STATUTORY INSTRUMENTS

1984 No. 1788

PUBLIC HEALTH, ENGLAND AND WALES

The Water (Sewerage Arrangements) Regulations 1984

Made - - - -	15*th November* 1984
Laid before Parliament	26*th November* 1984
Coming into Operation	18*th December* 1984

The Secretary of State, in exercise of the powers conferred by paragraph 3 of Schedule 4A to the Water Act 1973(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Title and commencement

1. These regulations may be cited as the Water (Sewerage Arrangements) Regulations 1984 and shall come into operation on 18th December 1984.

Application

2. The requirements of these regulations apply to arrangements entered into by a water authority and a district or London borough council or other relevant authority pursuant to section 15 of the Water Act 1973(**b**) for the discharge by the relevant authority, as respects their area, of the sewerage functions of the water authority; and references in these regulations to arrangements are references to such arrangements.

Consultation about policies and proposals

3. Arrangements shall provide that in formulating policies or proposals for the discharge of functions to which the arrangements relate, the water authority shall consult the relevant authority with respect to any such policies or proposals which significantly affect the role of the relevant authority and shall have regard to any views expressed by the relevant authority.

Maximum limits on expenditure

4. Arrangements shall provide that—

(*a*) the water authority may set, and revise from time to time, limits to the costs and expenses to be incurred by a relevant authority in carrying out any sewerage functions of the water authority, and may in particular specify limits in relation to costs and expenses chargeable to capital account or revenue account, or to the carrying out of any particular function or any particular project; and

(**a**) 1973 c. 37; Schedule 4A was inserted by Schedule 3 to the Water Act 1983 (c. 23).
(**b**) Section 15 is set out in section 6 of the Water Act 1983.

(*b*) the relevant authority shall ensure that any such limit is not exceeded without the consent of the water authority.

Relevant authority to comply with instructions, etc

5. Arrangements shall require the relevant authority to comply with all reasonable instructions or guidance given to them from time to time by the water authority in connection with work which has been, is being or is to be carried out by the relevant authority pursuant to the arrangements.

Implementation of capital works programme

6. Arrangements shall require that where a water authority have approved (either in its original form or with amendments) a programme of capital works which are to be carried out by the relevant authority, the programme shall be carried out within such time and in such manner as may reasonably be prescribed by the water authority.

Relevant authority to comply with request for information, etc

7. Arrangements shall require the relevant authority to comply with any reasonable request for a duly authorised officer of the water authority to inspect any site where work is proposed to be carried out, or work which is being, or has been, carried out, or to examine any accounts or other documents relating to, or to be given any information with respect to, the discharge by the relevant authority of their functions under the arrangements.

Right of relevant authority to reimbursement

8. Subject to regulation 9, arrangements shall oblige the water authority to reimburse the relevant authority in respect of costs and expenses reasonably incurred in discharging functions under the arrangements, other than costs or expenses incurred in excess of any limit set pursuant to such a provision as is described in regulation 4 without any requisite consent.

Capital works: design and execution

9.—(1) Subject to paragraph (3) below arrangements shall provide that the water authority may require the relevant authority to seek the views of the water authority about the skill, experience and resources—

(*a*) of any person who the relevant authority propose should design any sewerage works involving expenditure of a capital nature, to design those works; and

(*b*) of any person who the relevant authority propose should carry out any such works, to carry them out.

In this regulation "person" includes the relevant authority.

(2) Subject as aforesaid arrangements shall further provide that if the water authority consider that a person who the relevant authority propose should design or carry out any such works as are mentioned in paragraph (1) does not have the skill, experience and resources necessary for the purpose of designing or carrying out the works efficiently, they shall so advise the relevant authority by notice in writing as soon as reasonably practicable; and that where such

notice is given with reasonable cause (and not withdrawn) the water authority shall be under no obligation—

(*a*) if the notice was given in relation to such a person as is mentioned in paragraph (1)(*a*) and the works are nonetheless designed by that person, to reimburse the costs and expenses of the relevant authority in relation to the designing and carrying out of those works; or

(*b*) if the notice was given in relation to such a person as is mentioned in paragraph (1)(*b*) and the works are nonetheless carried out by that person, to reimburse the costs and expenses of the relevant authority in relation to the carrying out of those works.

(3) Nothing in paragraph (1) or (2) above shall prevent the inclusion in arrangements of provision for varying the effect of those paragraphs, or either of them, if the parties to the arrangements agree that it would be expedient to do so in the interests of securing that the water authority's sewerage functions are carried out efficiently.

Patrick Jenkin,
Secretary of State for the Environment.

13th November 1984.

Nicholas Edwards,
Secretary of State for Wales.

15th November 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Section 15 of the Water Act 1973 (as now set out in section 6 of the Water Act 1983) requires water authorities to endeavour to make arrangements with district councils, London borough councils and certain other authorities ("relevant authorities") for the discharge by them in their areas of the statutory sewerage functions of the water authority, other than sewage disposal.

The Secretary of State may make regulations about such arrangements.

These regulations require such arrangements to include a variety of provisions. They must require the water authority, in formulating policies or proposals which significantly affect the role of the relevant authority, to consult that authority. They must also require the water authority to reimburse the relevant authority the reasonable costs of discharging sewerage functions under the arrangements; but a water authority are to be able to impose limits on the costs and expenses to be reimbursed. Arrangements are further to require relevant authorities to comply with any reasonable guidance or instructions and requests for information. They must also provide that the relevant authority may be required to consult the water authority about the capability in terms of skill, experience and resources of any person who it is proposed should design or carry out sewerage works of a capital nature; and the water authority are to be under no obligation to pay when they reasonably doubt the capability of the person proposed to do the job.

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