STATUTORY INSTRUMENTS

1982 No. 199

WATER, ENGLAND AND WALES

Yorkshire Water Authority (Extension of Local Statutory Provisions) Order 1982

Made - - - -	18*th February* 1982
Laid before Parliament	3*rd March* 1982
Coming into Operation	25*th March* 1982

The Secretary of State for the Environment, in exercise of his powers under section 34 of, and paragraph 15 of Schedule 6 to, the Water Act 1973(**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 (Extension of Local Statutory Provisions) Order 1982, and shall come into operation on 25th March 1982.

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

Interpretation

2. In this order "the water supply area" means the area within which it is the duty of the Yorkshire Water Authority to supply water under Part II of the Water Act 1973.

Extended and modified application of local statutory provisions

3.—(1) Section 36 (as to premises deemed to be supplied with water) of the Calderdale Water Board Order 1961(**b**), section 46 (Power to recover charges for turning off and turning on in certain cases) of the Sheffield Corporation Act 1939(**c**) and section 11 (Charges for standby supplies) of the Bradford Water Order 1968(**d**) (which, by virtue of paragraph 11 of Schedule 6 to the Water Act 1973, have continued to apply with modifications to those parts of the water supply area to which they respectively applied immediately before 1st April 1974) shall extend throughout the water supply area and as so extended are hereby so modified as to have effect in that area as they are respectively set forth in Schedule 1 hereto.

(2) In, and for the interpretation of, the said provisions as so modified—

(*a*) expressions to which meanings are assigned by Schedule 3 to the Water Act 1945(**e**) shall have the same respective meanings;

(*b*) "the Authority" shall mean the Yorkshire Water Authority;

(*c*) "the Third Schedule" shall mean the said Schedule 3; and

(*d*) "the undertaking" shall mean the water undertaking of the Authority as for the time being authorised by any enactment.

Revocation of corresponding provisions

4. The local statutory provisions which are cited in Schedule 2 hereto are hereby revoked.

(**a**) 1973 c. 37. (**b**) S.I. 1961/623. (**c**) 1939 c.ciii.
(**d**) S.I. 1968/2051. (**e**) 1945 c. 42.

SCHEDULE 1

EXTENDED PROVISIONS AS MODIFIED

1. *Section 36 of the Calderdale Water Board Order 1961*

(1) Where the owner or occupier of any premises habitually uses as a supply for those premises water which the Authority have supplied otherwise than by measure to other premises he shall, subject as hereinafter provided, be liable to pay to the Authority in respect of such supply any charges fixed by them for such a supply in accordance with the provisions of section 30 of the Water Act 1973.

(2) This section shall not apply in relation to a use of water in respect of which proceedings have been instituted either as to the giving thereof under section 65 of the Third Schedule as applied to the undertaking or as to the taking thereof under the Theft Act 1968(a), and the provisions of the said section 65 as so applied shall not apply in relation to a giving of water in respect of which a charge is made by virtue of this section.

2. *Section 46 of the Sheffield Corporation Act 1939*

Where the occupier of any house having a separate supply of water gives notice to the Authority for the discontinuance of the supply to such house without giving up possession and within a period of nine months thereafter requires the supply to be reconnected, the Authority may make any such charge for turning off and turning on the supply of water to such house (or, as the case may be, for disconnecting and reconnecting such supply) as shall have been fixed by them for such a service in accordance with the provisions of section 30 of the Water Act 1973.

3. *Section 11 of the Bradford Water Order 1968*

(1) Notwithstanding anything in the Third Schedule as applied to the undertaking, or in any other local enactment, but without prejudice to any subsisting contract, a person shall not be entitled to demand or continue to receive for the purposes of a standby supply from the Authority a supply of water for domestic purposes for any premises having a private supply of water unless he has agreed with the Authority reasonable terms and conditions for making a standby supply available.

(2) Any question arising under this section as to the terms and conditions in respect of any supply to which this section applies shall in default of agreement be referred to the Secretary of State and the Secretary of State may determine it himself or if he thinks fit refer it for determination by an arbitrator appointed by him.

(3) In this section the expression "standby supply" in relation to any premises means a supply of water which is available for those premises but which is not ordinarily used for supply to those premises.

SCHEDULE 2

PROVISIONS EXCLUDED AND REVOKED

Citation	*Title*	*Extent of revocation*
S.I. 1961/1983	The Pontefract, Goole and Selby Water Board Order 1961	Section 29
S.I. 1961/2099	The Craven Water Board Order 1961	Section 7
S.I. 1964/644	The Leeds and Rombalds Water Order 1964 ..	Section 20
S.I. 1965/2006	Mid-Calder Water Board Order 1965	Section 45(1)
S.I. 1968/2051	The Bradford Water Order 1968	Sections 7 and 8
S.I. 1971/564	The Northallerton and the Dales Water Order 1971	Section 4

18th February 1982.

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

(a) 1968 c. 60.

EXPLANATORY NOTE

(This Note is not part of the Order.)

Section 36 of the Calderdale Water Board Order 1961, section 46 of the Sheffield Corporation Act 1939 and section 11 of the Bradford Water Order 1968 ("the local statutory provisions") continue, by virtue of paragraphs 11, 13 and 17 of Schedule 6 to the Water Act 1973, to apply to those parts of the area of the Yorkshire Water Authority to which they respectively applied immediately before 1st April 1974. Paragraph 15(a) of Schedule 6 to the Act of 1973 empowers the Secretary of State by order to extend any local statutory provision throughout the water authority area in which it is continued in force or to extend it to a part of that area in which it was not previously in force; sub-paragraph (d) of that paragraph authorises, among other things, the repeal or revocation of any local statutory provision which appears to the appropriate Minister or Ministers (in this case the Secretary of State—see section 1(2) of the Act of 1973) to have become substantially superseded; and sub-paragraph (e) of that paragraph authorises the making of such modifications of a local statutory provision as appear to the appropriate Minister or Ministers to be expedient.

This Order modifies the local statutory provisions and extends them, as so modified, throughout the Authority's area; it also revokes other local statutory provisions which apply in the respective parts of the Authority's area and which have been superseded by this Order.