hereditament to which section 30(1)(*b*)(i) of the 1973 Act applies in the area of the authority, or who provides and maintains such a hereditament in respect of which a contribution in aid of rates is made under section 37 or 38 of the 1967 Act.

(2) The rating authority shall collect the environmental services charge from every person who is liable to pay the general rate in respect of any hereditament in the area of the authority, or who provides and maintains a hereditament in respect of which such a contribution as aforesaid is made.

(3) Subject to paragraphs (4) and (5) below, the amount payable by way of charge under paragraph (1) or (2) above 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.

(4) The amount payable by way of sewerage charge in respect of any hereditament of a description mentioned in Part I of the Schedule shall be one-half of the amount which would be so payable, but for this paragraph, by virtue of paragraph (3) above.

(5) No amount shall be payable by way of sewerage charge in respect of any hereditament of a description mentioned in Part II of the Schedule.

(6) Subject to the provisions of this Part of this order, a rating authority who are under a duty under this Part of this order to collect the Part III charges in relation to any area—

(*a*) may, if they are also under a duty under Part II of this order to collect the water rate in relation to any area comprising, or lying within, their rating area, collect those charges in like manner as the water rate, whether or not they collected them in that manner during the year 1977–78, and

(*b*) in any case where they do not collect those charges in the manner specified in sub-paragraph (*a*) above, shall collect them in like manner as the general rate.

(7) The provisions of article 14 shall apply to the collection of the Part III charges in like manner as the general rate.

(8) The provisions of article 15 shall apply to the collection of the Part III charges in like manner as the water rate.

Collection in like manner as general rate

14.—(1) Where the rating authority are required by article 13(6)(*b*) to collect the Part III charges in like manner as the general rate they may collect those charges in that manner within their whole rating area in accordance with the 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 Part III charges in like manner as the general rate, the collection of those charges may so far as practicable be made in that manner with regard to the following matters:—

(*a*) collection of the charges by instalments;

(*b*) the allowing of discounts or rebates for prompt payment;

(*c*) the 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 either or both of the Part III charges in respect of that property for the same period,

the amount which he is so liable to pay by way of any Part III charge shall not exceed the amount which bears to the relevant Part III 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 Part III charge.

(4) Where a rating authority collect the Part III charges in like manner as the general rate, no rebate or reduction shall be allowed in respect of those charges 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 the Part III charges in the said manner and there is a total or partial default by any person in respect of either of those charges, 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 Part III charges and the general rate in proportion to the amounts payable respectively by way of the Part III charges and of the rate in relation to that period.

Collection in like manner as water rate

15.—(1) Subject to the provisions of paragraph (2) below, where the rating authority are empowered by article 13(6)(*a*) to collect the Part III charges in like manner as the water rate, and they do so collect them, they may collect those charges in that manner within their whole rating area.

(2) Without prejudice to the generality of paragraph (1) above, where a rating authority collect the Part III charges in the said manner, the collection of the charges may so far as practicable be made in that manner with regard to the following matters:—

(*a*) collection of the charges by instalments;

(*b*) the allowing of discounts or rebates;

(*c*) collection from owners instead of occupiers;

(*d*) the liability of any person in respect of periods during which premises are unoccupied;

(*e*) 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.

Remitting of payments to water authority

16.—(1) Where a rating authority are required under article 9(1) to pay a sewerage payment or an environmental services payment to a 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.

(3) The water authority and the rating authority may, by agreement between them, vary the application of any of the foregoing provisions of this article.

PART IV

GENERAL

Recovery of rates and charges

17.—(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 a water authority, they may, without prejudice to any other remedy or proceedings available to them, enforce any remedy or institute any proceedings which that water 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 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.

(4) In any case as aforesaid, being a case where any amounts payable under or by virtue of this order are payable in advance by half-yearly instalments under section 55 of Schedule 3 to the 1945 Act, as applied by any enactment in that behalf, the rating authority may enforce payment of those amounts in accordance with the provisions of the said Part VI, as those provisions have effect by virtue of this article, notwithstanding anything in subsection (3)(*a*) of the said section 55.

Records, accounts and forms

18. Where in pursuance of this order any rate or 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 rate or charge.

SCHEDULE Articles 10 and 13

DESCRIPTIONS OF HEREDITAMENTS LIABLE TO SPECIAL RATES OF SEWERAGE CHARGE OR EXEMPT THEREFROM

PART I

HEREDITAMENTS LIABLE TO SEWERAGE CHARGE AT HALF RATE

1. In any rating district, the water hereditaments of any statutory water undertaking.

2. Any hereditament which the British Gas Corporation are to be treated as occupying in a rating area by virtue of section 33(3) of the 1967 Act.

3. Any hereditament which an Electricity Board are to be treated as occupying in a rating area by virtue of section 34(3) of the 1967 Act.

4. In any rating district, such of the hereditaments occupied by the Post Office by the underground railway, within the meaning of section 52(7) of the Post Office Act 1969(**a**), as are in that district.

PART II

HEREDITAMENTS EXEMPT FROM SEWERAGE CHARGE

5. In any rating district, such of the hereditaments occupied by the Post Office by any such property as follows, namely—

posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services,

as are in that district.

(a) 1969 c. 48.

PART III

INTERPRETATION OF SCHEDULE

6. Expressions used in this Schedule and the 1967 Act, unless the contrary intention appears, have the same meanings in this Schedule as in that Act.

Peter Shore

23rd February 1978. Secretary of State for the Environment.

John Morris

24th February 1978. Secretary of State for Wales.

EXPLANATORY NOTE

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

This Order, which applies to England and Wales, makes provision for the collection and recovery on behalf of water authorities, by local authorities who are rating authorities, of charges made by water authorities for the supply of water (in Part II of the Order) and for sewerage and environmental services (in Part III of the Order) during the year beginning on 1st April 1978.

The provisions are generally similar to these of orders made annually for the same purposes from 1974 to 1977, and in particular they closely resemble the corresponding provisions of the Water Authorities (Collection of Charges) Order 1977.

The 1977 Order contained one new provision of substance, which allowed for the adjustment of local authorities' surpluses or deficits arising during 1976–77 from duties imposed upon them by the corresponding annual order made in 1976. This Order continues and extends that provision (which is now contained in articles 10(9) and (10), 11 and 12 of this Order) so that it allows for the adjustment of outstanding surpluses or deficits arising during the two financial years 1976–77 and 1977–78 taken together.

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