STATUTORY INSTRUMENTS

1980 No. 841

WATER, ENGLAND AND WALES

The Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979

Made - - - -	21*st December* 1979
Laid before Parliament	5*th March* 1980
Coming into Operation	12*th June* 1980

Whereas the Secretary of State for the Environment, the Secretary of State for Wales, and the Minister of Agriculture, Fisheries and Food are empowered by sections 2(5) to (7), 8(3) and 36(2) of, and paragraphs 1, 14 and 15 of Schedule 2 to, the Water Act 1973(a) to make an order for the purposes hereinafter appearing, but by virtue of the provisions of the said Act of 1973 the order will not come into operation until the provisions of paragraph 16 of Schedule 2 thereto have been complied with:

Now therefore the said Secretaries of State and Minister, in exercise of the powers hereinbefore recited and of all other powers enabling them in that behalf, on recommendations made to them by the Welsh Water Authority (under its former name of the Welsh National Water Development Authority(b)) and the North West Water Authority in pursuance of the said section 8(3), and after consultation with such persons and representative bodies as they considered it appropriate to consult, hereby make the following order:—

Citation

1. This order may be cited as the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979.

Territorial extent of exercise of powers

2. This order is made by the Secretary of State for the Environment, the Secretary of State for Wales and the Minister of Agriculture, Fisheries and Food, acting jointly, in relation to the Welsh Water Authority and their area(c),

(a) 1973 c. 37.

(b) The name of the Welsh National Water Development Authority was changed to "the Welsh Water Authority" on 2nd April 1978 by S.I. 1978/520.

(c) The functions under sections 2(5) and 8(3) of the Water Act 1973 which were exercisable by the Secretary of State and the Minister of Agriculture, Fisheries and Food jointly in relation to the Welsh Water Authority were transferred (with one exception not relevant to this order) to the Secretary of State for the Environment, the Secretary of State for Wales and the Minister of Agriculture, Fisheries and Food jointly by S.I. 1978/272.

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and by the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food, acting jointly, in relation to the North West Water Authority and their area.

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

"the Act" means the Water Act 1973;

"the day of transfer" means the first day of April first occurring after the coming into operation of this order;

"general water authority area"—

(*a*) in relation to the North West Authority, has the same meaning as in the relevant constitution order, and

(*b*) in relation to the Welsh Authority, means the area described in the relevant constitution order as "the general Welsh authority area";

"licence" means a licence to abstract water granted, or having effect as if granted, by a water authority under Part IV (which relates to the control of abstraction and impounding of water) of the Water Resources Act 1963(**a**); and "the licensee", in relation to a licence, means the person who is for the time being the holder of that licence;

"the maps" means the set of maps numbered 1 to 39, prepared in triplicate, signed by an Under Secretary in the Department of the Environment, an Under Secretary in the Welsh Office and an Under Secretary in the Ministry of Agriculture, Fisheries and Food, and marked "Maps referred to in the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979", of which one triplicate has been deposited and is available for inspection at the offices of the Secretary of State for the Environment, one at the offices of the Secretary of State for Wales, and one at the offices of the Minister of Agriculture, Fisheries and Food; and any reference to a numbered map is a reference to the map so numbered in that set of maps;

"the North West Authority" means the North West Water Authority;

"the relevant constitution order" means—

(*a*) in relation to the North West Authority, the North West Water Authority Constitution Order 1973(**b**), and

(*b*) in relation to the Welsh Authority, the Welsh National Water Development Authority (Establishment and Constitution) Order 1973(**c**);

"sewerage and sewage disposal area", in relation to either of the two authorities, means the area which, by virtue of the Act and of the relevant constitution order, is the area of the authority for the purpose of its functions relating to sewerage and sewage disposal.

"transferred area" means an area which is transferred by this order from the general water authority area, or from the sewerage and sewage disposal area, as the case may be, of one authority to the corresponding area of the other authority;

"the transferor authority", in relation to a transferred area, means the authority from whose area that area is transferred by this order, and "the transferee authority" means the authority to whose area it is so transferred;

(**a**) 1963 c. 38.
(**b**) S.I. 1973/1287, to which there is an amendment not relevant to this order.
(**c**) S.I. 1973/1345, to which there is an amendment not relevant to this order.

"the two authorities" means the North West Authority and the Welsh Authority, and "one authority" and "the other authority" shall be construed accordingly;

"the Welsh Authority" means the Welsh Water Authority.

(2) Any reference in this order to a numbered section shall be construed as a reference to the section bearing that number in the Act, and any reference to a numbered article shall be construed as a reference to the article bearing that number in this order.

(3) In the case of any conflict between particulars relating to the same area or boundary shown on any two of the maps, being maps on different scales, the map on the larger scale shall prevail.

Alteration of boundaries

4.—(1) On and after the day of transfer, the boundary between the genera water authority areas of the two authorities shall be the boundary shown on the maps numbered 1 to 17 as a continuous black line, edged grey on the side of the area of the North West Authority, and identified thereon by the notation "General water authority boundary", instead of the boundary which, for purposes of reference only (and only where it differs from the first-mentioned boundary), is shown thereon as an unshaded black line and identified thereon by the notation "Former general water authority boundary"; and the general water authority area of each of the two authorities shall be altered accordingly.

(2) On and after the day of transfer, the boundary between the sewerage and sewage disposal areas of the two authorities shall be the boundary shown on the maps numbered 18 to 39 as a continous black line, edged grey on the side of the area of the Welsh Authority, and identified thereon by the notation "Sewerage and sewage disposal boundary", instead of the boundary which, for purposes of reference only (and only where it differs from the boundary first mentioned in this paragraph), is shown thereon as an unshaded black line and identified thereon by the notation "Former sewerage and sewage disposal boundary"; and the sewerage and sewage disposal area of each of the two authorities shall be altered accordingly.

Licences to abstract water

5. Where, immediately before the day of transfer, a licence is in force whereby the licensee is empowered to abstract water from a source of supply at a point or points lying within an area transferred by this order from the general water authority area of one authority to the general water authority area of the other authority, then on and after the day of transfer—

(*a*) any amount which immediately before that date was payable to the transferor authority by the licensee by reason of any provision of the licence may be recovered from the licensee by the transferor authority, and

(*b*) subject to paragraph (*a*) above, the licence shall have effect as if for any reference to the authority by whom the licence was granted there were substituted a reference to the transferee authority.

Recovery of outstanding charges for sewerage and environmental services

6.—(1) Where, before the day of transfer, any amount by way of a charge to which this article applies has become payable by any person directly to a water authority in respect of a hereditament situated in an area transferred by this order from the sewerage and sewage disposal area of one authority to the

sewerage and sewage disposal area of the other authority, the transferor authority shall be entitled to and may recover that amount on or after the day of transfer.

(2) This article applies to any charge payable to a water authority under subsection (1) of section 30 of the Act (which subsection relates to the powers of a water authority to fix and recover charges for certain services, facilities and rights) by virtue of paragraph (*b*) of that subsection (which paragraph makes provision for charges for sewerage services and certain environmental services).

Differential sewerage charges in part of transferred area

7.—(1) In this article—

"the specified area" means the area comprising those parts of the area transferred by this order to the sewerage and sewage disposal area of the Welsh Authority which fall within the district of Wirral or the district of Ellesmere Port and Neston;

"sewerage charge", in respect of any hereditament, means the charge, if any, made by the Welsh Authority in respect of that hereditament by virtue of subsection (1)(*b*)(i) of section 30 (which relates to water charges) for services performed, facilities provided or rights made available in the exercise of the functions of the authority under section 14 (which relates to sewerage and sewage disposal);

"the relevant rate", in relation to the sewerage charge in respect of any hereditament, means the rate of charge fixed for the purpose of calculating that charge in respect of that hereditament;

"the standard rate", in respect of any hereditament, means the relevant rate which is for the time being in force in respect of similar hereditaments within the sewerage and sewage disposal area of the Welsh Authority and which, but for this article, would be in force in respect of that hereditament;

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

"Year 1" means the year beginning on the day of transfer, "Year 2" means the year next following, and "Year 3" and "Year 4" shall be construed accordingly.

(2) During the first four years after the day of transfer (in this article referred to as "the transitional period") the provisions of this article shall have effect in relation to the calculation of sewerage charges in respect of hereditaments in the specified area.

(3) In each year of the transitional period the relevant rate in respect of any hereditament in the specified area shall not exceed the proportion of the standard rate represented by the percentage stated in column (2) of the table below in relation to that year.

TABLE

(1) *Year*	(2) *Proportion of standard rate*
Year 1	60 per cent
Year 2	70 per cent
Year 3	80 per cent
Year 4	90 per cent

(4) Where in any instance a sewerage charge comprises two or more different elements (for example a standing charge and a charge expressed as a poundage) any reference in this article to the relevant rate or the standard rate, as the case may be, shall be treated as applying to each of those elements.

Amendment of constitution orders

8.—(1) The Welsh National Water Development Authority (Establishment and Constitution) Order 1973 shall be amended as follows:—

(*a*) in article 3(1) (establishment and general area of the Welsh National Water Development Authority) for the words from "and in this order" to the end there shall be substituted the words "as altered by article 4(1) of the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979, and in this order 'the general Welsh authority area' means the area so assigned, as so altered.", and

(*b*) after article 6 there shall be inserted the following article:—

"*Sewerage and sewage disposal*

7. The area of the Welsh authority for the purposes of their functions relating to sewerage and sewage disposal shall be the area which immediately before 1st April 1980 was the general Welsh authority area, as altered in relation to those functions by article 4(2) of the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979.".

(2) The North West Water Authority Constitution Order 1973 shall be amended as follows:—

(*a*) in article 3(1) (establishment and general area of North West Water Authority) for the words from "and in this article" to the end there shall be substituted the words "as altered by article 4(1) of the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979, and in this order 'the general water authority area' means the area so assigned, as so altered.", and

(*b*) after article 5 there shall be inserted the following article:—

"*Sewerage and sewage disposal area*

6. The area of the water authority for the purposes of their functions relating to sewerage and sewage disposal shall be the area which immediately before 1st April 1980 was the authority's general water authority area, as altered in relation to those functions by article 4(2) of the Welsh Water Authority and North West Water Authority (Alteration of Boundaries) Order 1979.".

Michael R. D. Heseltine,
17th December 1979. Secretary of State for the Environment.

Nicholas Edwards,
19th December 1979. Secretary of State for Wales.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st December 1979.

Peter Walker,
(L.S.) Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

(This Note is not part of the Order.)

A water authority established under the Water Act 1973 may have different areas in relation to different functions (and consequently different boundaries with other water authority areas in relation to different functions). The boundary between the areas for water supply purposes ("the water supply boundary") of the Welsh Water Authority and the North West Water Authority differs at some points from the boundary which is the general boundary between the two authorities for the purposes of all their other functions, including sewerage and sewage disposal ("the general water authority boundary"). Each of these boundaries is approximately 50 miles long and runs from a point on the coast near Hoylake in the Wirral District Council area in the county of Cheshire to a point near Whitchurch in the North Shropshire District Council area.

This Order alters the boundaries between the two authorities in two ways. Article 4(1) alters the general water authority boundary for the purposes of such functions as land drainage, water conservation and the licensing of water abstraction (but not sewerage and sewage disposal); and article 4(2) alters the boundary relating to the two authorities' sewerage and sewage disposal functions. The water supply boundary between the two authorities remains unchanged.

The order makes transitional, supplementary and consequential provision concerning the effect of existing licences to abstract water (article 5), the collection of sewerage and environmental services charges (article 6), differential sewerage charges in part of the transferred area (article 7), and the amendment of the relevant constitution orders (article 8), in relation to areas transferred by the order.

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