

ELIZABETH II



1972 CHAPTER X

An Act to confer further powers on the Oxfordshire and District Water Board; and for other purposes.

[12th June 1972]

WHEREAS—

(1) By the Oxfordshire and District Water Board Orders 1966 to 1971 the Oxfordshire and District Water Board (in this Act referred to as “the Board”) are the authorised undertakers for the supply of water within the city of Oxford and an extensive area in the county of Oxford and in the royal county of Berkshire:

(2) It is expedient to make further provision relating to the undertaking of the Board including provision in respect of water supply, water rates and charges and the finances of the Board and to modify certain provisions of the Third Schedule to the Water Act 1945 as applied to the said undertaking:

1945 c. 42.

(3) It is expedient to authorise the Board to enter into agreements for certain purposes with the Conservators of the River Thames and certain river authorities:

(4) It is expedient that the other provisions in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

1933 51.

(6) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 as applied by the Oxfordshire and District Water Board Order 1966 have been observed:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PRELIMINARY

Short and
collective
titles.

1.—(1) This Act may be cited as the Oxfordshire and District Water Board Act 1972.

(2) The Oxfordshire and District Water Board Orders 1966 to 1971 and this Act may be cited together as the Oxfordshire and District Water Board Act and Orders 1966 to 1972.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Water supply.

Part III.—Water rates and charges.

Part IV.—Finance and miscellaneous.

Interpretation.

3.—(1) In this Act the several words and expressions to which meanings are assigned by the Third Schedule have the same respective meanings unless there be something in the subject or context repugnant to such construction.

1945 c. 42.

(2) In this Act, unless the subject or context otherwise requires—

“the Act of 1945” means the Water Act 1945;

“the Board” means the Oxfordshire and District Water Board;

“land” includes any interest in land and any easement or right in, to or over land;

“ meter ” means a meter used for recording the quantity of water supplied by the Board to a consumer, but does not include a meter used for measuring the quantity of water supplied by the Board to other statutory water undertakers for distribution by them;

“ the Order of 1966 ” means the Oxfordshire and District Water Board Order 1966;

“ premises ” includes land;

“ the Third Schedule ” means the Third Schedule to the Act of 1945;

“ the undertaking ” means the undertaking of the Board as for the time being authorised.

(3) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

PART II

WATER SUPPLY

4.—(1) No meter shall be installed by or on behalf of a consumer after the passing of this Act unless it be supplied by the Board except in cases where the Board otherwise permit. Installation, etc., of meters.

(2) Subsection (2) of section 35 of the Act of 1945 shall apply in relation to any such meter, other than a meter supplied by way of sale, notwithstanding that no charge is made by the Board in respect thereof.

(3) If such a meter cannot in the opinion of the Board be conveniently placed in the street from which the service pipe enters the premises to which the supply is given, the meter shall, if the Board so require, be fixed on the premises in such place and position as the Board consider to be most convenient.

(4) A meter fixed outside a building shall be installed in a covered box or pit to be provided by the consumer and the same box or pit may be used by the Board for the stopcock.

(5) Where a box or pit housing a meter is placed in a street, the Board shall and, in any other case, the Board may, at the request of the consumer, carry out any necessary works of construction, maintenance, repair, renewal or removal of the box or pit and may recover from the consumer the expenses reasonably incurred by them in so doing.

PART II
—cont.

(6) Without prejudice to the provisions of subsection (4) of section 35 of the Act of 1945, the Board may recover from the consumer the expenses reasonably incurred by them in making good any loss of or damage to a meter (not being a meter placed in a street) arising from any cause other than fair wear and tear or, except in the case of a meter fixed inside a building, exposure to frost.

Testing of
meters.

5.—(1) The Board shall at all reasonable hours be at liberty to remove a meter for the purpose of inspecting, testing, repairing or renewing it and shall, upon removing a meter, fix another meter in its place.

(2) Where, for the purpose of being tested at the request of a consumer, a meter is removed and the meter is not found to register incorrectly to a degree exceeding 5 per cent., the expenses incurred by the Board in removing and testing the meter and fixing another meter in its place may be recovered by them from the consumer.

(3) Subject to the provisions of subsection (2) of this section, the cost of removing, inspecting, testing, repairing or renewing a meter and fixing another meter in its place shall be defrayed by the Board, except to such extent as the Board may recover such expenses from a consumer under subsection (4) of section 35 of the Act of 1945, or under subsection (6) of section 4 (Installation, etc., of meters) of this Act.

Application
of certain
provisions of
Part II.

6. The foregoing provisions of this Part of this Act shall apply to all supplies of water by meter given by the Board, except so far as the said provisions are inconsistent with the provisions from time to time in force of any agreement between the Board and a consumer and except where it is expressly provided by any such agreement that the said provisions are not to apply to a particular supply.

Cutting off
supply to
unoccupied
premises to
prevent waste
of water.

7. If after reasonable inquiry the Board are unable readily to gain entry to any unoccupied premises for the purpose of taking action under subsection (1) of section 63 of the Third Schedule as applied to the undertaking, or to communicate with the owner of the premises for the purpose of taking action under subsection (2) of section 64 thereof, the Board may, as a preliminary to such action, turn off or cut off the water supplied by them to the premises and in such case, without prejudice to the provisions of the said sections, they shall restore the said supply at the request of the owner or, if the premises become occupied, the occupier.

Cutting off
service pipe to
premises
which are
demolished,
etc.

8. Where any premises are demolished or appear to the Board to be uninhabitable or unlikely again to require a supply of water and the Board have reason to think that waste of water is occurring

or is likely to occur, they may, after giving notice to the owner and any occupier thereof, or (as the case may be) of the site thereof, cut off the communication pipe by which water was supplied to such premises, or so much of the supply pipe as is laid in a highway, and may seal any pipe with which the same is connected, and the expenses reasonably incurred by them in so doing shall be recoverable by them from such owner as aforesaid:

PART II
—cont.

Provided that the Board shall not cut off any part of a pipe in pursuance of this section if within twenty-eight days of service of the said notice they are satisfied that a supply of water will again be required from it.

9.—(1) Section 37 of the Act of 1945 shall in its application to the Board have effect as if—

Guarantees
in respect of
supplies for
new buildings.

- (a) in paragraph (a) of the proviso to subsection (1), after the words “laying the necessary mains” there were inserted the words “and providing and installing any new or modifying any existing pumping plant”;
- (b) in paragraph (b) of the said proviso, after the words “laying the mains” there were inserted the words “and providing and installing or modifying the pumping plant”.

(2) Where in pursuance of section 37 of the Act of 1945 the owner of any land requires the Board to construct any works for the purpose of affording a supply to any new buildings which he proposes to erect, the Board, instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37, may agree with him for the payment by him to the Board of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.

(3) If the Board and the owner of any land have entered into an agreement in pursuance of section 37 of the Act of 1945, then such agreement shall be binding not only upon the Board and the owner joining in the agreement but also upon the successors in title of any owner so joining and upon any person claiming through, or under, them:

Provided that—

- (a) any such agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925; and 1925 c. 22.
- (b) any person upon whom such agreement is binding shall be entitled to require from the Board a copy thereof.

PART II
—cont.

Supplies to
premises in
area of
development.

10. Where the Board are required to lay mains or to construct any other works to bring water to any area for the purpose of affording a supply to any premises and the Board construct any service reservoirs, provide and lay mains or provide, instal or modify pumping plant of or to greater capacity than may be necessary to bring to the area the quantity of water to be supplied to such premises, and within the period of twelve years from the completion thereof a requisition is made for a supply to any other premises, and it appears to the Board to be desirable to use the works aforesaid, or any part thereof, for the purpose of affording such last-mentioned supply, the Board may, before complying with such requisition—

- (1) in the case of a requisition made under section 29 of the Third Schedule, require that for the purpose of determining the validity of the requisition there shall be brought into account the portion of the expense incurred by them in providing the works aforesaid comprising mains or the part thereof (as the case may be), which would be used by the Board to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Board in providing and laying mains necessary for compliance with the requisition; and
- (2) in the case of a requisition made under section 37 of the Act of 1945, require the person making the requisition to undertake to pay in respect of each year a sum calculated in accordance with the proviso to subsection (1) of the said section 37 in respect of the portion of the expense incurred by them in constructing the works aforesaid or the part thereof (as the case may be), which would be used by the Board to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Board in constructing the service reservoirs, providing and laying the mains and providing and installing or modifying the pumping plant necessary for compliance with the requisition:

Provided that, if the person making the requisition so desires, the Board may, instead of requiring the payment of an annual sum as aforesaid, agree with him for the payment by him to the Board of such capital contribution as they may determine towards the cost so incurred by the Board in constructing, providing, installing or modifying such works aforesaid or the part thereof, which would be used by the Board to afford the supply to which the requisition relates.

11. Where any person has—

- (1) covered over any stopcock or valve or has otherwise obstructed the means of access to any stopcock or valve; or
- (2) caused or permitted any stopcock or valve to be covered over or the access thereto to be obstructed; or
- (3) covered over, damaged or removed any identification mark, plate, post or board installed by the Board for the location of any stopcock or valve or any support thereto; or
- (4) caused or permitted any such identification mark, plate, post or board or support to be covered over, damaged or removed;

PART II

—cont.

Obstructions to stopcocks, valves and indicator boards, etc.

the expense incurred by the Board in uncovering the stopcock or valve, or removing the obstruction, or uncovering, repairing or replacing the identification mark, plate, post, board or support, shall be paid to the Board by that person and shall be recoverable by the Board.

12. The Board may make arrangements whereby the public may obtain information concerning the services of the Board and may, subject to conditions and restrictions to the like effect as any to which local authorities may from time to time be subject in the exercise of their powers under section 135 of the Local Government Act 1948—

Instruction, lectures, etc., on questions relating to water supply. 1948 c. 26.

- (1) arrange for the publication within the limits of supply of information on questions relating to the supply of water; and
- (2) arrange for the delivery of lectures and addresses and the holding of discussions on such questions; and
- (3) arrange for the display of pictures, cinematograph films or models or the holding of exhibitions relating to such questions; and
- (4) prepare, or join in or contribute to the cost of the preparation of pictures, films, models or exhibitions to be displayed or held as aforesaid.

PART III

WATER RATES AND CHARGES

13.—(1) Notwithstanding anything in the Third Schedule or in any other enactment, a person shall not be entitled to demand or continue to receive for the purposes of a standby supply

Supply of water where consumer has separate supply.

PART III
—cont.

a supply of water from the Board for any premises having a separate supply of water unless he has agreed to pay to the Board such minimum annual sum as will provide a reasonable return on the capital expenditure incurred by the Board in affording such standby supply and will cover other standing charges incurred by the Board in order to meet the possible maximum demand for those premises and a charge per thousand gallons from time to time charged by the Board for supplies for purposes other than domestic purposes calculated on the quantity of water actually taken at those premises by way of a standby supply.

(2) Any question arising under this section as to the sum and charge to be paid 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 to an arbitrator appointed by him.

(3) In this section “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 supplying those premises.

Extinguish-
ment of rights
to water
supplies on
concessionary
terms.

14.—(1) The Board may at any time serve on the owner of any right to which this section applies a notice stating the intention of the Board to extinguish such right in respect of the premises and the date (not being less than twenty-eight days after the service of such notice) on which the right is to be extinguished and on the said date the right to which the notice relates shall be and is hereby extinguished and the Board shall cease to be under any obligation to supply water to the premises specified in the notice without payment therefor of the charge made by the Board from time to time for a supply of water.

(2) As compensation for any right extinguished under the provisions of this section the Board shall pay to the owner such sum representing the value of that right together with all reasonable professional fees incurred by him in relation to his claim, as may be agreed between the Board and such owner or, in default of agreement, determined by a single arbitrator to be appointed by agreement between the parties or, in default of agreement by the Secretary of State, together with interest on such sum at the bank rate from time to time prevailing or 5 per cent. (whichever shall be the greater) from the date on which the right is so extinguished until the date of payment thereof less income tax at the standard rate then prevailing.

(3) This section applies to all rights subsisting at the passing of this Act of any person to require the Board to supply water without payment therefor, or on payment of any sum less than

the normal charge made by the Board from time to time for the supply of water in similar circumstances, and all rights relating or incidental thereto, whether or not such rights were granted for valuable consideration.

(4) If from any cause the Board are unable to obtain the receipt in writing of any person entitled to compensation under the provisions of subsection (2) of this section or his personal representative, they may lodge the sum of money to which such person is entitled in the Supreme Court in accordance with rules made under section 7 of the Administration of Justice Act 1965, and a certificate given in accordance with those rules stating that such money has been so lodged shall effectively relieve and discharge the Board from all liability for the payment of such sum. 1965 c. 2.

15.—(1) Where the owner or occupier of any premises within the limits of supply which are not supplied with water by the Board habitually obtains for use in those premises or enjoys the use of water which has been supplied to other premises by the Board he shall, subject as hereinafter provided, be liable to pay to the Board the same water rates and charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Board. As to premises deemed to be supplied with water.

(2) This section shall not apply in relation to the use of water in respect of the giving or taking of which proceedings have been instituted under section 65 of the Third Schedule as applied to the undertaking and the provisions of that section shall not apply in relation to the giving or taking of water for which a rate or charge is demanded or taken under this section.

16. Where the Board supply water by means of any stand-pipe, well or cistern transferred to them at any time as part of the undertaking of a local authority supplying water under the Public Health Act 1936, they shall have the like powers to charge for water so supplied as such local authority had under section 128 of that Act immediately before such transfer. Charges for water supplied by stand-pipes, etc. 1936 c. 49.

17.—(1) If the occupier of any premises supplied with water by meter by the Board quits the premises, he shall be liable to pay to the Board all charges accruing due in respect of such supply up to— Liabilities of occupier in relation to discontinued metered supplies.

(a) the date on which notice of intended disconnection given under section 69 of the Third Schedule or a notice of discontinuance given under section 79 of the Third Schedule expires; or

PART III
—cont.

- (b) the date from which any subsequent occupier of the premises requires the Board to supply water thereto; or
- (c) the date on which a reading of the index of the meter is taken showing that no water has been supplied through it since the date of the last previous reading; or
- (d) the date when the meter is removed by the Board;
- whichever is the earlier.

(2) An occupier of premises supplied with water by meter by the Board who, on quitting the premises, does not give notice that he requires the meter to be disconnected shall be liable to repay to the Board the expenses which he would have been liable to repay to them under section 69 of the Third Schedule as applied to the undertaking if he had given such a notice as aforesaid, and the Board may recover such expenses from him accordingly.

Power to charge for turning off and turning on water in certain cases.

18. Where the occupier of any house having a separate supply of water gives notice to the Board for the discontinuance of the supply without giving up possession and within a period of nine months thereafter requires the supply to be reconnected, the Board may make a reasonable charge for turning off and turning on the supply of water to the house and for disconnecting and reconnecting the supply.

Recovery of water rates.

19.—(1) Notwithstanding the provisions of any other enactment if the Board require any constituent council in pursuance of section 28 (Demand and collection of water charges by constituent councils) of the Order of 1966 to demand and collect water rates and charges in relation to the constituent district of that council on behalf of the Board, any such water rates or charges recoverable by the constituent council in a magistrates' court may (without prejudice to any other right or remedy of the constituent council) be recovered in the same manner and subject to the same provisions in respect of their recovery as the general rate.

(2) In this section—

“constituent council” and “constituent district” have the same respective meanings as in section 2 (Interpretation) of the Order of 1966;

“magistrates' court” has the same meaning as in the

1952 c. 55.

PART IV

FINANCE AND MISCELLANEOUS

Renewal fund.

20.—(1) The Board may, subject to the provisions of this section, by setting apart in any year out of revenue such sums as

they think fit, form and maintain a renewal fund for the purpose of defraying the cost of renewing plant, machinery, vehicles and equipment and appliances in connection therewith, furniture, fittings, meters and appliances forming part of the undertaking.

PART IV
—cont.

(2) The renewal fund shall be applicable only to meet expenses requisite for the renewal of the things referred to in subsection (1) of this section and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(3) Any sums so set apart for the formation or maintenance of a renewal fund may be invested in statutory securities and, subject to the provisions of subsection (4) of this section, the dividends and interest arising from such securities may also be invested in the same manner so as to accumulate at compound interest for the credit of that fund.

(4) Whenever and so long as the amount standing to the credit of the renewal fund exceeds a sum equal to 1 per cent. of the capital expenditure theretofore incurred upon the undertaking, no contributions shall be made to that fund and the dividends and interest on that fund shall not be invested but shall be treated as the income of the undertaking.

(5) The amount which, subject to the provisions of the last foregoing subsection, may be set apart in any year for the formation or maintenance of the renewal fund shall not exceed a sum equal to one-fifth of 1 per cent. of the capital expenditure theretofore incurred upon the undertaking.

(6) In this section “ statutory securities ” has the same meaning as in section 2 (Interpretation) of the Order of 1966.

21. Section 33 (Reserve fund) of the Order of 1966 shall have effect as if at the end of subsection (1) there were added the following words “ and not falling to be defrayed under section 20 (Renewal fund) of the Oxfordshire and District Water Board Act 1972 ”.

Amendment of
section 33 of
Order of 1966.

22.—(1) Notwithstanding anything in any other enactment, any sum which the Board are entitled to recover under this Act or under Part X or Part XIII of the Third Schedule, as applied to the undertaking, may be recovered either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction.

Recovery of
miscellaneous
water
expenses.

(2) The Board may, if they think fit, themselves bear the whole or any part of any expenses recoverable by them under this Act.

PART IV
—cont.

Agreements
between
Board and
certain
authorities.
1963 c. 38.

23.—(1) The Board and an authority to whom this section applies may enter into agreements with respect to any matter mentioned in subsection (1) of section 81 of the Water Resources Act 1963 and with respect to the maintenance, operation or use by either party of any works held or maintained by the other party.

(2) The functions of the Board in relation to the undertaking shall for the purposes of sections 23 and 24 of the Act of 1945 be deemed to include the construction, alteration and maintenance of waterworks and works connected therewith, the borrowing of money and the acquisition of land for the purpose of implementing an agreement made under this section.

(3) Subsections (3) to (6) of section 81 of the Water Resources Act 1963 shall apply to agreements made under this section as they apply to agreements made under that section, with the modification that for the reference to the river authority there shall be substituted a reference to an authority to whom this section applies and the Board.

(4) This section applies to the Conservators of the River Thames and to any river authority within any part of whose area the Board are supplying or abstracting water:

Provided that in its application to the Conservators of the River Thames this section shall have effect as if after the references to the Water Resources Act 1963 there were inserted the words “as applied to the Conservators of the River Thames by the Thames Conservancy (New Functions of River Authorities in Thames Catchment Area) Order 1964”.

Insurance by
Board against
accidents to
members.
1948 c. 26.

24. The Board shall have in respect of insurance against accidents to their members the like rights and liabilities as are conferred or imposed on a local authority by section 130 of the Local Government Act 1948.

Power to
require
information
as to
ownership
of land.

25.—(1) The Board may, for the purpose of enabling them to perform any of their functions under this Act or under any enactment in force at the passing of this Act under which the Board are, or may be, authorised to acquire land compulsorily or to lay mains or execute other works on land, require—

- (a) the occupier and any person having an interest in any land and any person who, either directly or indirectly, receives rent in respect of any land, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee,

lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and

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—cont.

- (b) any person who has sold or otherwise disposed of, leased or let any land to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who, having been required by the Board under this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable to a fine not exceeding twenty pounds.

(3) For the purposes of this section—

“interest” includes any legal estate or interest in land or in any rentcharge issuing out of land;

“land” means any corporeal hereditament, including a building, and includes any interest in, or right over, land.

26.—(1) Where the Board are required to lay any main in a new street on any estate within the limits of supply which the owner proposes to develop by the erection thereon of buildings and the laying out of a new street the following conditions shall apply to the laying of that main by the Board during such period as shall elapse between the commencement of the laying of the main and the new street becoming a highway maintainable at the public expense:—

Conditions of
laying mains
on estates
being
developed.

(a) the Board shall not be obliged to lay the main until plans describing the alignment and levels of the curb lines, channels, carriageway and footways of the new street—

(i) have been passed by the local authority under any enactment; or

(ii) where the owner is a local authority have been approved by that authority;

(b) the Board shall lay the main in such a manner and by references to the established carriageway and footway levels as will ensure that the main shall have a minimum of 3 feet and a maximum of 4 feet 6 inches of cover after the completion of the new street;

(c) if after the commencement of the laying of a main either—

(i) the curb lines, channels and carriageway and footway levels of the new street shall be altered without the approval of the engineer to the Board; or

PART IV
—cont.

(ii) the cover over the main after the completion of the said carriageways and footways shall be less than 3 feet or more than 4 feet 6 inches;

the Board may relay the main and recover the expense of so doing in any court of competent jurisdiction from the person requiring the main to be laid:

Provided that that person shall not be required to undertake any additional expense arising from any error by the Board in setting out the position, levels, dimensions and alignment of any part of the main.

1959 c. 25.

(2) In this section “carriageway”, “footway”, “highway” and “highway maintainable at the public expense” have the same respective meanings as in the Highways Act 1959 and “estate” includes any parcel of land.

Compulsory
purchase of
rights for
water mains.

27.—(1) For the purpose of enabling the Board to place and maintain mains and pipes required for the purposes of the undertaking across land whether above or below ground the Board may be authorised by means of a compulsory purchase order made by them and confirmed by the Secretary of State to purchase compulsorily such rights as they may require for the purpose of constructing, placing, laying, supporting, inspecting, maintaining, enlarging, cleansing, repairing or renewing such mains and pipes without purchasing any other interest in the land:

Provided that the Board shall not be authorised under this section to purchase compulsorily a right to place a main or pipe above ground unless the Secretary of State is satisfied that it is not reasonably practicable to place it below ground.

1946 c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to any such compulsory purchase as if this section were an enactment contained in a public general Act in force immediately before the commencement of that Act and shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land across which the main or pipe is to be placed and references to the obtaining or taking possession of the land so comprised were construed as references to the exercise of the said right.

1845 c. 20.

(3) A compulsory purchase order under this section may make provision for the incorporation in the order of the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

(4) Where the Board have acquired a right in any land under this section—

- (a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for a right is given under this section requires the Board to acquire the land the Board shall not be entitled under this section to acquire the right unless the Lands Tribunal determines that the right can be granted without material detriment to the land or, in the case of a park or garden belonging to a house, without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(6) A notice to treat given under this section for a right shall be endorsed with notice of the effect of subsection (5) of this section.

28.—(1) For the purpose of protecting against pollution, nuisance, encroachment or injury any of the waters which the Board are empowered to take, the Board may by agreement purchase, take on lease or otherwise acquire any lands, easements or rights and may hold such lands and any other lands which the Board may have acquired for the purposes of the undertaking so long as they shall deem it necessary or expedient for those purposes: Protection of waters.

Provided that the Board shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incidental to or connected with the undertaking but the restrictions of this section as to the erection of buildings shall not apply in respect of lands leased or sold by the Board.

(2) The Board may in and upon the lands referred to in subsection (1) of this section construct and lay down drains, sewers, watercourses, catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are for the

PART IV
—cont.

time being empowered to take from being polluted and the Board may for the purposes aforesaid carry any such drain, sewer or watercourse under, across or along any street subject and according to the provisions of Part VI of the Third Schedule with respect to the breaking open of streets.

(3) (a) The Board may make and carry into effect agreements with the owners, lessees or occupiers of any lands with reference to the execution by the Board or by such owners, lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting, conveying or preserving the purity of the waters which the Board are for the time being authorised to take.

(b) Any agreements in writing entered into under this subsection shall be binding on the parties thereto and on their successors in title and may be enforced by either party or their successors (as the case may be) in any court of competent jurisdiction.

Inspection of
premises for
detection of
pollution of
water supplies.

29. The Board and their officers and servants may at any reasonable hour during the daytime enter upon any land, building or premises within the drainage area of any of their sources of water supply for the time being and inspect such land, building or premises and any sewers, drains, channels or watercourses therein, thereon or thereunder for ascertaining the existence of any pollution or contamination of such source of supply by any sewage, drainage or other matter flowing or passing or percolating from such land, building or premises or any risk of such contamination or pollution:

Provided that nothing in this section shall authorise the Board to enter any private dwelling-house except with the consent of the occupier thereof and that in the case of any land, building or premises other than a private dwelling-house the Board shall before entering upon the same under the powers of this section give to the occupier thereof not less than twenty-four hours' notice in writing.

Evidence of
appointments,
authority, etc.

30.—(1) In proceedings under any enactment, a document purporting to be certified by the clerk of the Board as a copy of a resolution passed, order made, or report received, by the Board or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Board or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Board on a specified date, shall be evidence that that appointment was duly made, or that that authority was duly given, by the Board or a committee thereof on that date.

PART IV
—cont.

(3) In this section “ officer ” includes a servant and an agent.

31.—(1) Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary, the terms of a mortgage to which the Board are a party may be varied by an endorsement in writing on the deed by which such mortgage was granted where the variation consists of an extension of time for the repayment of the principal moneys secured by the mortgage, or of an alteration of the rate of interest payable by the mortgagor on the principal moneys so secured and for the time being not repaid, or both of such extension of time and of such alteration of rate of interest.

Modifications
of mortgages
by endorse-
ment under
hand.

(2) For the purposes of this section, an endorsement by the clerk of the Board, or his duly authorised representative, shall be deemed to be an endorsement by the Board and, if any other body corporate is also a party to the mortgage, an endorsement by any person duly authorised by them shall be deemed to be an endorsement by them.

32. Notwithstanding anything in any enactment, the Board shall not be required to make any payment by way of gratuity, pension, compensation or other such payment under any statutory authority to, or for the benefit of, any person unless satisfactory proof is given to the Board in such manner and at such times as they may from time to time require of the continued existence of such person, or in any case in which entitlement to such payment is related to the status of such person (whether as a widow, disabled person or otherwise) of the continued status of such person.

As to proof
of continued
existence of
pensioners.

33. The provisions of the Third Schedule mentioned in column (1) of the schedule to this Act as applied to the undertaking shall have effect subject to the modifications specified in relation thereto in column (2) of the said schedule.

Modification
of provisions
of Third
Schedule.

34. Section 265 of the Public Health Act 1875 shall apply to the Board as if—

(a) references in that section to a local authority were references to the Board or to a committee of the Board;

Protection of
members and
officers of
Board from
personal
liability.

1875 c. 55.

PART IV
—cont.

- (b) references in that section to a member of a local authority were references to a member of the Board and included references to a member of a committee of the Board;
- (c) for the words “for the purpose of executing this Act” there were substituted the words “for the purpose of carrying out any of the functions of the Board”; and
- (d) for the words “out of the fund or rate applicable by such authority to the general purposes of the Act” there were substituted the words “by the Board”.

Powers of
Act to be
cumulative.

35. All powers and duties conferred or imposed by this Act shall be deemed to be in addition to and not in derogation of any other powers and duties conferred or imposed by any enactment, law or custom, and subject to any express provision of this Act all such other powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

Application of
section 94 of
Third
Schedule.

36. For the purposes of this Act, section 94 of the Third Schedule (which requires undertakers to keep a copy of the special Act at their principal office, and to deposit copies with certain officers) shall apply to the undertaking and is hereby incorporated with this Act.

Costs of Act.

37.—(1) The costs, charges and expenses preliminary to and of and incidental to the applying for and the preparing, obtaining and passing of this Act, shall be paid by the Board and the Board shall have power without the consent of any sanctioning authority to borrow the sum required for the payment thereof and shall repay the sum so borrowed within such period as they may determine not exceeding five years from the date of borrowing.

1933 c. 51.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

SCHEDULE

MODIFICATIONS OF PROVISIONS OF THIRD SCHEDULE AS APPLICABLE
TO BOARD

Section 33.

Provisions (1)	Modifications (2)
Section 1 (Definitions, &c.) ...	<p>In the definition of "communication pipe" after the words "the boundary of" in paragraph (b) there shall be inserted the words "the part of"; after the word "stopcock" where it secondly occurs in paragraph (i) there shall be inserted the words "the box or pit in which it is enclosed and any cover thereto"; at the end of paragraph (ii) there shall be added the words "and the box or pit in which the stopcock is enclosed and cover thereto"; and at the end of the definition there shall be inserted the words "but excludes any part of a service pipe provided for the purpose of affording a standby supply".</p> <p>In the definition of "service pipe" after the words "of any pipe" there shall be inserted the words "(including any ferrule or stopcock attached thereto)".</p> <p>After the definition of "a supply of water for domestic purposes" there shall be inserted the words "and 'domestic purposes' shall be construed accordingly".</p> <p>In the definition of "supply pipe" after the words "of any service pipe" there shall be inserted the words "(including any ferrule or stopcock attached thereto)".</p>
Section 3 (Limit on powers of undertakers to take water)	<p>At the end of the section there shall be added the words "or unless the works were authorised by, and the lands specified in, an enactment which applied to an undertaking transferred to the undertakers immediately before such undertaking was so transferred".</p>
Section 19 (Power to lay mains) ...	<p>For the words in subsection (1) "laid down by them, whether by virtue of this section or otherwise" there shall be substituted the words</p>

Sch.
—cont.

Provisions (1)	Modifications (2)
<p>1950 c. 39.</p> <p>Section 20 (Conditions as to laying mains outside limits of supply)</p> <p>Section 21 (Power to lay service pipes, &c.)</p> <p>Section 30 (Right to demand supply for domestic purposes)</p>	<p>“ forming part of the undertaking for the time being of the undertakers ”.</p> <p>Subject to subsection (5), in the section “ street ” shall include land laid out for use as a street, being a street which is prospectively a maintainable highway within the meaning of the Public Utilities Street Works Act 1950.</p> <p>In the section “ main ” shall be deemed to include discharge and washout pipes, drains and signal cables.</p> <p>After subsection (3) there shall be inserted the following subsection:—</p> <p>“ (4) The foregoing provisions of this section shall not apply in any case where the undertakers are laying mains in streets forming the boundary of their limits of supply in exercise of the powers conferred on them by section 43 of this Schedule.”</p> <p>After subsection (2) there shall be inserted the following subsection:—</p> <p>“ (3) For the purposes of this section the expression ‘ street ’ shall include land laid out for use as a street.”</p> <p>For the proviso to subsection (1) there shall be substituted the following:—</p> <p>“ Provided that nothing in the special Act shall be construed as—</p> <p>(a) entitling any person to demand a supply of water from a trunk main;</p> <p>(b) requiring the undertakers to supply water for any premises in which any of the water fittings are not in accordance with the requirements of any byelaws made under section seventeen of the Water Act, 1945, or of any byelaws or regulations made under any other enactment for purposes similar to those for which byelaws may be made under the said section</p>
<p>1945 c. 42.</p>	

SCH.
—cont.Provisions
(1)Modifications
(2)

seventeen, being byelaws or regulations applicable to those premises;

(c) entitling any person to demand a supply of water from any pipe for the time being used solely for supplying water for purposes other than domestic purposes; and

(d) entitling any person whose supply of water has been cut off to be reconnected before payment of any arrears due has been made together with the expense incurred in cutting him off and together also with the expense of reconnecting him as estimated by the engineer or other officer duly authorised in that behalf by the undertakers."

Section 41 (Laying of communication pipes, &c.)

For the proviso to subsection (1) there shall be substituted the following proviso:—

"Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe."

In subsection (2) for the word "fourteen" there shall be substituted the words "twenty-eight".

For subsection (3) there shall be substituted the following subsection:—

"(3) The undertakers may make reasonable charges for executing the work which they are required or authorised by this section to execute and such charges shall be paid to them by the person by whom the notice was given and may be recovered by them from him summarily as a civil debt:

Provided that if under the provisions of this section the

SCH.
—cont.

Provisions (1)	Modifications (2)
	<p>undertakers lay a main in lieu of part of a service pipe, the additional cost incurred in laying a main instead of that part of a service pipe shall be borne by them.”</p> <p>In subsection (4), for the word “expenses” in both places where that word occurs there shall be substituted the word “charges”.</p>
<p>Section 42 (Power of undertakers to require separate service pipes)</p>	<p>After paragraph (c) of subsection (8) there shall be inserted the following paragraphs:—</p> <p>“ or (d) the owner or occupier of any of the houses has caused or permitted interference with the existing service pipe or the stopcock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe; or (e) in the case of two or more houses owned by one person, either solely or jointly with any other person, such houses, or any of them, pass into separate ownership.”</p>
<p>Section 43 (Power to break open streets forming boundary of limits of supply)</p>	<p>After the words “and removing” there shall be inserted the words “mains and”.</p>
<p>Section 47 (Power to make agreed charges for domestic supply)</p>	<p>In subsection (1) the words “in lieu of charging a water rate” shall be omitted.</p>
<p>Section 49 (Power to require supply to certain premises and for certain purposes to be taken by meter)</p>	<p>In subsection (2) in paragraph (b) after the word “hotel” there shall be inserted the words “holiday camp, camp or site for caravans”, and after paragraph (d) there shall be inserted the following paragraph:—</p> <p>“ or (e) any barracks, convalescent home, orphanage or institution of</p>

Provisions (1)	Modifications (2)
Section 50 (Power to require supplies for refrigerating or water-softening apparatus, &c., to be taken by meter)	<p>a similar character or building occupied by persons living in community for religious purposes.”</p> <p>In subsection (3) for the words “annual charge equal to” there shall be substituted the words “quarterly charge equal to one-fourth of”.</p> <p>After paragraph (c) there shall be inserted the following paragraphs:—</p> <p>“ or</p> <p>(d) for watering a garden by means of a sprinkler or sprinkler hose; or</p> <p>(e) for a bathing pool, swimming bath or other fixed bath capable of containing more than fifty gallons ”;</p> <p>and in paragraph (i) after the words “prescribed charge” there shall be inserted the words “subject to such minimum quarterly charge as is prescribed for the purposes of section 49 of this Schedule as modified by the Oxfordshire and District Water Board (Charges) Order 1971,”.</p>
Section 56 (Effect on water rates of alteration in valuation list)	<p>For subsection (1) there shall be substituted the following subsection:—</p> <p>“ (1) An alteration made in the valuation list in the circumstances referred to in section 79 of the General Rate Act, 1967 shall, for the purpose of calculating the amount due in respect of water rates, take effect from the same date as it takes effect for the purpose of that Act and any necessary adjustments shall be made in the then current instalment of the water rate and any subsequent instalments thereof.”</p> <p style="text-align: right;">1967 c. 9.</p>
Section 60 (Power to require provision of cisterns in certain cases)	<p>For subsection (1) there shall be substituted the following subsection:—</p> <p>“ (1) Where it is reasonable in all the circumstances for the purpose of enabling the undertakers to fulfil an obligation to afford a constant supply of water</p>

SCH.
—cont.

Provisions (1)	Modifications (2)
<p>Section 63 (Power to repair supply pipes)</p>	<p>to any premises, they may in any case in which no major structural alteration would be necessitated to a building in existence on 1st April, 1966, and of which the use has not been changed since that date require that any house or building supplied by them shall be provided to the satisfaction of the undertakers with a cistern having a ball and stopcock fitted on the pipe conveying water to it.”</p> <p>In subsection (2) for the words “ his building ” there shall be substituted the words “ his house or building ”; and for the words “ the building ” there shall be substituted the words “ the house or building ”.</p> <p>In subsection (1) after the word “ property ” there shall be inserted the words “ or, in a case where two or more houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe, that some injury or defect in a part of the supply pipe in one or more houses or buildings or any land occupied therewith is causing, or is likely to cause, an interruption in the supply of water to any other house or building supplied by such common supply pipe ”.</p> <p>In subsection (2) for the word “ several ” there shall be substituted the words “ two or more ”; the words “ belonging to the owners or occupiers of the houses or buildings ” shall be omitted; for the words “ from the owners of those premises ” there shall be substituted the words “ from the owners or occupiers of the houses or buildings supplied by the common supply pipe ”; and for the words “ in case of dispute ” to the end of the subsection there shall be substituted the words “ shall be settled by the engineer or other officer duly authorised in that behalf by the undertakers ”.</p>

SCH.
—cont.

Provisions (1)	Modifications (2)
Section 82 (Power to enter premises)	<p>In subsection (1) after paragraph (d) there shall be inserted the following paragraphs:—</p> <p>“(e) for the purpose of turning off or cutting off the supply of water to any premises in any case in which the undertakers are authorised to turn off or cut off supply;</p> <p>(f) for the purpose of repairing water fittings belonging to the undertakers which have been injured or suffered to be injured by the occupier of the premises;</p> <p>(g) for the purpose of removing water fittings belonging to the undertakers if supply to the premises is discontinued”.</p>

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Section

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