STATUTORY INSTRUMENTS

1981 No. 1346

WATER ENGLAND AND WALES

The Yorkshire Water Authority (Amendment of Local Enactments) Order 1981

Made - - - -	17*th September* 1981
Laid before Parliament	28*th September* 1981
Coming into Operation	19*th October* 1981

The Secretary of State for the Environment, in exercise of his powers under section 133 of the Water Resources Act 1963(a), and of all other powers enabling him in that behalf, hereby orders as follows:—

Citation and commencement.

1.—(1) This order may be cited as the Yorkshire Water Authority (Amendment of Local Enactments) Order 1981, and shall come into operation on 19th October 1981.

(2) This order and the Yorkshire Water Authority Orders 1974 to 1980 may be cited together as the Yorkshire Water Authority Orders 1974 to 1981.

The Sheffield Corporation (Consolidation) Act 1918 amended.

2. The Sheffield Corporation (Consolidation) Act 1918(b) is hereby amended as follows:

(i) For sections 45, 46(1) and 51 there shall be substituted respectively the following sections:—

"Power to take water from River Rivelin and compensation water to be supplied

45. The Yorkshire Water Authority may impound take collect divert appropriate and use for the purposes of their water undertaking at such times and in such manner as they from time to time think fit the waters of the River Rivelin and its tributaries above the level of the existing gauge or weir thereon (in this part of this Act called the "Rivelin Gauge") and of the Moor Drain below the said level and as and for full compensation to all persons for such impounding taking collecting diverting and appropriation the said Authority shall supply and cause to flow over or through the Rivelin Gauge and down the River Rivelin a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 authorising the abstraction by the said Authority of the said waters notwithstanding that the said Authority may during the currency of

(a) 1963 c.38.

(b) 1918 c.lxi.

such licence cease or reduce such abstraction either temporarily or permanently, and if any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water which is to be so supplied and caused to flow over or through the said Gauge and down the said River until any other such licence is granted containing provisions as to such water.

Power to take water from River Loxley and compensation water to be supplied

46.—(1) The Yorkshire Water Authority may impound take collect divert appropriate and use for the purposes of their water undertaking at such times and in such manner as they from time to time think fit the waters of the River Loxley and its tributaries above the level of the existing gauge thereon (in this Act called "the Damflask Gauge") and as and for full compensation to all persons for such impounding taking collecting diverting and appropriation the said Authority shall supply and cause to flow out of the Damflask Reservoir over or through the Damflask Gauge and down the River Loxley a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 for the time being authorising the abstraction by the said Authority of the said waters notwithstanding that the said Authority may during the currency of such licence cease or reduce such abstraction either temporarily or permanently, and if any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water which is to be so supplied and caused to flow out of the said Reservoir until any other such licence is granted containing provisions as to such water.

Power to take water from River Ewden and compensation water to be supplied

51. The Yorkshire Water Authority may impound take collect divert appropriate and use for the purposes of their water undertaking at such times and in such manner as they from time to time think fit the waters of the River Ewden and its tributaries intercepted by the Broomhead and More Hall reservoirs and as and for full compensation to all persons for such impounding taking collecting diverting and appropriation the said Authority shall supply and cause to flow out of the More Hall Reservoir over or through the More Hall Gauge and into the River Ewden a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 for the time being authorising the abstraction by the said Authority of the said waters notwithstanding that the said Authority may during the currency of such licence cease or reduce such abstraction either temporarily or permanently, and if any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water which is to be so supplied and caused to flow out of More Hall Reservoir until any other such licence is granted containing provisions as to such water.";

(ii) Section 52 shall cease to have effect; and

(iii) For section 53(1) as amended by section 7 of the Sheffield Water (Charges, etc) Order 1956(a) there shall be substituted the following subsection:—

"(1) The Yorkshire Water Authority may impound take collect divert appropriate and use for the purposes of their water undertaking at such times and in such manner as they think fit the waters of the Little Don River and (subject to the powers and provisions of the Barnsley Corporation (Water) Act 1896 as amended by the Barnsley Corporation (Water) Act 1900 and the Barnsley Corporation Act 1914) of the Hagg Brook and their tributaries and of any other brooks becks or streams of water or springs which may be intercepted by and constructed under the powers of the Sheffield Corporation Water Act 1896 and of the Sheffield Corporation Act 1907 and (subject as hereinafter in this section and in section 106 provided) as and for full compensation to all persons for such impounding taking collecting diverting and appropriation the said Authority shall supply and cause to flow out of the Underbank Reservoir over or through the existing gauge on the Little Don River (in this Act called "the Underbank Gauge") and into the bed of that river a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 for the time being authorising the abstraction by the said Authority of the said waters notwithstanding that the said Authority may during the currency of such licence cease or reduce such abstraction either temporarily or permanently, and if any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water which is to be so supplied and caused to flow out of the said Reservoir until any other such licence is granted containing provisions as to such water.".

3. The Batley Corporation Act 1921(b) is hereby amended as follows:— The Batley Corporation Act 1921 amended.

(i) For section 14 there shall be substituted the following section—

"Power to take waters

14. Subject to the provisions of this Act the Yorkshire Water Authority may by means of the waterworks by this Act authorised in conjunction with their existing works collect impound take use divert and appropriate for the purposes of their water undertaking the waters of the River Holme and the tributaries thereof at and above the dam of the Brownhill reservoir and all such springs streams and waters as may be intercepted by the waterworks.";

(ii) In section 15—

(a) for subsection (2)(A) there shall be substituted the following paragraph:—

"(A) The Yorkshire Water Authority shall discharge or deliver into the River Holme a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 for the time being authorising the abstraction by the said Authority of the waters specified in section 14 of this Act notwithstanding that the said Authority may during the currency of such licence cease or reduce such abstraction either temporarily or permanently, and if

(a) S.I. 1956/1455 (b) 1921 c.cxiii.

any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water so discharged or delivered into the River Holme until any other such licence is granted containing provisions as to such water:";

(b) for the words "The Corporation" wherever they occur in subsections (2)(B), (2)(C), (3), (4) and (5) there shall be substituted the words "the said Authority";

(c) in subsection (2)(B) for the words "not more than two-hundred yards from the northern foot of the dam thereof" there shall be substituted the words "in accordance with the provisions of any such licence as aforesaid";

(d) in subsection (3) the word "respective" shall be omitted; and

(e) in subsection (5) the words "by them" shall be omitted;

(iii) In section 16—

(a) for the word "Corporation" where it first occurs there shall be substituted the words "Yorkshire Water Authority" and in each other place where it occurs there shall be substituted the words "said Authority";

(b) subsection (1) shall cease to have effect;

(c) in subsection (3) the words from the beginning of the subsection to the words "in the morning" shall be deleted;

(d) in subsection (4),

(i) the words "or the provisions of subsection (3) of this section" shall be omitted;

(ii) for paragraph (A) there shall be substituted the following paragraph:—

"(A)where, by the provisions of any such licence as is mentioned in section 15 of this Act, specified quantities of compensation water are required to be discharged by the said Authority on particular working days, require any quantity so to be discharged on any Saturday (being a working day) or any part of that quantity to be discharged instead on such one or more of the other working days in the same week as may be specified by the Millowners' Committee in addition to the quantity of compensation water so to be discharged on that day or those days; and"; and

(iii) in paragraph (B) for the proviso there shall be substituted the following proviso:—
"Provided that except as provided by paragraph (A) of this subsection or as required by the provisions of any such licence as aforesaid the said Authority shall not on any working day be required to discharge more or entitled to discharge less than the said quantities of compensation water:".

4. The Barnsley Corporation Act 1923(a) is hereby amended in section 19 thereof by substituting for paragraph (a) of subsection (2) the following paragraph:—

"(a) The Yorkshire Water Authority shall discharge or deliver from and out of Scout Dike Reservoir and into Scout Dike at a point therein situate not more than 183 metres below the foot of the embankment

(a) 1923 c.lxxxix.

of that reservoir a quantity of water in accordance with the provisions of any licence under the Water Resources Act 1963 for the time being authorising the abstraction by the said Authority of the waters of Ingbirchworth Reservoir notwithstanding that the said Authority may during the currency of such licence cease or reduce such abstraction either temporarily or permanently, and if any such licence is revoked the said Authority shall continue to observe the requirements of such of the provisions of that licence as relate to the water which is to be so discharged or delivered from and out of Scout Dike Reservoir until any other such licence is granted containing provisions as to such water;".

Michael R. D. Heseltine,
Secretary of State for
the Environment.

17th September 1981.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Sections 45, 46(1), 51, 52 and 53(1) of the Sheffield Corporation (Consolidation) Act 1918 authorise the taking of water from the Rivers Rivelin, Loxley, Ewden and Little Don and the discharge of compensation water into those rivers. Sections 14 and 15 of the Batley Corporation Act 1921 respectively authorise the taking of water from the River Holme and the discharge into that river of compensation water. Section 19 of the Barnsley Corporation Act 1923 authorises the discharge of compensation water into Scout Dike. These local enactments apply to the Yorkshire Water Authority by virtue of Part II of Schedule 6 to the Water Act 1973 (c.37). In pursuance of their powers under sections 42 and 48 of the Water Resources Act 1963, as having effect by virtue of Part III of the Water Resources (Licences) Regulations 1965 (S.I. 1965 L. 534), the Authority by resolution varied the authorisations, with consequential variation of section 16 of the Batley Corporation Act 1921.

The order amends the local enactments referred to above in conformity with the Authority's resolutions.