STATUTORY INSTRUMENTS

1982 No. 1410

WATER, ENGLAND AND WALES

The Yorkshire Water Authority (Amendment of Local Enactments) Order 1982

Made - - - -	30*th September* 1982
Laid before Parliament	12*th October* 1982
Coming into Operation	3*rd November* 1982

The Secretary of State for the Environment, in exercise of powers conferred by section 133 of the Water Resources Act 1963 (**a**) and now vested in him (**b**), 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 1982 and shall come into operation on 3rd November 1982.

(2) This order shall be included among the enactments which may be cited together as the Yorkshire Water Authority Orders 1974 to 1982.

The Leeds Corporation Water Act 1901 amended.

2. The Leeds Corporation Water Act 1901 (**c**) is hereby amended by substituting for sections 7 and 8 respectively the following sections:—

"Power to take waters

7. Subject to the provisions of this Act the Yorkshire Water Authority may for the purposes of their water undertaking collect, take, appropriate and use all the waters of the Pott Beck at and above the embankment or dam of the Leighton Reservoir and all the tributary streams and springs of that beck above that embankment or dam.".

"Compensation water

8.—(1) As full compensation to all persons for taking, diverting and appropriating all the waters which the Yorkshire Water Authority are by this Act authorised to take and before they shall be entitled to take any such waters for supply they shall cause to be discharged or permit to flow from the Leighton Reservoir into the Pott Beck 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

(**a**) 1963 c.38. (**b**) S.I. 1951/142, 1900, 1970/1681. (**c**) 1901 c.cclvi.

the water which is to be so caused to be discharged or permitted to flow from the said reservoir until any other such licence is granted containing provisions as to such water.

(2) The said Authority shall for ever maintain in accordance with the provisions of any such licence as aforesaid a suitable gauge for measuring the quantity of water to be discharged or permitted to flow from the Leighton Reservoir and such gauge shall be open to inspection and examination of any person appointed by the Minister of Agriculture, Fisheries & Food, the City Council of York and the York Waterworks Company or any of them and of the several persons for the time being interested in the water so to be discharged or permitted to flow through or over the same.

(3) In the event of any difference or disagreement between the said Authority and the bodies and persons mentioned in the last preceding subsection or any of them with respect to the construction, maintenance or use of the said gauge such difference or disagreement shall be settled and determined by an engineer to be agreed upon by the parties in difference or failing such agreement by an engineer to be nominated on the application of either party after seven days' notice in writing to the other party by the President of the Institution of Civil Engineers.

(4) In case the said Authority omit or fail to discharge or permit to flow the quantity of water by this section required to be discharged or to flow over or through the said gauge the said Authority shall for every day on which such omission or failure shall occur pay

(a) a penalty not exceeding £5 to the occupiers of any mills or works on the course of the said river who may have sustained loss by such omission or failure, and

(b) a penalty not exceeding £20 to the City Council of York and the York Waterworks Company or one of such bodies but so that one penalty only shall be recoverable under this paragraph for each default.".

3. The Harrogate Water Act 1901 (a) is hereby amended as follows:—

(i) For sections 8 and 14 there shall be substituted respectively the following sections:—

"Power to take lands and waters

8. Subject to the provisions of this Act the Yorkshire Water Authority may for the purpose of their water undertaking collect, take, appropriate and use all such streams, springs and waters as can be collected or taken by the waterworks authorised by this Act.".

(a) 1901 c.ccxv.

"Compensation water

14. The quantity of compensation water required to be discharged under the provisions of section 8 of the Leeds Corporation Water Act 1901 shall be accepted and taken by the City Council of York and the York Waterworks Company and by all other persons and companies interested as full compensation for all water the Yorkshire Water Authority may or can at any time divert, impound or abstract from the streams, springs or waters authorised by this Act to be collected and taken for the purpose of their water undertaking."

(ii) Section 15 (For protection of Leeds Corporation) shall cease to have effect.

The Leeds Corporation Act 1907 amended.

4. The Leeds Corporation Act 1907(a) is hereby amended as follows:—

(i) For section 16 there shall be substituted the following section:—

"Power to take water from streams.

16.—(1) Notwithstanding anything in the Leeds Corporation Water Act 1901 the Yorkshire Water Authority may take, appropriate and use from the river Burn 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 thereof by the said Authority.

(2) Any gauge, appliance and weir required under the said provisions shall be open to the inspection and examination of any person appointed by the Minister of Agriculture, Fisheries & Food, the City Council of York and the York Waterworks Company or any of them and of the several persons for the time being interested in the water so authorised to be taken or so required to flow through or over the same.

(3) If at any time any such gauge, appliance or weir shall be out of repair or in an unfit condition for the purpose for which it is intended the said Authority shall forthwith put the same in fit repair and condition and if they fail to do so within one month after notice in writing given to them in that behalf by or on behalf of the Minister of Agriculture, Fisheries & Food, the City Council of York or the York Waterworks Company or any person interested in the waters then such body or person may cause the said gauge, appliance or weir to be put in fit repair and condition and may recover the reasonable cost of so doing from the said Authority.

(4) In the event of any difference or disagreement between the said Authority and the bodies and persons hereinbefore mentioned in this section or any of them with respect to the construction, maintenance or use of any such gauge, appliance or weir such difference or disagreement shall be settled and determined by an engineer to be agreed

(a) 1907 c.lxxxi.

upon by the parties in difference or failing such agreement by an engineer to be nominated on the application of either party after seven days' notice in writing to the other party by the President of the Institution of Civil Engineers.

(5) If the said Authority fail to comply with the foregoing provisions of this section they shall be liable to a penalty not exceeding £5 per day to the occupiers of any mills or works on the course of the said river who may have sustained loss by such failure.

(6) If the said Authority shall under the provisions of this section and of any such licence take any water otherwise than in accordance therewith they shall for every such offence pay a penalty not exceeding £20 to the City Council of York and the York Waterworks Company or one of such bodies but so that one penalty only shall be recoverable under this subsection for each default."

(ii) Section 15 (Amendment of section 8 of Leeds Corporation Water Act 1901 as to compensation water), section 17 (Substitution of Board of Agriculture and Fisheries for Board of Trade in Leeds Corporation Act 1901) and section 29 (Limiting powers of Leeds Corporation to abstract water) shall cease to have effect.

Michael Heseltine,
Secretary of State for the Environment.

30th September 1982.

EXPLANATORY NOTE

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

That part of the area of the Yorkshire Water Authority supplied with water from the River Burn, the River Laver and their tributaries was originally planned to be supplied by reservoirs situated on those rivers and tributaries and constructed under powers contained in the Leeds Corporation Water Act 1901, the Harrogate Water Act 1901 and the Leeds Corporation Act 1907. Some of the reservoirs authorised were not constructed and it was also found more effective to construct and abstract from intakes in the rivers and tributaries mentioned.

The control of abstraction of water and the protection of water resources have by virtue of the Water Resources Act 1963 (c.38) as read with section 9 of the Water Act 1973 (c.37) passed to the appropriate Water Authority, in this case the Yorkshire Water Authority. Reassessment of the situation by the Authority led to variation of the abstraction licences and to modification of the effect of the enactments referred to above by resolution under sections 42 and 48 of the Water Resources Act 1963.

This order is made under section 133 of the Water Resources Act 1963 and amends the texts of the enactments so that they conform to the resolution of the authority.

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