

## SCHEDULES.

### FIRST SCHEDULE

Sections 9, 10, 12, 14, 19, 23, 26, 32 and

33.

#### PROCEDURE FOR MAKING ORDERS, APPROVING AGREEMENTS AND MAKING AND CONFIRMING BYELAWS.

#### PART I

*Orders made by the Minister under sections 9 (1), 10 (1), 23, 26 (2), section 32 (2) (if made on application of undertakers) and section 33.*

- 1 An application by a company for an order under subsection (1) of section nine or subsection (1) of section ten of this Act or an order under section twenty-three thereof authorising the raising of capital or the borrowing of money must be authorised, if the company is a company within the Companies Act, 1929, by a special resolution of the members passed in the manner provided in Part IV of that Act, and, if the company is not such a company, by a resolution passed by three-fourths in value and number of the members present, either personally or by proxy, at a special meeting of which not less than twenty-one days' notice specifying the resolution has been duly given.
  - 2 Applicants for any order to which this Part of this Schedule applies shall submit to the Minister a draft of the order which they desire him to make and shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the order a notice—
    - (a) stating the general effect of the order;
    - (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice;
    - (c) stating that, within the said period, any person may by notice to the Minister object to the application.
- If it appears to the Minister in the case of an order relating to the Metropolitan Water Board that publication in local newspapers under this paragraph is unnecessary as respects any part of the said area, he may dispense with such publication as respects that part.
- 3 Not later than the date on which the said notice is first published, the applicants shall serve a copy thereof,—
    - (i) on the local authority of every county or district comprised wholly or partly in the area affected by the order;
    - (ii) except where the application is for an order only authorising the raising of capital or the borrowing of money, on the catchment board of any catchment area comprised wholly or partly in the area affected by the order; and

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(iii) where it is proposed that the order shall authorise the execution of works, on the fishery board of any fishery district within which works are to be executed, and on any navigation authority or rivers board exercising functions in relation to a watercourse affected by the works proposed to be executed;

(iv) where it is proposed that the order shall authorise the acquisition of rights to take water, on the catchment board of any catchment area, the fishery board of any fishery district, and any navigation authority or rivers board having jurisdiction over any watercourse, from which water is to be taken under the rights acquired;

and, in the case of a copy to be served on the council of a county, shall attach thereto a copy of the draft order.

4 The applicants shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section, naming the counties and districts comprised wholly or partly in the area affected by the order, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the order applied for will be found.

5 The applicants shall, at the request of any person interested, furnish to him a copy of the draft order upon payment of such charge, not exceeding two shillings, as they think reasonable.

6 The Minister may make an order in the terms of the draft submitted to him or in those terms as modified in such manner as he thinks fit, but where he proposes to make any modification and considers that persons other than the applicants may be adversely affected thereby, he shall require the applicants to give and publish additional notices in such manner as he thinks best adapted for informing all persons so affected of the modification proposed.

7 If, before the expiration of the twenty-eight days referred to in paragraph 2 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, an objection is received by the Minister from any board or authority on whom a notice is required to be served under paragraph 3 of this Part of this Schedule, or from any other person appearing to him to be affected by the application, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Minister, before making any order on the application, shall cause a local inquiry to be held.

8 On the making of an order to which this Part of this Schedule applies, the Minister shall give notice of the making of the order and the effect thereof to any person who has objected thereto under the foregoing provisions of this Part of this Schedule, and has not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such person gives notice to the Minister that he objects to the order and the objection is not withdrawn the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

9 The costs incurred by the Minister in connection with the making, notification and confirmation of an order under this Part of this Schedule shall be paid by the applicants and the Minister may, in a case where there are two or more applicants, apportion such costs between them, and may require the applicants to give security for the payment of such costs.

- 10 In this Part of this Schedule the expression " area affected by the order " means, in relation to any order, the limits of supply or proposed limits of supply of the undertakers or proposed undertakers to whose undertaking the order relates and also includes, if the order authorises the execution of works, the site of those works.

## PART II

*Orders made by the Minister under sections 9 (2), 10 (2), 12 (3) and 14 (1) and (if no application by undertakers) section 32 (2).*

- 11 Before making an order to which this Part of this Schedule applies, the Minister shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area affected by the order a notice—
- (a) stating the general effect of the order;
  - (b) specifying a place in the said area where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice; and
  - (c) stating that, within the said period, any person may by notice to the Minister object to the making of the order.

If it appears to the Minister in the case of an order relating to the Metropolitan Water Board that publication in local newspapers under this paragraph is unnecessary as respects any part of the said area, such publication shall not be required as respects that part.

- 12 Not later than the date on which the said notice is first published, the Minister shall serve a copy thereof—
- (i) on the local authority of every county or district comprised wholly or partly in the area affected by the order;
  - (ii) on the catchment board of any catchment area comprised wholly or partly in the said area; and
  - (iii) on any statutory water undertakers to whom the order relates or whose limits of supply are comprised wholly or partly in the area affected by the order; and
  - (iv) where it is proposed that the order shall authorise the execution of works, on the fishery board of any fishery district within which works are to be executed, and on any navigation authority or rivers board exercising functions in relation to a watercourse affected by the works proposed to be executed; and
  - (v) where it is proposed that the order shall provide for the furnishing of a supply of water in bulk, on the catchment board for any catchment area, the fishery board of any fishery district, and any rivers board having jurisdiction over any watercourse, from which water is taken by the persons who are to give the bulk supply;
- and in the case of a copy to be served on the council of a county shall attach thereto a copy of the draft order.

- 13 The Minister shall also publish in the London Gazette a notice stating that he is about to make the order, naming the counties and districts comprised wholly or partly in the area affected by the order, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name and

date of issue of a local newspaper in which the notice explaining the effect of the order will be found.

14 The Minister shall, at the request of any person interested, furnish him with a copy of the draft order upon payment of such charge, not exceeding two shillings, as he thinks reasonable.

15 The Minister may make the order either in the terms of the draft or in those terms as modified in such manner as he thinks fit, but, where he proposes to make any modification and considers that persons, other than the water undertakers to whom the order relates, may be adversely affected thereby, he shall give and publish additional notices in such manner as he thinks best adapted for informing all persons likely to be so affected of the modification proposed.

16 If, before the expiration of the twenty-eight days referred to in paragraph 11 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, or before the expiration of any period specified in notices given under the last foregoing paragraph, -an objection is received by the Minister from any board or authority on whom a notice is required to be served under paragraph 12 of this Part of this Schedule, or from any other person appearing to him to be affected by the order, or, as the case may be, by the proposed modification, and the objection is not withdrawn, the Minister, before making the order, shall cause a local inquiry to be held.

17 On the making of any order to which this Part of this Schedule applies, the Minister shall give notice of the making of the order and the effect thereof to any person who has objected thereto under the foregoing provisions of this Part of this Schedule, and has not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such person gives notice to the Minister that he objects to the order and the objection is not withdrawn, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.

18 The costs incurred by the Minister in connection with the making, notification and confirmation of an order under this Part of this Schedule shall be paid by the undertakers to which the order relates, and, of there are two or more such undertakers, the Minister may apportion such costs between them, and may require the undertakers to give security for the payment of such costs.

19 In this Part of this Schedule the expression " area " affected by the order " means, in relation to any order, the limits of supply or proposed limits of supply of the undertakers or proposed undertakers to whose undertaking the order relates and also includes, if the order authorises the execution of works, the site of those works:

Provided that, in relation to any order made under section fourteen of this Act, the said expression means the area defined by that order.

### PART III

#### *Agreements made by statutory water undertakers under section 12 and section 26.*

20 Statutory water undertakers who propose to enter into an agreement to which this Part of this Schedule applies shall publish once at least in each of two successive weeks in one or more local newspapers circulating within their limits of supply, a notice explaining the effect of the proposals and stating that objections thereto

may be made to the Minister within twenty-eight days after the first publication of the notice, and shall send a copy of the notice to the council of any county, the catchment board of any catchment area, the fishery board of any fishery district, and any navigation authority or rivers boards exercising functions in relation to any watercourse, from which water is obtained by the persons who propose to give the supply, or, as the case may be, from which the water is proposed to be taken under the rights to be acquired.

If it appears to the Minister in the case of an agreement to which the Metropolitan Water Board is a party that publication in local newspapers is unnecessary as respects any part of the Board's limits of supply, he may dispense with such publication as respects that part.

- 21 The statutory water undertakers shall also publish in the London Gazette a notice stating that they propose to enter into such an agreement as aforesaid with the persons specified in the notice and giving the name and date of issue of a local newspaper in which the notice explaining the effect of the proposals will be found.
- 22 The Minister shall not approve the agreement, before the expiration of the said twenty-eight days, or before the expiration of twenty-five days from the publication of the said notice in the London Gazette, and before approving it shall consider any objections which may have been received by him before the expiration of either of the said periods, and if before such expiration an objection is received by the Minister from any such catchment board, fishery board or navigation authority as is referred to in subsection (2) of section twelve or subsection (6) of section twenty-six of this Act, as the case may be, and the objection is not withdrawn, the Minister, before approving the agreement by order in accordance with the said subsection, shall cause a local inquiry to be held.
- 23 On approving by order / any agreement to which this Part of this Schedule applies, the Minister shall give notice of the making of the order to any catchment board, fishery board or navigation authority mentioned in the last foregoing paragraph who have objected to the approval of the agreement and have not withdrawn that objection, and in that case the order shall not have effect until the expiration of twenty-eight days from the date of the said notice, and if within that period any such board or authority give notice to the Minister that they object to the order and the objection is not withdrawn, the order shall be provisional only and shall not have effect until it is confirmed by Parliament.
- 24 The costs incurred by the Minister in connection with the approval of agreements under this Part of this Schedule (whether by order or otherwise) and the confirmation of orders thereunder shall be paid by the undertakers to which the agreement or order relates, and, in a case where there are two or more such undertakers, the Minister may apportion such costs between them, and may require the undertakers to give security for the payment of such costs.

#### PART IV

*Byelaws made by statutory water undertakers under section 17 and section 18.*

- 25 Byelaws to which this Part of this Schedule applies shall be made under the common seal of the undertakers, and shall not have effect until they are confirmed by the Minister.
- 26 At least one month before application for confirmation of the byelaws is made—

- (a) notice of the intention to apply for confirmation shall be published in the London Gazette and in one or more local newspapers circulating in the area to which the byelaws apply; and
  - (b) a copy of the byelaws shall be sent to the council of every district wholly or partly comprised in the area to which the byelaws apply, and, in the case of byelaws made under section eighteen of this Act, to the council of every county and the fishery board of any fishery district and the catchment board for any catchment area wholly or partly comprised in the area to which the byelaws apply and to any rivers board having jurisdiction in any part of the last-named area.
- 27 For at least one month before such application is made, a copy of the byelaws shall be deposited at the offices of the undertakers and shall at all reasonable hours be open to public inspection without payment and, in the case of byelaws made under section eighteen of this Act, a copy of the notice referred to in sub-paragraph (a) of paragraph 26 of this Schedule shall be exhibited in some conspicuous place in each borough, urban district and rural parish wholly or partly comprised in the area to which the byelaws apply.
- 28 The undertakers shall, at the request of any person interested, furnish to him a copy of the proposed byelaws upon payment of such sum not exceeding one shilling as they think reasonable.
- 29 The Minister may confirm, or refuse to confirm, any byelaw submitted to him under this Part of this Schedule for confirmation, and may fix the date on which the byelaw is to come into operation, but if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- 30 A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the undertakers and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum not exceeding one shilling as the undertakers think reasonable.
- 31 The production of a printed copy of the byelaws, upon which is endorsed a certificate purporting to be signed by the clerk or secretary of the undertakers, stating—
- (a) that the byelaws were made by the undertakers;
  - (b) that the copy is a true copy of the byelaws;
  - (c) that on a specified date the byelaws were confirmed by the Minister;
  - (d) the date, if any, fixed by the Minister for the coming into operation of the byelaws:
- shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this paragraph.

## PART V

### *Orders made by the Minister revising water rates and charges under section 40.*

- 32 Applicants for any order to which this Part of this Schedule applies shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the area within which the undertakers are supplying water, a notice—

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- (a) stating the general effect of their proposals;
  - (b) stating that, during a period of twenty-eight days from the date of the first publication of the notice, any person may by notice to the Minister object to the application.
- 33 Not later than the date on which the said notice is first published, the applicants shall serve a copy thereof on the local authority of every county or district within which the undertakers are supplying water.
- 34 The applicants shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section, naming the local authorities of the counties and districts within which the undertakers are supplying water and giving the name and date of issue of a local newspaper in which the notice explaining the effect of their proposals will be found.
- 35 If, before the expiration of the twenty-eight days referred to in paragraph 32 of this Part of this Schedule, or of twenty-five days from the publication of the said notice in the London Gazette, an objection is received by the Minister from any person appearing to him to be affected by the application, and is not withdrawn, the Minister, before making any order on the application, shall cause a local inquiry to be held.

## SECOND SCHEDULE

Section 24.

### COMPULSORY PURCHASE ORDERS.

#### *Form, contents and procedure.*

- 1 A compulsory purchase order made under this Act shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations,—
- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);
  - (b) in a case where the purchaser is a local authority or a joint water board, the Acquisition of Land (Assessment of Compensation) Act, 1919, and Part II of the Town and Country Planning Act, 1944; and
  - (c) Part IV of the Third Schedule to this Act.
- 2 The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—
- (a) the arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;
  - (b) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums

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agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale, under the provisions, of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

3 Before submitting the order to the Minister, the local authority or undertakers shall—

- (a) publish in one or more local newspapers circulating within their limits or proposed limits of supply a notice in the prescribed form stating that such an order has been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation and specifying the time within and the manner in which objections thereto can be made.

4 If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, then, subject to the provisions hereinafter in this Schedule contained, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof and may confirm the order without causing a local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed.

5 An order as confirmed by the Minister shall not, unless all persons interested consent, authorise the local authority or undertakers to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification.

6 In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the local authority or undertakers shall be deemed to be the promoters of the undertaking.

*Validity and date of operation.*

7 So soon as may be after a compulsory purchase order has been confirmed by the Minister, the local authority or undertakers shall publish in one or more local newspapers circulating in their limits or proposed limits of supply a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.



- 8 If any person aggrieved by such an order as aforesaid desires to question the validity thereof on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation or the order, make an application for the purpose to the High Court, and where any such application is duly made, the court—
- (i) may by interim order suspend the operation of the order, either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
  - (ii) if satisfied upon the hearing of the application that the order, is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with, may quash the order, either generally or in so far as it affects any property of the applicant.
- 9 Subject to the provisions of the last foregoing paragraph, the order shall not be questioned by prohibition or certiorari or in any legal proceedings whatsoever, either before or after the order is confirmed, and shall become operative at the date on which notice of confirmation of the order is published in accordance with the provisions of this Schedule.
- 10 Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this Schedule.

## THIRD SCHEDULE

Sections 12, 26, 32, 54 to 59.

## PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

## ARRANGEMENT OF SECTIONS

**PART I**

## INTERPRETATION

- 1 Definitions, &c

**PART II**

## WORKS AND LANDS

- 2 Permissible limits of deviation
- 3 Limit on powers of undertakers to take water
- 4 General power to construct subsidiary works
- 5 Power of undertakers to lay or erect telephone wires, &c
- 6 Penalty for obstructing construction of works
- 7 Power to acquire easements for underground works
- 8 Persons under disability may grant easements, &c
- 9 Extinction of private rights of way

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### **PART III**

#### COMPENSATION WATER

- 10 Provisions as to compensation water

### **PART IV**

#### MINERALS UNDERLYING WATER WORKS

- 11 Undertakers not entitled to underlying minerals, unless expressly purchased
- 12 Map of underground works to be prepared and kept up to date
- 13 Mines lying near the works not to be worked without notice to undertakers
- 14 If undertakers unwilling to pay compensation, mines may be worked in usual manner
- 15 Power to make mining communications where continuous working is prevented
- 16 Undertakers to pay compensation for expenses incurred by reason of severance
- 17 Undertakers may enter and inspect the working of mines
- 18 Undertakers not exempted from liability for injury to mines

### **PART V**

#### POWER TO LAY MAINS, &C

- 19 Power to lay mains
- 20 Conditions as to laying mains outside limits of supply
- 21 Power to lay service pipes, &c

### **PART VI**

#### BREAKING OPEN STREETS, &C

- 22 Power to break open streets
- 23 Notice to be given before breaking open streets, &c
- 24 Streets, &c, not to be broken open except under supervision of persons responsible therefor
- 25 Protection for railway companies, navigation authorities, tramway undertakers, etc
- 26 Streets, &c, broken open to be reinstated without delay
- 27 Remedies where undertakers fail to comply with foregoing requirements
- 28 Application of Part VI to verges and streets and highways not maintainable at the public expense

### **PART VII**

#### SUPPLY OF WATER FOR DOMESTIC PURPOSES

- 29 Duty of undertakers to lay additional mains on certain conditions
- 30 Right to demand supply for domestic purposes
- 31 Duty of undertakers as respects sufficiency and purity

**PART VIII**

## SUPPLY OF WATER FOR PUBLIC PURPOSES

- 32 Undertakers to fix and maintain fire-hydrants on pipes
- 33 Undertakers to deposit keys of hydrants at certain places
- 34 Cost of hydrants
- 35 Hydrants to be placed near factories, &c, at the request of owners or occupiers
- 36 Water to be taken to extinguish fires without charge
- 37 Supply of water for cleansing sewers, &c, and for other public purposes
- 38 Penalties for default in respect of hydrants or supply of water

**PART IX**

## CONSTANCY AND PRESSURE OF SUPPLY

- 39 Duty of undertakers as respects constant supply and pressure

**PART X**

## LAYING AND MAINTENANCE OF SUPPLY PIPES AND COMMUNICATION PIPES

- 40 Laying of supply pipes, &c
- 41 Laying of communication pipes, &c
- 42 Power of undertakers to require separate service pipes
- 43 Power to break open streets forming boundary of limits of supply
- 44 Vesting of communication pipes and repair of such pipes and of supply pipes in highways

**PART XI**

## STOPCOCKS

- 45 Provisions as to position, &c, of stopcocks

**PART XII**

## WATER RATES AND CHARGES

- 46 Water rates
- 47 Power to make agreed charges for domestic supply
- 48 Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes
- 49 Power to require supply to certain premises and for certain purposes to be taken by meter
- 50 Power to require supplies for refrigerating or water-softening apparatus, &c, to be taken by meter
- 51 Power to require supply for hose-pipe to be taken by meter in certain cases
- 52 Provisions as to supply to sheds, tents, vans, &c
- 53 Liability to water rates where building supplied by common pipe
- 54 Water rates on certain houses may be demanded from the owners
- 55 Making and dates for payment of water rates
- 56 Effect on water rates of alterations in valuation list
- 57 Discount for prompt payment of water rates and charges
- 58 Recovery of rates and charges from persons leaving premises

59 Register of meter to be evidence

### **PART XIII**

#### **PROVISIONS FOR PREVENTING WASTE, &C., OF WATER, AND AS TO METERS AND OTHER FITTINGS**

- 60 Power to require provision of cisterns in certain cases
- 61 Power to test water fittings
- 62 Power to enter premises to detect waste or misuse of water
- 63 Power to repair supply pipes
- 64 Penalty for waste, &c, of water by non-repair of water fittings
- 65 Penalties for misuse of water
- 66 Penalty for fraudulent use of water
- 67 Penalty for interference with valves and apparatus
- 68 Penalty for extension or alteration of pipes, &c
- 69 Meters to be connected, or disconnected, by undertakers
- 70 Meters, &c., to measure water or detect waste

### **PART XIV**

#### **POLLUTION OF WATER BY MANUFACTURE, &C, OF GAS**

- 71 Provisions as to pollution by liquids resulting from manufacture of gas
- 72 Provision as to pollution by gas
- 73 Power to examine gas pipes to ascertain source of pollution

### **PART XV**

#### **FINANCIAL PROVISIONS APPLICABLE TO WATER COMPANIES**

- 74 Maximum rates of dividend
- 75 Sale of stock by auction or tender
- 76 Reserve and contingency funds
- 77 Limitation on balance carried forward at end of year
- 78 Power to pay superannuation and other allowance, &c, and to assist research

### **PART XVI**

#### **GENERAL AND MISCELLANEOUS**

- 79 Notice of discontinuance
- 80 Duty of undertakers to give notice of certain works
- 81 Undertakers may obtain copies of valuation list on payment
- 82 Power to enter premises
- 83 Penalty for obstructing execution of special Act
- 84 Power to require occupier to permit works to be executed by owner
- 85 Summary proceedings for offences
- 86 Continuing offences and penalties
- 87 Restriction on right to prosecute
- 88 Inclusion of several sums in one complaint, &c
- 89 Appeals and applications to courts of summary jurisdiction
- 90 Appeals to quarter sessions against decisions of justices
- 91 Mode of reference to arbitration
- 92 Liability of undertakers to pay compensation

- 93 Protection for works of navigation authorities and for catchment boards and railways
- 94 Copies of special Act to be kept by undertakers in their office, and deposited with certain officers

## PART I

### INTERPRETATION.

#### *Definitions, and &c.*

- 1 (1) In this Schedule the following expressions shall, subject to any express provision or anything in the context to the contrary, have the meanings hereby respectively assigned to them, that is to say:—
- " authorised " means authorised by the special Act;
  - " bridge authority " means—
    - (a) in the case of a county bridge, the county council;
    - (b) in the case of any other bridge maintainable at the public expense, the authority who are the highway authority in respect of the highway carried by the bridge;
  - " building " includes a part of a building if that part is separately occupied;
  - " building byelaws " means byelaws made under Part II of the Public Health Act, 1936, with respect to buildings works and fittings, and includes byelaws made with respect to those matters under any corresponding enactment repealed by that Act, or under any such enactment as amended or extended by a local Act;
  - " business " does not include a profession;
  - " catchment board " and " catchment area ", in relation to such a board have the same meanings as in the Land Drainage Act, 1930;
  - " communication pipe " means—
    - (a) where the premises supplied with water abut on the part of the street in which the main is laid, and the service pipe enters those premises otherwise than through the outer wall of a building abutting on the street and has a stopcock placed in those premises and as near to the boundary of that street as is reasonably practicable, so much of the service pipe as lies between the main and that stopcock;
    - (b) in any other case, so much of the service pipe as lies between the main and the boundary of the street in which the main is laid, and includes the ferrule at the junction of the service pipe with the main, and also—
      - (i) where the communication pipe ends at a stopcock, that stopcock; and
      - (ii) any stopcock fitted on the communication pipe between the end thereof and the main;
  - " consumer " means a person supplied, or about to be supplied, with water by the undertakers;
  - " county " means an administrative county;
  - " county district " means a non-county borough, an urban district or a rural district;

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*Status: This is the original version (as it was originally enacted).*

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" enactment " means any Act of Parliament, whether public general, local or private, any statutory order or any provision in an Act of Parliament or statutory order;

" factory " means a factory within the meaning of the Factories Act, 1937;

" fire authority " has the same meaning as in the Fire Brigades Act, 1938;

" fishery board " and " fishery district " have the same meanings as in the Salmon and Freshwater Fisheries Act, 1923;

" highway authority " means, in the case of a highway maintainable at the public expense, the authority in whom that highway is vested;

" house " means a dwelling-house, whether a private dwelling-house or not, and includes any part of a building if that part is occupied as a separate dwelling-house;

" land drainage authority " means a drainage authority within the meaning of the Land Drainage Act, 1930;

" limits of supply, " in relation to any water undertaking, means the limits within which the undertakers are for the time being authorised to supply water;

" local authority " means the council of a borough or of an urban or rural district, and " district, " in relation to the local authority of a borough, means that borough;

" main " means a pipe laid by the undertakers for the purpose of giving a general supply of water as distinct from a supply to individual consumers and includes any apparatus used in connection with such a pipe;

" Minister " means Minister of Health;

" navigation authority " means any person or body of persons, whether incorporated or not, having powers under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

" owner " means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;

" prescribed " means prescribed by the special Act;

" railway company " means any persons authorised by an enactment to construct, work or carry on a railway, and includes the London Passenger Transport Board;

" rivers board " means a joint committee, board or other body, constituted under subsection (3) of section fourteen of the Local Government Act, 1888, or by or under a local Act, for the purpose of exercising powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876;

" service pipe " means so much of any pipe for supplying water from a main to any premises as is subject to water pressure from that main, or would be so subject but for the closing of some tap;

" sewerage authority " has the same meaning as in the Public Health Act, 1936;

" special Act " means the enactment with which any provisions of this Schedule are incorporated, with or without modifications, and includes those provisions as so incorporated;

" statutory order " means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

" statutory undertakers " means any persons authorised by an enactment to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

" street " includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

" a supply of water for domestic purposes " means a sufficient supply for drinking, washing, cooking and sanitary purposes, but not for any bath having a capacity (measured to the centre line of the overflow pipe, or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons; and includes—

- (a) a supply for the purposes of a profession carried on in any premises the greater part whereof is used as a house; and
- (b) where the water is drawn from a tap inside a house and no hosepipe or similar apparatus is used, a supply for watering a garden, for horses kept for private use and for washing vehicles so kept:

Provided that it does not include a supply of water for the business of a laundry or a business of preparing food or beverages for consumption otherwise than on the premises;

" supply of water in bulk " means a supply of water for distribution by the undertakers taking the supply;

" supply pipe " means so much of any service pipe as is not a communication pipe;

" telegraphic line " has the same meaning as in the Telegraph Act, 1878;

" trunk main " means a main constructed for the purpose of conveying water from a source of supply to a filter or reservoir, or from one filter or reservoir to another filter or reservoir, or for the purpose of conveying water in bulk from one part of the limits of supply to another part of those limits, or for the purpose of giving or taking a supply of water in bulk;

" undertakers " means the persons whose water undertaking is authorised or regulated by the special Act;

" watercourse " includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers vested in a local authority or joint board of local authorities) and passages, through which water flows;

" water fittings " includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, waterclosets, soil-pans and other similar apparatus used in connection with the supply and use of water.

- (2) Any reference in this Schedule to the persons having the control or management of a street or bridge shall be construed as a reference, in the case of a highway or bridge maintainable at the public expense, to the authority who are the highway authority, or, as the case may be, the bridge authority in respect thereof and, in the case of any other street or bridge, to the -authority or person responsible for the maintenance thereof, or, if no authority or person is responsible therefor, to the owners of the soil of the street or, as the case may be, of the structure of the bridge.
- (3) References in this Schedule to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment, including the Water Act, 1945.

## PART II

### WORKS AND LANDS.

#### *Permissible limits of deviation.*

- 2 In the construction of any authorised works the undertakers may deviate laterally to any extent not exceeding the limits of deviation shown on the plans submitted to the Minister and, where on any street no such limits are shown, the boundaries of the street (including for this purpose any verge or roadside waste adjoining it) shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the said plans to any extent:

Provided that—

- (a) no embankment for a reservoir shall be constructed at a greater height above the general surface of the ground than that shown on the said plans and six feet in addition thereto; and
- (b) except for the purpose of crossing a river, stream, canal, dyke, watercourse or railway, or of crossing any lands where the consent of all persons having a legal interest therein has been obtained, no pipe or other conduit or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the said plans.

#### *Limit on powers of undertakers to take water.*

- 3 The undertakers shall not construct any works for taking or intercepting water (other than works for intercepting foul water) from any lands acquired by them, unless the works are authorised by, and the lands on which the works are to be constructed are specified in, the special Act or some other enactment.

#### *General power to construct subsidiary works.*

- 4 Subject to the provisions of the last foregoing section and to any other provisions of the special Act limiting the powers of the undertakers to abstract water, the undertakers, in addition to any works specifically authorised, may in, on or over any land for the time being held by them in connection with their water undertaking construct, lay or erect for the purposes thereof, or in connection therewith, and may maintain, such reservoirs, sluices, tanks, cisterns, aqueducts, tunnels, culverts, mains, pipes, engines, pumps, machinery, filters, treatment plant, buildings and things for, or in connection with, the supply of water as they deem necessary:

Provided that any electrical works or apparatus constructed, laid or erected under this section shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any telegraphic line belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line.

#### *Power of undertakers to lay or erect telephone wires, and &c.*

- 5 (1) For the purpose of establishing telegraphic, telephonic or other electrical communication between their offices and any part of their works, or between different parts of their works, the undertakers may lay and erect in on or over any highway, and, with the consent of the owners and occupiers of any other land, in on or over that land, such wires, posts, conductors and other apparatus as they deem



necessary and the provisions of the special Act relating to the breaking open of streets by the undertakers shall, with any necessary modification of adaptation, apply as respects any highway in relation to the laying, erection and maintenance of any such wires, posts, conductors or other apparatus:

Provided that the undertakers shall not lay or erect any such wires, posts, conductors or other apparatus except with the consent of the local authority and highway authority concerned and in accordance with such conditions as either of those authorities may attach to their consent, but such consent shall not be unreasonably withheld nor shall unreasonable conditions be attached thereto, and any question whether a withholding of consent or a condition is reasonable or not shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (2) The undertakers shall at any time at their own expense remove any wires, posts, conductors or other apparatus laid or erected by them under the provisions of this section if they are required so to do by the local authority or a highway authority for the purpose of enabling any widening or other improvement to be carried out to a street or highway.
- (3) Wires, posts, conductors or other apparatus laid or erected by the undertakers under the provisions of this section shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act, 1869, or be installed or worked in contravention of the provisions of the Wireless Telegraphy Acts, 1904 to 1926, and shall be so constructed, maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General, or with telegraphic communication by means of any such line.
- (4) Where the undertakers propose, in the exercise of their powers under this section, to lay or erect any wires, posts, conductors or other apparatus over, under or in the vicinity of any electric line belonging to any electricity undertakers, the undertakers shall take all reasonable precautions so as not injuriously to affect, whether by induction or otherwise, the working or user of, or the currents in, the electric line.

Any question which may arise between the undertakers and any electricity undertakers under this subsection shall be determined by an arbitrator to be agreed between the undertakers and the electricity undertakers or, failing agreement, to be appointed by the President of the Institution of Electrical Engineers, and the arbitrator may direct the undertakers to make any alterations in their wires, posts, conductors or other apparatus so as to comply with the provisions of this subsection and the undertakers shall make those alterations accordingly.

In this subsection the expressions " electric line " and " electricity undertakers " have the same respective meanings as in the Electricity (Supply) Acts, 1882 to 1936.

- (5) Where the undertakers propose, in the exercise of their powers under this section, to lay or erect any wires, posts, conductors or other apparatus which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall give notice of their proposals to that authority and if within twenty-eight days that authority serve on the undertakers notice of objection to their proposals, the undertakers shall not proceed with their proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals either with or without modification:

Provided that this subsection shall not apply in relation to any wires, posts, conductors or other apparatus which the undertakers propose to lay or erect in or on a bridge carrying a highway across such a watercourse as aforesaid.

*Penalty for obstructing construction of works.*

- 6 Any person who wilfully obstructs a person engaged by, or under authority of, the undertakers in setting out the line, level or site of any authorised works, or knowingly pulls up any peg or stake driven into the ground for the purpose of setting out such line, level or site, or knowingly defaces or destroys anything made or erected for that purpose, shall be liable to a fine not exceeding five pounds.

*Power to acquire easements for underground works.*

- 7 (1) Where the undertakers are empowered by the special Act to execute any underground works, they may, in lieu of purchasing land compulsorily for the purpose of executing those works, be authorised by means of a compulsory purchase order made by the undertakers and confirmed by the Minister to purchase only such easements and rights over or in that land as may be sufficient for the said purpose and the provisions of the Second Schedule to the Water Act, 1945, shall apply, with such adaptations as may be necessary, to any compulsory purchase order made under this section.
- (2) The undertakers shall not be required or, except by agreement, be entitled to fence off or sever from adjoining lands any lands in respect of which they have purchased only easements or rights under the provisions of this section, and subject to those easements or rights and to any other restrictions imposed by the special Act, the owners or occupiers for the time being of those lands shall have the same rights of using and cultivating them as if that Act had not been passed.

*Persons under disability may grant easements, and &c.*

- 8 Persons empowered by the Lands Clauses Acts to sell and convey, or release, any lands may, subject to the provisions of those Acts and of the special Act, grant to the undertakers any easement or right required for the purposes of the special Act over or in those lands, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges shall, so far as applicable, apply in relation to such grants and to such easements and rights:

Provided that nothing in this section shall be construed as empowering persons to grant any easement or right of water in which any other person has an interest, unless that other person concurs in the grant.

*Extinction of private rights of way.*

- 9 (1) Any private right of way over land which the undertakers are authorised to acquire compulsorily shall, if they so resolve and give notice of their resolution to the owner of the right, be extinguished as from the acquisition by them of the land, or as from the expiration of one month from the service of the notice, whichever may be the later.
- (2) The undertakers shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall, in case of dispute, be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

**PART III**

## COMPENSATION WATER.

*Provisions as to compensation water.*

- 10 (1) During the construction of any authorised impounding reservoir the undertakers may, subject as hereinafter provided, take from any stream to be impounded thereby such water as they may require:

Provided that, before taking any water from the stream, they shall, on an approved site, construct an approved gauge to gauge the flow of the stream and, while the flow of water through or over the gauge is less than the prescribed flow, they shall not take any water.

- (2) After the completion of the reservoir the undertakers shall, at an approved point within such limits as may be prescribed, discharge into the stream from, or from streams feeding, the reservoir during every day of twenty-four hours reckoned from midnight in a uniform and continuous flow a quantity of water not less than the prescribed quantity, and, for the purpose of gauging such discharge, they shall construct and maintain in good order approved gauges on approved sites.
- (3) Where the undertakers are authorised to take any water from any stream, they shall, before taking any such water, construct on approved sites approved gauges to gauge the quantity of water taken and the flow of the stream, and they shall not take any water in excess of the quantity authorised to be taken or while the flow of water through or over the gauge is less than the prescribed flow.
- (4) If the undertakers—
- (a) fail to construct or maintain in good order any such gauge as aforesaid, or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records; or
  - (b) take any water from the stream contrary to the provisions of subsection (1) or subsection (3) of this section, or fail to comply with the requirements of subsection (2) of this section with respect to the discharge of water into the stream,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable, in the case of an offence under paragraph (a) of this subsection, to a fine not exceeding fifty pounds, in respect of each day on which the offence has been committed or has continued, and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction, to a fine not exceeding fifty pounds in respect of each such day; and
  - (ii) on conviction on indictment, to a fine not exceeding five hundred pounds in respect of each such day.
- (5) In this section, the expression " gauge " includes a gauge weir or other apparatus for measuring the flow of water, and the expression " approved " means approved by the Minister; and, for the purposes of this section, a catchment board, a fishery board, a rivers board and a navigation authority shall be deemed to be interested in the flow of water in, and the discharge of water into, any stream within their area or district, or, as the case may be, forming part of their system of navigation or any stream feeding

such a stream or any part of that system and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

- (6) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as full compensation for all water impounded by the authorised works, except in respect of any land between the foot of the embankment of the reservoir and the point of discharge approved for the purposes of subsection (2) of this section.
- (7) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, any fine recovered under this section on the complaint of a fishery board or of an officer of, or person authorised by, a fishery board shall, as to the whole or such part thereof as the court may determine, be paid to the board in respect of the costs of the prosecution.

## PART IV

### MINERALS UNDERLYING WATERWORKS.

#### *Undertakers not entitled to underlying minerals, unless expressly purchased.*

- 11 Where the undertakers purchase any land they shall become entitled to such parts of any mines of coal, ironstone, slate or other minerals under that land as it may be necessary for them to dig, carry away or use in the construction of any waterworks authorised by the special Act, but, save as aforesaid, they shall not by virtue only of their purchase of the land become entitled to any such mines or minerals, which shall, save as aforesaid, be deemed to be excepted from the conveyance of the land unless expressly mentioned therein as conveyed thereby.

#### *Map of underground works to be prepared and kept up to date.*

- 12 (1) The undertakers shall, within six months after the first occasion on which any pipes, or other conduits, or underground works are laid or constructed by them after this section is incorporated with their enactments, cause the course and situation of all existing pipes or other conduits for the collection, passage, or distribution of water and underground works belonging to them to be marked on a map (drawn on a scale not less than six inches to one mile), and shall, from time to time, within six months after the making of any alterations or additions, cause the said map to be so corrected as to show the course and situation of all such pipes and conduits, and underground works for the time being belonging to them, and the map, or a copy thereof, bearing the date of its preparation and of the last occasion on which it was corrected shall be kept at the office of the undertakers.

In this subsection the expression " pipes " does not include service pipes.

- (2) The said map shall at all reasonable hours be open to inspection by any person interested free of charge.

#### *Mines lying near the works not to be worked without notice to undertakers.*

- 13 Subject to any agreement to the contrary, if the owner, lessee, or occupier of any mines of coal, ironstone, slate or other minerals lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground

works shown on the map referred to in the last foregoing section, or lying within the prescribed distance therefrom, or, if no distance be prescribed, within forty yards therefrom, desires to work the said mines or minerals, he shall give to the undertakers thirty days' notice of his intention so to do.

*If undertakers unwilling to pay compensation, mines may be worked in usual manner.*

- 14 (1) Upon receipt of such a notice as aforesaid, the undertakers may cause the said mines or minerals to be inspected by any person appointed by them for the purpose, and if it appears to them that the working thereof is likely to damage any of their reservoirs or buildings, or pipes, or other conduits or underground works shown on the said map, and if they are willing to pay compensation for the mines or minerals to the owner, lessee or occupier thereof, then he shall not work them, and the amount of the compensation to be paid shall, in the case of dispute, be determined by arbitration.
- (2) If the undertakers have not before the expiration of the said thirty days stated their willingness to treat with the owner, lessee, or occupier for the payment of compensation, it shall be lawful for him to work the said mines and minerals, and to drain them, by means of pumps or otherwise, as if the special Act had not been passed, so, however, that no wilful damage be done to any of the said property or works of the undertakers and that the mines and minerals be not worked in an unusual manner.
- (3) Any damage or obstruction occasioned to any of the said property or works of the undertakers by the working of such mines or minerals in an unusual manner shall be forthwith repaired or removed, and the damage made good, by the owner, lessee, or occupier of the mines or minerals, and if such repair or removal be not effected forthwith, or, if the undertakers deem it necessary to take action without waiting for the work to be done by the owner, lessee, or occupier, the undertakers may execute the work, and recover from the owner, lessee, or occupier the expenses reasonably incurred by them in so doing.

*Power to make mining communications where continuous working is prevented.*

- 15 If the working of any such mines or minerals as aforesaid lying under the reservoirs or buildings of the undertakers, or any of their pipes or other conduits or underground works shown on the map referred to in section twelve of this Schedule, or lying within the above-mentioned distance therefrom, mentioned in section thirteen of this Schedule, be prevented as aforesaid by reason of apprehended injury thereto, the respective owners, lessees, and occupiers of the mines or minerals may cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof is so prevented as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, or, if no dimensions are prescribed, eight feet wide and eight feet high, nor be cut or made upon any part of the said property or works of the undertakers so as to cause injury thereto.

*Undertakers to pay compensation for expenses incurred by reason of severance.*

- 16 (1) Subject to any agreement to the contrary, the undertakers shall from time to time pay compensation to the owner, lessee, or occupier of any mines of coal, slate, ironstone, and other minerals lying on both sides of any reservoir, building, pipe, or

other conduit, or other works of the undertakers for any loss and additional expense incurred by him by reason of the severance of the lands above such mines or minerals by the reservoir or other works, or by reason of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of their being worked under the restrictions imposed by the special Act, and also for any such mines or minerals not purchased by the undertakers as cannot be worked or won by reason of the making and continuance of the said works, or by reason of such apprehended injury from the working thereof as aforesaid.

- (2) The amount of any such compensation shall, in the case of dispute, be determined by arbitration.

*Undertakers may enter and inspect the working of mines.*

- 17 For the purpose of ascertaining whether any such mines or minerals as aforesaid are being, have been or are about to be worked so as to damage any of their said works, any authorised officer of the undertakers, after giving twenty-four hours' notice and on producing, if so required, some duly authenticated document showing his authority, may enter upon any lands in, on or near which the works are situate, and under which they know or suspect that any such mines are being, have been or are about to be worked, and may enter any such mines and the works connected therewith, using for their entry, inspection and return any apparatus or machinery belonging to the owner, lessee, or occupier of the mines, and may use all necessary means for discovering the distance from the said works to the parts of the mines which are being, have been or are about to be worked.

*Undertakers not exempted from liability for injury to mines.*

- 18 Nothing in the special Act shall exempt the undertakers from liability to any action or other legal proceeding to which they would have been liable in respect of any damage or injury done or occasioned to any mines by means, or in consequence, of their waterworks, if those works had been constructed or maintained otherwise than by virtue of the special Act.

## PART V

### POWER TO LAY MAINS, &C.

*Power to lay mains.*

- 19 (1) The undertakers may within their limits of supply and also, subject to the provisions of the next succeeding section, outside those limits, lay a main—
- (a) in any street, subject, however, to the provisions of Part VI of this Schedule; and
  - (b) with the consent of every owner and occupier of any land not forming part of a street and with the consent of the local authority of the district in which that land is situate and also of the highway authority concerned, if the main will be laid within two hundred and twenty feet of any highway, in, on or over that land,

and may from time to time inspect, repair, alter or renew, or may at any time remove, any main laid down by them, whether by virtue of this section or otherwise:

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld and any question whether such a consent is, or is not, unreasonably withheld shall be referred to and determined by the Minister.

- (2) Where the undertakers propose in the exercise of their powers under this section to lay a main which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage authority, they shall give notice of their proposals to that authority, and, if within twenty-eight days that authority serve on the undertakers notice of objection to their proposals, the undertakers shall not proceed with their proposals unless all objections so made are withdrawn, or the Minister after a local inquiry has approved the proposals, either with or without modification:

Provided that this subsection shall not apply in relation to a main which the undertakers propose to lay in a bridge carrying a highway across such a watercourse as aforesaid.

- (3) Where the undertakers, in the exercise of their powers under this section, lay a main in, on or over any land not forming part of a street, or inspect, repair, alter, renew, or remove a main laid in, on or over any such land, they shall from time to time pay compensation to every person interested in that land for any damage done to, or injurious affection of, that land by reason of the inspection, laying, repair, alteration, renewal or removal of the main. Any dispute as to the amount of compensation to be paid under this subsection shall be referred to arbitration.
- (4) The undertakers may erect and maintain in any street notices indicating the position of underground water fittings used for controlling the flow of water through their mains, whether laid by virtue of this section or otherwise, and may affix such a notice to any house or other building, wall or fence.
- (5) For the purposes of this section, a private street within the curtilage of a factory shall be deemed not to be, or form part of, a street.

*Conditions as to laying mains outside limits of supply.*

- 20 (1) Where the undertakers, in the exercise of their powers under the last foregoing section, propose to lay a main outside their limits of supply, the provisions of that section shall apply, and the undertakers shall, in addition to giving any notice required by that section—
- (a) in the case of each county borough or county district in which they propose to lay a main, publish by advertisement in a local newspaper circulating in the borough or district a notice describing the nature of their proposals and specifying the land directly affected thereby, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge; and
  - (b) serve, not later than the date of the publication of the advertisement, a copy of the notice on the local authority of the borough or district and on the highway authority for any highway in which they propose to lay a main.
- (2) If, within twenty-eight days after the publication of the notice referred to in the last foregoing subsection, notice of objection to their proposals is served on the undertakers by any such local authority or highway authority as aforesaid, they shall not proceed with their proposals, unless all objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

- (3) The foregoing provisions of this section with respect to the publication and service of, and objections to, such additional notices as are therein referred to shall not apply where the work which undertakers propose to carry out outside their limits of supply consists only of the laying of a main in a highway maintainable at the public expense and they have obtained the consent of the local authority of the county borough or county district within which that highway is situate and also, where that authority are not the highway authority for the highway in question, the consent of that highway authority.

*Power to lay service pipes, and &c.*

- 21 (1) The undertakers may in any street within their limits of supply lay such service pipes with such stopcocks and other fittings as they deem necessary for supplying water to premises within the said limits, and may from time to time inspect, repair, alter, or renew, and may at any time remove, any service pipe laid in a street whether by virtue of this section or otherwise.
- (2) Where a service pipe has been lawfully laid in, on or over any land not forming part of a street, the undertakers may from time to time enter upon that land and inspect, repair, alter, renew or remove the pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them.

Any dispute as to the amount of compensation to be paid under this subsection shall be determined by arbitration.

## PART VI

### BREAKING OPEN STREETS, &C.

*Power to break open streets.*

- 22 Subject to the provisions of this Part of this Schedule, the undertakers may within their limits of supply for the purpose of laying, constructing, inspecting, repairing, renewing or removing mains, service pipes, plant or other works, and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting, repairing, renewing or removing mains, break open the roadway and footpaths of any street, and of any bridge carrying a street, and any sewer, drain or tunnel in or under any such roadway or footpath, and may remove and use the soil or other materials in or under any such roadway or footpath:

Provided that they shall in the exercise of the powers conferred by this section cause as little inconvenience and do as little damage as may be, and for any damage done shall pay compensation to be determined, in case of dispute, by arbitration.

*Notice to be given before breaking open streets, and &c.*

- 23 Not less than fourteen clear days before they commence to break open the roadway or footpath of any street or bridge, or any sewer, drain or tunnel, the undertakers shall give notice of their intentions, and of the time when they propose to commence the work, to the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, or to some officer of those persons authorised by them to receive such notices:



Provided that—

- (a) in cases of emergency arising from defects in any pipes, plant or works, it shall be sufficient if the notice required by this section is given as soon as possible after the necessity for the work becomes known to the undertakers;
- (b) where the roadway or footpath is broken open for the purposes mentioned in the last but one foregoing section of this Schedule, the notice shall be seventy-two hours instead of fourteen days.

*Streets, and c, not to be broken open except under supervision of persons responsible therefor.*

- 24 (1) Subject to the provisions of this section, the undertakers shall not, save in such cases of emergency as aforesaid, break open the roadway or footpath of any street or bridge, or any sewer, drain or tunnel, except under the supervision of, and in accordance with plans approved by, the persons having the control or management thereof, or their authorised officer:

Provided that, if any difference arises in connection with the plans submitted for approval, that difference shall be referred to an arbitrator to be appointed, in default of agreement, by the Minister, or, if he thinks fit, by the President of the Institution of Civil Engineers, and, in cases where a sewer or drain is affected, the arbitrator may direct the undertakers to execute such work as he may deem necessary for preventing any temporary interruption of drainage through that sewer or drain, and the undertakers shall comply with any direction so given.

- (2) Notwithstanding anything in the last foregoing subsection, if the persons having the control or management of a street, bridge, sewer drain or tunnel, or their authorised officer, after having received such notice of the undertakers' intentions as is mentioned in the last foregoing section, fail to question the sufficiency or propriety of any plans submitted to them, or fail to submit any alternative plans to the undertakers, or fail to attend and exercise supervision over the work, the undertakers may proceed to carry out the work.

*Protection for railway companies, navigation authorities, tramway undertakers, etc..*

- 25 (1) Except in cases of emergency arising from defects in pipes, plant or works, the roadway or footpath of a street or bridge which is under the control or management of, or maintainable by, a railway company or navigation authority shall not be broken open without their consent, but that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to and determined by the Minister.
- (2) Where the undertakers propose to break open the roadway or footpath of any length of street which forms a level crossing, or crosses over or under a railway or other works of a railway company or navigation authority, and which is not under the control or management of the railway company or navigation authority, they shall give to the railway company or navigation authority the like notice as they are required by the last but one foregoing section to give to the persons having the control or management of the street and, if and in so far as the proposed work is likely to affect the structure of any bridge or other works belonging to the railway company or navigation authority, shall carry out the work to the reasonable satisfaction of the engineer or other authorised officer of the railway company or navigation authority in accordance with plans approved by him.

Any dispute arising under this subsection between the persons proposing to execute work and a railway company or navigation authority, shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (3) The last foregoing subsection shall, with any necessary adaptation, apply in relation to a level crossing which belongs to persons not being a railway company or navigation authority, as it applies in relation to a level crossing belonging to such a company or authority.
- (4) For the protection of persons entitled to the benefit of section thirty-two of the Tramways Act, 1870 (which relates to the rights of; authorities and companies, &c, to open roads), that section shall be construed as applying to operations authorised by the special Act, and in the said section as so applied any reference to a tramway shall be construed as including a reference to a trolley vehicle system.
- (5) Nothing contained in this section for the protection of owners of level crossings shall affect the decision of any question which may arise as to the legality of the construction of, or the right to continue, any level crossing.

*Streets, and c, broken open to be reinstated without delay.*

- 26 (1) When, for the purpose of executing any work, the undertakers break open the roadway or footpath of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed and to the reasonable satisfaction of the persons having the control or management thereof complete the work and fill in and consolidate the ground, and reinstate and make good the roadway or footpath, or the sewer, drain, or tunnel, as the case may be, and remove all rubbish resulting from their operations, and shall, after replacing and making good the roadway or footpath, keep it in good repair for three months, and for such further time, if any, not being more than twelve months in the whole, as the soil may continue to subside.
- (2) So long as any such roadway or footpath remains broken open or obstructed, the undertakers shall make adequate arrangements for the control of traffic and shall cause the roadway or footpath to be properly fenced and guarded at all times and to be efficiently lighted between the hours of sunset and of sunrise.

*Remedies where undertakers fail to comply with foregoing requirements.*

- 27 (1) If the undertakers fail to comply with, or contravene, any of the foregoing provisions of this Part of this Schedule, they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable to a fine not exceeding five pounds, and to a further fine not exceeding five pounds for each day on which the offence continues after notice thereof has been given to them by, or by an officer or agent of, the persons aggrieved.
- (2) If the undertakers fail to comply with any of the requirements of the last foregoing section, the persons having the control or management of the street, bridge, sewer, drain or tunnel in question, may, in addition to, or in lieu of, taking proceedings under the last foregoing subsection, themselves execute any work necessary to remedy the default and may recover the expenses reasonably incurred by them in so doing from the undertakers summarily as a civil debt.

*Application of Part VI to verges and streets and highways not maintainable at the public expense.*

- 28 (1) The provisions of this Part of this Schedule shall apply in relation to any land within the limits of a street, but not included in a roadway or footpath thereof, as if that land were, or formed part of, a footpath of the street.
- (2) In this Part of this Schedule the expression " persons having the control or management " shall, in relation to a street not maintainable at the public expense, be deemed to include the authority by whom the street would be maintainable if it became a highway maintainable at the public expense and, accordingly, any notice required by section twenty-three of this Schedule and a copy of the plans referred to in section twenty-four thereof shall be served on that authority, but the authority shall not take any action under subsection (2) of the last foregoing section except at the request and on behalf of the other persons having the control or management of the street, bridge, sewer, drain or tunnel in question.

## PART VII

### SUPPLY OF WATER FOR DOMESTIC PURPOSES.

*Duty of undertakers to lay additional mains on certain conditions.*

- 29 (1) The undertakers shall lay any necessary mains and bring water to any area within the limits of supply if they are required to do so by such number of owners and occupiers of premises in that area who require a supply of water for domestic purposes that the aggregate amount of water rates payable annually by those owners' and occupiers in respect of those premises at the rates for the time being charged by the undertakers will not be less than one-eighth of the expense of providing and laying the necessary mains, and if those owners and occupiers agree severally with the undertakers to take a supply of water for three years at least.
- (2) If the undertakers, after receipt of a requisition which satisfies the provisions of the last foregoing subsection and after tender to them of an agreement which satisfies those provisions, do not before the expiration of three months lay the necessary mains and bring water to the area in question in accordance with the requisition,' they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which their default continues after conviction therefor.

*Right to demand supply for domestic purposes.*

- 30 (1) An owner or occupier of any premises within the limits of supply who has complied in respect of those premises with the provisions of Part X of this Schedule with respect to the laying of a supply pipe and payment or tender of the wafer rate shall be entitled to demand and receive from the undertakers a supply of water sufficient for domestic purposes for those premises:

Provided that nothing in the special Act shall be construed as entitling any person to demand a supply of water from a trunk main.

- (2) Subject as hereinafter provided, if the undertakers make default in furnishing a supply of water for domestic purposes to a person who is entitled to demand and has

demanded such a supply, or fail to maintain the supply during any period in respect of which the water rate therefor has been paid or tendered, they shall, without prejudice to their civil liability, if any, to the person aggrieved, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after notice thereof from the person aggrieved:

Provided that the undertakers shall be under no such liability if the failure to furnish or maintain a supply is due to—

- (a) frost, drought, unavoidable accident or other unavoidable cause, or the execution of necessary works; or
- (b) failure of the person aggrieved to comply with any enactment relating to, or byelaw of, the undertakers.

*Duty of undertakers as respects sufficiency and purity.*

- 31 The undertakers shall provide in their mains and communication pipes a supply of wholesome water sufficient for the domestic purposes of all owners and occupiers of premises within the limits of supply who under the special Act are entitled to demand a supply for those purposes.

## PART VIII

### SUPPLY OF WATER FOR PUBLIC PURPOSES.

*Undertakers to fix and maintain fire-hydrants on pipes.*

- 32 The undertakers shall, at the request of the fire authority concerned, fix fire-hydrants on their mains (other than trunk mains) at such places as may be most convenient for affording a supply of water for extinguishing any fire which may break out within the limits of supply, and shall keep in good order and from time to time renew every such hydrant.

Any difference as to the number or proper position of such hydrants shall be referred to and determined by the Minister.

*Undertakers to deposit keys of hydrants at certain places.*

- 33 As soon as any such hydrant is completed, the undertakers shall, if required by the fire authority, deposit a key thereof at each place within the limits of supply where any public fire engine is kept, and in such other places as may be appointed by the fire authority.

*Cost of hydrants.*

- 34 The cost of such hydrants as aforesaid and of fixing, maintaining and renewing them, and of providing such keys as aforesaid, shall be defrayed by the fire authority.

*Hydrants to be placed near factories, and c, at the request of owners or occupiers.*

- 35 The undertakers shall, at the request and expense of the owner or occupier of any factory or place of business situated in, or near to, a street in which a pipe of the undertakers is laid (not being a trunk main and being of sufficient dimensions to carry

a hydrant), fix on the pipe and keep in good order and from time to time renew one or more fire-hydrants, to be used only for extinguishing fires, as near as conveniently may be to that factory or place of business, and shall also at his expense comply as respects each such hydrant with the requirements of the last but one foregoing section.

*Water to be taken to extinguish fires without charge.*

- 36 The undertakers shall allow all persons to take water for extinguishing fires from any pipe of the undertakers on which a hydrant is fixed, without payment.

*Supply of water for cleansing sewers, and c, and for other public purposes.*

- 37 (1) In every pipe of the undertakers on which a hydrant is fixed the undertakers shall provide a supply of water for cleansing sewers and drains, for cleansing and watering highways, and for supplying any public pumps, baths, or washhouses.
- (2) A supply of water for the said purposes shall be provided at such rates, in such quantities, and upon such terms and conditions as may be agreed between the local authority, highway authority or sewerage authority concerned and the undertakers, of as, in default of agreement, may be determined by the Minister.

*Penalties for default in respect of hydrants or supply of water.*

- 38 If the undertakers fail to comply with any of their obligations under this Part of this Schedule, except when prevented by frost, drought, unavoidable accident or other unavoidable cause, or during the execution of necessary works, they shall be liable to a fine not exceeding fifty pounds, and to a further fine not exceeding five pounds for each day during which such failure continues after notice thereof from the authority or person concerned.

## PART IX

### CONSTANCY AND PRESSURE OF SUPPLY.

*Duty of undertakers as respects constant supply and pressure.*

- 39 (1) Subject as hereinafter provided, the undertakers shall cause the water in all pipes on which hydrants are fixed, or which are used for giving supplies for domestic purposes, to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the limits of supply:

Provided that—

- (a) nothing in this section shall require them to deliver water at a height greater than that to which it will flow by gravitation through their mains from the service reservoir or tank from which the supply in question is taken; and
- (b) they may in their discretion determine the service reservoir or tank from which any supply is to be taken.
- (2) If the undertakers fail to comply with the foregoing requirements of this section, except when prevented by frost, drought, unavoidable accident or other unavoidable cause, or during the execution of necessary works, they shall, without prejudice to

their civil liability, if any, to a person aggrieved, be liable to a fine not exceeding ten pounds and to a further fine not exceeding forty shillings for each day during which the failure continues after notice thereof from that person.;

Provided that proceedings for the recovery of a fine shall not be instituted under this subsection by more than one person in respect of the same period of failure.

## PART X

### LAYING AND MAINTENANCE OF SUPPLY PIPES AND COMMUNICATION PIPES.

#### *Laying of supply pipes, and &c.*

- 40 An owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the undertakers, shall, subject as hereinafter provided, comply with the following requirements:—
- (a) he shall give to the undertakers fourteen days' notice of his intention to lay the necessary supply pipe and at, or before, the time of giving such notice shall pay or tender to them such sum as may be payable in advance by way of water rate in respect of his premises; and
  - (b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners and occupiers thereof:

Provided that, where any part of the supply pipe is to be laid in a highway, he shall not himself break open the highway or lay that part of the pipe.

#### *Laying of communication pipes, and &c.*

- 41 (1) Upon receipt of such a notice as is referred to in the last foregoing section, the undertakers shall lay the necessary communication pipe and any part of the supply pipe which is to be laid in a highway and shall connect the communication pipe with the supply pipe: Provided that where any part of the supply pipe is to be laid in a highway, they may elect to lay a main in the highway for such distance as they think fit in lieu of a supply pipe, and in that case shall lay a communication pipe from that main and connect it with the supply pipe.
- (2) If the undertakers fail to carry out the said work within fourteen days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last foregoing section, they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said fourteen days.
- (3) The expenses reasonably incurred by the undertakers in executing the work which they are required or authorised by this section to execute shall be repaid 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 undertakers lay a main in lieu of part of a supply pipe, the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

- (4) Notwithstanding anything in the foregoing provisions of this section, undertakers to whom such a notice as aforesaid is given may, within seven days after the receipt thereof, require the person giving the notice either to pay to them in advance the cost of the work, as estimated by their engineer, or to give security for payment thereof to their satisfaction, and, where they make such a requirement, the period of fourteen days referred to in subsection (2) of this section shall not commence to run until the requirement has been complied with.

If any payment so made to the undertakers exceeds the expenses which under the foregoing provisions of this section they would be entitled to recover from the person giving the notice, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, they may recover the balance from him summarily as a civil debt.

*Power of undertakers to require separate service pipes.*

- 42 (1) Subject to the provisions of this section, the undertakers may require the provision of a separate service pipe for each house or other building supplied, or to be supplied, by them with water.
- (2) If, in the case of a house or other building already supplied with water but not having a separate service pipe, the undertakers give notice to the owner of the house or building requiring the provision of such a pipe, the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a highway, and the undertakers shall, within fourteen days after he has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a highway and make all necessary connections.
- (3) If an owner upon whom a notice has been served under the last foregoing subsection fails to comply therewith, the undertakers may themselves execute the work which he was required to execute.
- (4) The expenses reasonably incurred by the undertakers in executing the work which they are required by subsection (2) of this section to execute, or which they are empowered by the last foregoing subsection to execute, shall be repaid to them by the owner of the house or building and may be recovered by them from him summarily as a civil debt, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the house or building.
- (5) If the undertakers make default in executing the work which they are required by subsection (2) of this section to execute, they shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after the expiration of the said fourteen days.
- (6) For the purposes of the foregoing provisions of this section, two or more buildings in the same occupation and forming part of the same hereditament for rating purposes shall be treated as a single building.
- (7) Where the owner of a group or block of houses is liable by law or undertakes in writing to pay the water rates in respect of all those houses, then, so long as he punctually pays those rates and the supply pipe of those houses is sufficient to meet the requirements thereof, the undertakers shall not require the provision of separate service pipes for those houses.

- (8) Without prejudice to the provisions of the last foregoing subsection, where, on the coming into force of this section, two or more houses were being supplied with water by a single service pipe, the undertakers shall not require the provision of separate service pipes for those houses until either—
- (a) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses; or
  - (b) an instalment of the water rate in respect of any of the houses remains unpaid after the end of the period for which it is due; or
  - (c) the houses are, by structural alterations to one or more of them, converted into a larger number of houses.

*Power to break open streets forming boundary of limits of supply.*

- 43 Where any premises which are within the limits of supply abut on, or are situate near to, any street which is, as to the whole or a part of its width, outside those limits, the undertakers may, for the purpose of supplying water to the owner or occupier of those premises, exercise with respect to the whole width of the street the like powers of laying, inspecting, repairing, altering, renewing and removing service pipes with any necessary stopcocks and fittings and of breaking open the street for that purpose as are exercisable by them with respect to streets within the said limits, subject, however, to the like conditions and obligations.

*Vesting of communication pipes and repair of such pipes and of supply pipes in highways.*

- 44 (1) All communication pipes, whether laid before or after the coming into force of this section, shall vest in the undertakers and the undertakers shall at their own expense carry out any necessary works of maintenance, repair or renewal of such pipes and any work on their mains incidental thereto.
- (2) The undertakers shall also carry out any such necessary works as aforesaid in the case of so much of any supply pipe as is laid in a highway, and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the premises supplied by the pipe, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.
- (3) If the undertakers fail to carry out any such necessary work with all reasonable despatch after service upon them of complaint of a defect from an owner or occupier of premises affected, they shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues.

## PART XI

### STOPCOCKS.

*Provisions as to position, and c, of stopcocks.*

- 45 (1) On every service pipe laid after the coming into force of this section the undertakers shall, and on every service pipe laid before that date the undertakers may, fit a stopcock enclosed in a covered box, or pit, of such size as may be reasonably necessary.



- (2) Every stopcock fitted on a service pipe after the coming into force of this section shall be placed in such position as the undertakers deem most convenient:

Provided that—

- (a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises; and
- (b) a stopcock in a street shall, after consultation with the highway authority concerned, be placed as near to the boundary thereof as is reasonably practicable.

## PART XII

### WATER RATES AND CHARGES.

*Water rates.*

- 46 (1) Undertakers who supply water to any premises for domestic purposes may charge in respect thereof a water rate, which shall be calculated at a rate-poundage not exceeding the prescribed rate-poundage—
- (a) in the case of a house or of any premises not used solely for business, trade or manufacturing purposes or for the exercise of functions by any public authority, on the net annual value thereof; and
  - (b) in the case of any other premises, on such proportion of the net annual value thereof as may be prescribed or, if no proportion is prescribed, as may be determined by the Minister:

Provided that the undertakers may in any case make in respect of the- supply such minimum charge as may be prescribed or, if no minimum charge is prescribed, fifteen shillings per annum.

- (2) For the purposes of this Part of this Schedule, where water supplied to a house within the curtilage of a factory is used solely for the domestic purposes of occupants of the house, the house shall be deemed separate premises not forming part of the factory.
- (3) For the purposes of this Part of this Schedule, the net annual value of any premises shall be taken to be that value as appearing in the valuation list in force on the first day of the period of twelve months covered by the rate:

Provided that, if that value does not appear therein, or if the water rate is chargeable on a part only of any hereditament entered therein, the net annual value of the premises supplied shall be taken to be such sum, or, as the case may be, such fairly apportioned part of the net annual value of the whole hereditament, as, in default of agreement, may be determined by a court of summary jurisdiction.

- (4) Subject to the provisions of subsection (2) of this section, where there is communication, otherwise than by a highway, between buildings or parts of buildings in the occupation of the same person, those buildings or parts of buildings shall, if the undertakers so decide, be treated, for the purpose of charging water rates, as one building having' a net annual value equal to the aggregate of their net annual values:

Provided that a person aggrieved by a decision of the undertakers under this subsection may appeal to a court of summary jurisdiction.

*Power to make agreed charges for domestic supply.*

- 47 (1) The undertakers, in lieu of charging a water rate, may agree with any person requiring a supply of water for domestic purposes to furnish the supply, whether by meter or otherwise, on such terms and conditions as may be agreed.
- (2) Charges payable under this section (including charges for any meter supplied by the undertakers) shall be recoverable in the manner in which water rates are recoverable.

*Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.*

- 48 (1) Where water which the undertakers supply for domestic purposes, and in respect of which they charge a water rate—
- (a) is used for watering a garden; or
  - (b) is used for horses, washing vehicles, or other purposes, in stables, garages or other premises where horses or vehicles are kept,
- the undertakers may in either case, if a hosepipe or other similar apparatus is used, charge in respect of that use of the water an additional annual sum not exceeding the prescribed sum or, if no sum is prescribed, such sum as the Minister may determine.
- (2) Where in either of such cases the water used is drawn from a tap outside a house, but no hosepipe or similar apparatus is used, the undertakers may charge an additional annual sum not exceeding one-half the maximum sum chargeable under the last foregoing subsection.
- (3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly, as the undertakers may determine, and shall be recoverable in the manner in which water rates are recoverable.

*Power to require supply to certain premises and for certain purposes to be taken by meter.*

- 49 (1) The following provisions of this section shall have effect where a maximum charge for a supply of water by meter is prescribed.
- (2) The undertakers shall not be bound to supply with, water otherwise than by meter—
- (a) any premises used as a house whereof a part is used by the same occupier for any business, trade or manufacturing purpose for which water is required or any premises used as a farmhouse;
  - (b) any public institution, hospital, mental institution, nursing home, sanatorium, school, club, hostel, assembly hall, place of public entertainment, hotel, restaurant or licensed premises, within the meaning of that expression as used in the Licensing (Consolidation) Act, 1910;
  - (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein; or
  - (d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes only is required.
- (3) In any of the cases mentioned in the last foregoing subsection the water shall be supplied at a charge not exceeding the prescribed charge, subject, however, to a minimum annual charge equal to the annual amount which would be payable by way of water rate for a supply of water for domestic purposes furnished to the premises in question.

*Power to require supplies for refrigerating or water-softening apparatus, and c, to be taken by meter.*

- 50 Where a person who takes a supply of water for domestic purposes from the undertakers otherwise than by meter desires to use any of the water so supplied—
- (a) for operating a water-cooled refrigerating apparatus; or
  - (b) for operating any apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating the water; or
  - (c) for cleaning, regenerating or supplying motive power to any apparatus used for softening water,

the undertakers may, subject as hereinafter provided, require that all water so used shall—

- (i) if a charge for a supply of water by meter is prescribed, be taken by meter at a charge not exceeding the prescribed charge; or
- (ii) whether such a charge is prescribed or not, be paid for at a reasonable rate to be determined, in default of agreement, by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken, if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

*Power to require supply for hose-pipe to be taken by meter in certain cases.*

- 51 Where water which the undertakers supply for domestic purposes and in respect of which they charge a water rate is used by means of a hose-pipe, or other similar apparatus, for watering a garden, or for horses, washing vehicles, or other purposes in stables, garages or other premises where horses or vehicles are kept, and the consumer takes also a supply of water by meter for purposes other than domestic, the undertakers may require that all water used by him by means of the hose-pipe or other apparatus shall be taken by meter and paid for at the rate for the time being applicable to his supply by meter for non-domestic purposes.

*Provisions as to supply to sheds, tents, vans, and &c.*

- 52 (1) No person shall be entitled to demand, or to continue to receive, from the undertakers a supply of water to any habitation to which this section applies unless he has—
- (a) agreed with the undertakers to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the required supply, and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation, and will yield a reasonable return on the cost of the water supplied; and
  - (b) secured to the reasonable satisfaction of the undertakers, by way of deposit or otherwise, payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined, in default of agreement, by a court of summary jurisdiction, whose decision shall be final.

- (2) The habitations to which this section applies are tents, vans or other conveyances, whether on wheels or not, and sheds or similar structures, not being structures to which the building byelaws of the local authority of the district apply.

*Liability to water rates where building supplied by common pipe.*

- 53 Where two or more houses or other buildings in the occupation of different persons are supplied with water by a common pipe, the owner or occupier of each of them shall be liable to pay the same water rate for the supply as he would have been liable to pay if it had been supplied with water by a separate pipe.

*Water rates on certain houses may be demanded from the owners.*

- 54 (1) Where a house or other building supplied with water by the undertakers has a net annual value not exceeding thirteen pounds, the owner instead of the occupier shall, if the undertakers so resolve, pay the rate for the supply of water:

Provided that in the administrative county of London twenty pounds shall be deemed to be substituted in this section for thirteen pounds and in any area in which a higher limit of value than thirteen pounds is in force for the purposes of the proviso to subsection (1) of section eleven of the Rating and Valuation Act, 1925, that higher limit shall be deemed to be substituted in this section for thirteen pounds.

- (2) An owner of premises to which a resolution of undertakers under this section applies shall, if he pays the amount due by him in respect of a water rate before the expiration of one-half of the period in respect of which the rate or instalment of the rate is payable, or before such later date as may be specified by the undertakers, be entitled to an allowance calculated at the rate of five per cent.

*Making and dates for payment of water rates.*

- 55 (1) Undertakers who charge water rates under the special Act shall make such a rate by fixing, in respect of a period of twelve months commencing on either the first day of January, the first day of April, the first day of July or the first day of October, the rate-poundage or, as the case may be, the scale of rate-poundages, by reference to which amounts due under the rate are to be calculated and, subject to the provisions of this section, any such rate shall be payable in advance by equal quarterly instalments on those dates, or, if the undertakers so resolve, by equal half-yearly instalments on that one of those dates which is the first day of the rate period and on the first day of the seventh month comprised in that period.
- (2) A water rate under this section, or in force under any enactments relating to the undertakers immediately before the coming into operation of this section, shall unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.
- (3) If, and so long as, the water rates are payable in advance by half-yearly instalments—
- (a) no proceedings shall be commenced for the recovery of any such instalment until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and
  - (b) if the person who is, or who, but for the provision of the last foregoing section, would be, liable to pay the water rate payable in respect of any premises is in occupation of those premises during a portion only of a half-

year, he, or, as the case may be, the owner of the premises, shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year, and, if any greater proportion of the instalment has been paid, the person by whom it was paid shall be entitled to recover the excess from the undertakers, except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

- (4) Subject to the provisions of the last foregoing subsection—
- (a) where the undertakers commence to give a supply of water to any premises, either for the first time or after a discontinuance of supply, the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given to the undertakers or, if no such notice is given, on the day when they commence to give the supply; and
  - (b) the liability of a person to pay an instalment of a water rate shall not be affected by the fact that, before the end of the period in respect of which the instalment became payable by him, he or his tenant, as the case may be, removes from the premises in question, or causes the supply of water thereto to be discontinued.
- (5) Nothing in this section affects any right of the undertakers to make a minimum charge in respect of water rates.

*Effect on water rates of alterations in valuation list.*

- 56 (1) Where, in consequence of a proposal under section thirty-seven of the Rating and Valuation Act, 1925, an amendment is made in the valuation list for the time being in force, or in consequence of a requisition under section forty-seven of the Valuation (Metropolis) Act, 1869, a provisional list comes into operation, the amendment or provisional list shall for the purpose of calculating the amount due in respect of any water rate payable under the special Act have effect retrospectively as from the date when the proposal or requisition was made and, notwithstanding anything in the last foregoing section with respect to the equality of instalments of a water rate any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.
- (2) If it is found that, by reason of the foregoing provisions, too much or too little has been paid in respect of any water rate, the difference shall be repaid or allowed or, as the case may be, shall be paid and may be recovered in the manner in which water rates are recoverable.

*Discount for prompt payment of water rates and charges.*

- 57 (1) The undertakers may allow discounts or rebates in consideration of prompt payment of water rates and charges:

Provided that such discounts or rebates shall be at the same rate under like circumstances to all persons and shall not in any case exceed five per cent.

- (2) If, and so long as, the undertakers allow such discounts or rebates, notice of the effect of this section shall be endorsed on every demand note for water rates and charges.
- (3) This section shall not apply in any case where a discount is payable under section fifty-four of this Schedule.

*Recovery of rates and charges from persons leaving premises.*

- 58 If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting, or is about to quit, premises to which the undertakers supply water and has failed to pay on demand an instalment of a water rate or charge payable by, and due from, him in respect of those premises, and intends to evade payment thereof by departing from the premises, the justice may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the undertakers and to detain them until the complaint is determined upon the return of the summons.

*Register of meter to be evidence.*

- 59 (1) Where the undertakers supply water by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.
- (2) Any question arising between the undertakers and a consumer with respect to the quantity of water consumed may, on the application of either party, be determined by a court of summary jurisdiction.
- (3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent,—
- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the undertakers, unless it is proved to have begun to register incorrectly on some later date; and
  - (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the undertakers or paid by the consumer, as the case may be, and in the case of an extra payment, shall be recoverable in the manner in which water rates are recoverable.

**PART XIII**

PROVISIONS FOR PREVENTING WASTE, &C, OF  
WATER, AND AS TO METERS AND OTHER FITTINGS.

*Power to require provision of cisterns in certain cases.*

- 60 (1) The undertakers may require that—
- (a) any building the supply of water to which need not under the special Act be constantly laid on under pressure; and
  - (b) any house the erection of which was not commenced before the coming into force of this section and to which water is required to be delivered at a height

greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being, or is to be, furnished by them,

shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and, in the case of such a house as is mentioned in paragraph (b) of this subsection may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.

- (2) If a consumer, whom the undertakers have in accordance with the foregoing provisions required to provide a cistern, fails to comply with the requirement, or if a consumer fails to keep in good repair any cistern in use in his building, or the ball and stop-cock appurtenant to that cistern, the undertakers may themselves provide a cistern, or execute any repairs necessary to prevent waste of water, and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building, but without prejudice to the rights and obligations, as between themselves, of the owner and the consumer.

*Power to test water fittings.*

- 61 The undertakers may test any water fittings used in connection with water supplied by them.

*Power to enter premises to detect waste or misuse of water.*

- 62 An authorised officer of the undertakers may, between the hour of seven in the forenoon and one hour after sunset, on producing, if required, evidence of his authority, enter any premises supplied with water by the undertakers in order to examine if there be any waste or misuse of such water and, if, after production of his authority, he is refused admittance to the premises, or is obstructed in making his examination, the person refusing him admittance, or so obstructing him, shall be liable to a fine not exceeding ten pounds.

*Power to repair supply pipes.*

- 63 (1) If the undertakers have reason to think that some injury to or defect in a supply pipe which they are not under obligation to maintain is causing, or is likely to cause, waste of water or injury to person or property, they may execute such work as they think necessary or expedient in the circumstances of the case without being requested so to do and, if any injury to or defect in the pipe is discovered, the expenses reasonably incurred by the undertakers in discovering it and in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.
- (2) Where several houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as aforesaid reasonably incurred from time to time by the undertakers in the maintenance and repair of that pipe may be recovered by them summarily as a civil debt from those owners or occupiers in such proportions as, in case of dispute, may be settled by the court.

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*Status: This is the original version (as it was originally enacted).*

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*Penalty for waste, and c, of water by non-repair of water fittings.*

- 64 (1) If any person wilfully or negligently causes or suffers any water fitting which he is liable to maintain to—
- (a) be or remain so out of order, or so in need of repair; or
  - (b) be or remain so constructed or adapted, or be so used,
- that the water supplied to him by the undertakers is, or is likely to be, wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to, the undertakers, he shall be liable to a fine not exceeding five pounds.
- (2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the undertakers, without prejudice to their right to institute proceedings under the last foregoing subsection, may require that person to carry out any necessary repairs or alterations, and, if he fails to do so within forty-eight hours, may themselves carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

*Penalties for misuse of water.*

- 65 (1) An owner or occupier of premises supplied with water by the undertakers who without their consent supplies any of that water to another person for use in other premises, or wilfully permits another person to take any of that water for use in other premises, shall (without prejudice to the right of the undertakers to recover from such owner or occupier the value of the water so supplied or permitted to be taken) be liable to a fine not exceeding five pounds, unless that other person requires the water for the purpose of extinguishing a fire, or is a person supplied with water by the undertakers but temporarily unable, through no default of his own, to obtain water.
- (2) If a person wrongfully takes, uses or diverts water from a reservoir, watercourse, conduit, pipe or other apparatus belonging to the undertakers, or from a pipe leading to or from any such reservoir, watercourse, conduit, pipe or other apparatus, or from a cistern or other receptacle containing water belonging to the undertakers or supplied by them for the use of a consumer of water from them, he shall be liable to a fine not exceeding five pounds.
- (3) Any person who, having from the undertakers a supply of water otherwise than by meter, uses any water so supplied to him for a purpose other than those for which he is entitled to use it shall be liable to a fine not exceeding forty shillings, without prejudice to the right of the undertakers to recover from him the value of the water misused.

*Penalty for fraudulent use of water.*

- 66 (1) If any person fraudulently alters the index of any meter used by the undertakers for measuring the water supplied by them, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the undertakers, he shall, without prejudice to any other right or remedy of the undertakers, be liable to a fine not exceeding five pounds, and the undertakers may do all such work as is necessary for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt.



- (2) For the purposes of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

*Penalty for interference with valves and apparatus.*

67 If any person either—

- (a) wilfully and without the consent of the undertakers; or
- (b) negligently,

turns on, opens, closes, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the undertakers and thereby causes the supply of water to be interfered with, he shall be liable to a fine not exceeding five pounds and, whether proceedings be taken against him in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any damage sustained by them:

Provided that this section shall not apply to a consumer closing the stop-cock fixed on the service pipe supplying his premises, so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

*Penalty for extension or alteration of pipes, and &c.*

- 68 (1) Any person who without the consent of the undertakers attaches any pipe or apparatus to a pipe belonging to the undertakers, or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe, shall be liable to a fine not exceeding five pounds, and any person who uses any pipe or apparatus which has been so attached, or altered, shall be liable to the same penalty unless he proves that he did not know, and had no grounds for suspecting, that it had been so attached or altered.
- (2) When an offence under this section has been committed, then, whether proceedings be taken against the offender in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any damage sustained by them and the value of any water wasted, misused or improperly consumed.

*Meters to be connected, or disconnected, by undertakers.*

- 69 (1) A consumer who has not obtained the consent of the undertakers shall not connect or disconnect any meter by means of which water supplied by the undertakers is intended to be, or has been, measured for the purposes of the payment to be made to them, but, if he requires such a meter to be connected or disconnected, shall give to the undertakers not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and, thereupon, the undertakers shall carry out the necessary work and may recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.
- (2) A consumer who contravenes any of the provisions of this section, and undertakers who fail to carry out with all reasonable despatch any such work as aforesaid, shall be liable to a fine not exceeding forty shillings.

*Meters, and &c., to measure water or detect waste.*

70 Subject to the provisions of the special Act with respect to the breaking open of streets, the undertakers may for the purpose of measuring the quantity of water supplied, or preventing and detecting waste, affix and maintain meters and other apparatus on their mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto, and may for that purpose temporarily obstruct, break open, and interfere with streets, tramways, sewers, pipes, wires and apparatus:

Provided that the undertakers shall not under the powers of this section interfere with—

- (a) any telegraphic line belonging to or used by the Postmaster-General, except in accordance with, and subject to, the provisions of the Telegraph Act, 1878; or
- (b) any works or apparatus of any electricity undertakers, except in accordance with the provisions of section fifteen of the Electric Lighting Act, 1882, or section seventeen of the Schedule to the Electric Lighting (Clauses) Act, 1899; or
- (c) any pipes or apparatus of any gas undertakers, except under the supervision (if given) of an authorised officer of those undertakers and in accordance with plans approved by them or by such officer, or, in case of any difference, by a court of summary jurisdiction.

#### **PART XIV**

##### POLLUTION OF WATER MANUFACTURE, &C. OF GAS.

*Provisions as to pollution by liquids resulting from manufacture of gas.*

- 71 (1) Any person manufacturing or supplying gas who—
- (a) causes or suffers any washing or other liquid produced in or resulting from, the manufacture or supply of gas, or the treatment of any residual products of the manufacture of gas, to run or be conducted—
    - (i) into, or into any drain communicating with, any spring, stream, reservoir, aqueduct or other waterworks belonging to the undertakers; or
    - (ii) into any depression in the ground or excavation in such proximity to any spring, well or adit belonging to any such undertakers that contamination of water therein is reasonably probable; or
  - (b) wilfully does any other act connected with the manufacture or supply of gas, or the treatment of any such residual products as aforesaid, whereby any water of the undertakers is fouled,
- shall be liable—
- (a) on summary conviction, to a fine not exceeding fifty pounds and to a further fine not exceeding ten pounds for each day during which his offence continues after the expiration of twenty-four hours from the service on him by the undertakers of notice of his offence; or
  - (b) on conviction on indictment, to a fine not exceeding two hundred pounds and to a further fine not exceeding twenty pounds for each such day as aforesaid.

*Provision as to pollution by gas.*

- 72 If water belonging to the undertakers is fouled by gas belonging to any person manufacturing or supplying gas, he shall be liable to a fine not exceeding twenty pounds, and to a further fine not exceeding ten pounds for each day during which his offence continues after the expiration of twenty-four hours from the service on him by the undertakers of notice of his offence.

*Power to examine gas pipes to ascertain source of pollution.*

- 73 (1) For the purpose of ascertaining whether water belonging to them is being fouled by gas belonging to any person manufacturing or supplying gas, the undertakers may open the ground, and examine the pipes and other works of that person:

Provided that, before proceeding so to do, they shall give twenty-four hours' notice of the time at which the examination is intended to take place both to that person and also to the persons having the control or management of the street or other place where they propose to open the ground, and shall be subject to the like obligations and liable to the same penalties in relation to reinstatement, maintenance and other matters as those to which they are subject and liable when breaking open streets for the purpose of laying water pipes.

- (2) If, upon such examination as aforesaid, it appears that water of the undertakers has been fouled by gas belonging to the said manufacturer or supplier of gas, the undertakers may recover from him summarily as a civil debt the expenses reasonably incurred by them in connection with the examination and the repair of the street or place disturbed in the examination, but otherwise the undertakers shall pay all expenses of the examination and repair, and shall also make good to the said person any injury which may be occasioned to his pipes or other works by the examination.

The amount of the expenses of any such examination and repair, and of any injury so occasioned, shall, in default of agreement, be referred to arbitration.

**PART XV**

## FINANCIAL PROVISIONS APPLICABLE TO WATER COMPANIES.

*Maximum rates of dividend.*

- 74 (1) Subject to the provisions of this section, where the undertakers are a company, they shall not in respect of any year pay dividends on the paid-up capital of their undertaking, at rates per cent. greater than the following rates, that is to say:—
- (a) on capital subscribed before the date on which this section comes into force, the rates which they were entitled to pay thereon immediately before that date; and
  - (b) on capital subscribed after that date, five per cent. or, in the case of such capital entitled by the terms of subscription to a rate of dividend lower than five per cent., that lower rate.
- (2) Nothing in the last foregoing subsection shall prevent the payment of a greater dividend in order to make up deficiencies in previous dividends:

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Provided that, as respects capital subscribed after the date on which this section comes into force, this subsection shall apply only in relation to deficiencies arising during the last five years before the year in respect of which a dividend is being paid.

- (3) Paragraph (1) of subsection (1) of section one of the Trustee Act, 1925 (which includes among trustee stocks any debenture, guarantee or preference stocks of water undertakers, being a company incorporated by special Act of Parliament or by Royal Charter, if for the previous ten years the company has paid a dividend of not less than five per centum on its ordinary stock) shall apply in a case where the undertakers are incorporated by statutory order as well as in a case where they are such a company as is referred to in that paragraph, and shall have effect, in any case to which the paragraph as extended by this subsection applies, as if for the words " five per centum " there were substituted the words " four per centum. "

*Sale of stock by auction or tender:*

- 75 (1) Where the undertakers are a company, all ordinary and preference stock issued by them shall be issued in accordance with the following provisions of this section.
- (2) All stock issued by the undertakers shall be offered for sale by public auction or tender in such manner, at such times and subject to such conditions of sale as the undertakers from time to time determine:

Provided that—

- (a) notice of the intended sale shall be given in writing to the local authority of every district wholly or partly within their limits of supply and to the secretary of the London Stock Exchange at least seven days before the day of auction or the last day for the reception of tenders, as the case may be, and shall be advertised once in each of two successive weeks in one or more local newspapers circulating within the limits of supply;
  - (b) a reserve price shall be fixed and notice thereof shall be sent by the undertakers in a sealed letter to be received by the Minister not less than twenty-four hours before, but not to be opened until after, the day of auction or the last day for the receipt of tenders, as the case may be;
  - (c) in the case of a sale by auction, no lot offered for sale shall comprise stock of greater nominal value than one hundred pounds;
  - (d) in the case of a sale by tender, no preference shall be given to one of two or more persons tendering the same sum, except that the offer by tender of any holder of stock of the undertakers may be accepted in preference to the offer of the same sum by any person who is not such a holder as aforesaid and preference may in like manner be given to the offer of any employee of the undertakers or consumer of water supplied by the undertakers;
  - (e) in the case of a sale by auction a bid (other than a first bid) shall not be recognised unless it is in advance of the last preceding bid; and
  - (f) it shall be one of the conditions of sale that the total sum payable by the purchaser shall be paid to the undertakers within three months after the date of the auction or of the acceptance of the tender, as the case may be.
- (3) Any stock which has been offered for sale in accordance with the last foregoing subsection and is not sold may be disposed of at such price and in such manner as the undertakers may determine for the purpose of realising the best price obtainable.

- (4) As soon as possible after the conclusion of the sale or sales, the undertakers shall send a report thereof to the Minister stating the total amount of each class of stock sold, the total amount obtained as premium (if any) and the highest and lowest prices obtained for each class of stock.

*Reserve and contingency funds.*

- 76 (1) Where the undertakers are a company, they 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) a reserve fund, for the purpose of making good any deficiency which may at any time occur in the amount of divisible profits, or of meeting any extraordinary claim or demand which may at any time be made upon them;
  - (b) a contingency fund, for the purpose of meeting contingencies, or defraying the cost of renewing, repairing, enlarging or improving any part of the works forming part of the undertaking.
- (2) Any sums so set apart for the formation or maintenance of a reserve or contingency fund may from time to time be invested in securities in which trustees are authorised to invest trust moneys, and, subject to the provisions of the next but one succeeding subsection, the dividends and interest arising from such securities may also be invested in the same or like securities so as to accumulate at compound interest for the credit of the fund in question.
- (3) The undertakers shall transfer to any reserve fund or contingency fund formed under the foregoing provisions of this section any sum then standing to the credit of any existing reserve fund or contingency fund, as the case may be.
- (4) Whenever, and so long as, the aggregate amount standing to the credit of the reserve fund and contingency fund together amounts to (or, by reason of such a transfer as aforesaid, exceeds) a sum equal to twelve and a half per cent. of the capital expenditure theretofore incurred by the undertakers for the purposes of their undertaking, no contribution from the revenue of the undertaking shall be made to either of the funds, and the interest and dividends on the funds shall not be invested but shall be treated as income of the undertaking.
- (5) The aggregate amount which, subject to the provisions of the last foregoing subsection, may be carried by the undertakers in any year to the formation or maintenance of the reserve fund and contingency fund shall not exceed a sum equal to one and a quarter per cent. of the capital expenditure theretofore incurred by the undertakers for the purposes of their undertaking.

*Limitation on balance carried forward at end of year.*

- 77 (1) Where the undertakers are a company, it shall not be lawful for them to carry forward at the end of any year to the credit of the profit and loss (net revenue) account any sum exceeding the total of the following amounts, that is to say:—
- (a) the amount required for paying any dividend or interest which they are entitled, or required, to pay, but have not paid, in respect of that year;
  - (b) an amount equal to the total sum which they will be required to pay during the next following year as interest on any mortgages or debenture stock; and

- (c) an amount equal to the total sum which they might lawfully distribute as dividends on the preference and ordinary capital of the undertaking in respect of the next following year.
- (2) Any sum which, but for the provisions of this section, might at the end of any year have been so carried forward as aforesaid shall be applied towards the reduction of water rates and charges in future years.

*Power to pay superannuation and other allowance, and c, and to assist research.*

- 78 (1) Where the undertakers are a company, they may
- (a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependants of, their employees;
  - (b) establish contributory superannuation schemes, and establish and contribute to superannuation funds for the benefit of their employees;
  - (c) enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee, widow, family or dependant such gratuities, pensions or allowances as are by this section authorised to be granted;
  - (d) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit their employees;
  - (e) subscribe to the funds of any association formed for the purpose of furthering the interests of water undertakers;
  - (f) make contributions for furthering research in matters with which water undertakers and their officers are concerned.
- (2) No employee of the undertakers shall be required to become a contributor to any superannuation fund established under this section until the fund has been registered under the Superannuation and other Trust Funds (Validation) Act, 1927.

## PART XVI

### GENERAL AND MISCELLANEOUS.

*Notice of discontinuance.*

- 79 A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours' notice to the undertakers.

*Duty of undertakers to give notice of certain works.*

- 80 The undertakers, before commencing to execute repairs or other work which will cause any material interference with the supply of water, shall, except in a case of emergency, give to all consumers likely to be affected such notice as is reasonably practicable and shall complete the work with all reasonable despatch.

*Undertakers may obtain copies of valuation list on payment.*

- 81 (1) The rating authority of any area within which the undertakers supply water shall on application furnish to the undertakers a copy of their current valuation list, or of such part thereof or such entries therein as may be specified in the application, and their

clerk shall, upon request, certify any such copy in accordance with the provisions of section forty-three of the Rating and Valuation Act, 1925.

- (2) In respect of every such copy the rating authority may demand a sum not exceeding five shillings for every hundred entries numbered separately, and for the purposes of this subsection any number of entries less than a complete hundred shall be treated as a complete hundred.

*Power to enter premises.*

- 82 (1) Subject to the provisions of this section, any authorised officer of the undertakers shall, on producing, if so required, some duly authenticated document showing his authority, has a right to enter any premises at all reasonable hours—
- (a) for the purpose of inspecting and examining meters used by the undertakers for measuring the water supplied by them, and of ascertaining therefrom the quantity of water consumed;
  - (b) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the special Act or of any byelaws made thereunder;
  - (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the undertakers to take any action, or execute any work, under the special Act or any such byelaws;
  - (d) for the purpose of taking any action, or executing any work, authorised or required by the special Act or any such byelaws to be taken, or executed, by the undertakers:

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
  - (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,

the justice may by warrant under his hand authorise the undertakers by any authorised officer to enter the premises, if need be by force:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the premises are unoccupied, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, may take with him such other persons as may be necessary, and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If any person who in compliance with the provisions of this section, or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.
- (6) Nothing in this section shall be construed as limiting the power of entry conferred in Part XIII of this Schedule for the purpose of making examination as to waste or misuse of water.

*Penalty for obstructing execution of special Act.*

- 83 A person who wilfully obstructs any person acting in the execution of the special Act, or of any byelaw or warrant made or issued thereunder, shall be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

*Power to require occupier to permit works to be executed by owner.*

- 84 If, on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by, or under, the special Act required to execute, the court may order the occupier to permit the execution of the work.

*Summary proceedings for offences.*

- 85 Save as otherwise expressly provided, all offences and fines under the special Act may be prosecuted and recovered under the Summary Jurisdiction Acts.

*Continuing offences and penalties.*

- 86 Where provision is made by, or under, the special Act for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

*Restriction on right to prosecute.*

- 87 Proceedings in respect of an offence created by, or under, the special Act shall not, without the written consent of the Attorney-General, be taken by any person other than the undertakers or a person aggrieved.

*Inclusion of several sums in one complaint, and &c.*

- 88 Where two or more sums are claimed from any person as being due under the special Act, or under byelaws made thereunder, a complaint, summons or warrant may contain in the body thereof, or in a schedule thereto, all or any of the sums so claimed.



*Appeals and applications to courts of summary jurisdiction.*

- 89 (1) Where any enactment in the special Act provides—
- (a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of the undertakers; or
  - (b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,
- the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
- (2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the undertakers' requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing' of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the undertakers in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

*Appeals to quarter sessions against decisions of justices.*

- 90 Where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under the special Act is not by any other enactment authorised to appeal to a court of quarter sessions, he may, subject to any express provisions in the special Act to the contrary, appeal to such a court.

*Mode of reference to arbitration.*

- 91 In arbitrations under the special Act the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister.

*Liability of undertakers to pay compensation.*

- 92 In any case, where no express provision with respect to compensation is made by the special Act, the undertakers shall pay to the owners and occupiers of, and all other persons interested in, any lands or streams taken or used for the purposes of that Act, or injuriously affected by the construction or maintenance of the works thereby authorised or otherwise by the execution of the powers thereby conferred, compensation for the value of the lands or streams so taken or used and for all damage sustained by those owners, occupiers and other persons by reason of the exercise as to those lands and streams of the powers conferred on the undertakers by the special Act, or any Act incorporated therewith.

The amount of such compensation shall, in case of dispute, be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

*Protection for works of navigation authorities and for catchment boards and railways.*

- 93 (1) Subject to the provisions of this section and to any provisions of the special Act empowering the undertakers to execute works specified therein, or to abstract water,

nothing in the special Act shall authorise the undertakers without the consent of the navigation authority concerned—

- (a) to interfere with any river, canal, dock, harbour, basin, lock or reservoir so as injuriously to affect navigation thereon or the use thereof or the access thereto, or to interfere with any towing path, so as to interrupt the traffic thereon;
- (b) to interfere with any bridge crossing any river, canal, dock, harbour or basin;
- (c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock, or any land which belongs to a navigation authority and is held or used by them for the purposes of their undertaking;
- (d) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir, or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of the catchment board to execute any works which will interfere with the exercise by a catchment board of their functions under any enactment, or without the consent of the railway company concerned, to execute any works along, across or under any railway of a railway company:

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (2) Upon an arbitration under this section, the arbitrator shall determine—
  - (a) whether any works which the undertakers propose to execute are such works as under the last foregoing subsection they are not entitled to execute without consent; and
  - (b) if they are such works, whether the injury, if any, to the navigation authority, catchment board or railway company will be of such a nature as to admit of being fully compensated by money; and
  - (c) if the works are of such a nature, the conditions, including conditions of a financial character with respect to the payment of compensation, future liabilities and otherwise, subject to which—
    - (i) the navigation authority, catchment board or railway company shall, if they so elect, carry out the works on behalf of the undertakers; or
    - (ii) in default of such election, the undertakers may themselves carry out the works.

If the arbitrator should determine that the proposed works are such works as the undertakers are not entitled to execute without consent and that the works would cause injury to the navigation authority, catchment board or railway company of such a nature as not to admit of being fully compensated by money, the undertakers shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

- (3) For the purposes of this section, a navigation authority shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.

- (4) Nothing in this section shall be construed as limiting the powers of the undertakers under the special Act in respect of the opening and breaking up of streets and bridges.

*Copies of special Act to be kept by undertakers in their office, and deposited with certain officers.*

- 94 (1) The undertakers shall at all times after the expiration of six months from the date on which the special Act was passed or made, keep at their principal office a copy thereof printed by the printers to His Majesty, and shall also within the said six months deposit such a copy with the clerk of the council of every county and town clerk of every county borough within which they supply, or propose to supply, water, or have, or propose to construct, any waterworks.
- (2) If the undertakers fail to comply with any of the provisions of this section, they shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for each day during which such a copy is not so kept or has not been so deposited.

#### FOURTH SCHEDULE

Sections 31, 40.

##### AMENDMENTS OF THE PUBLIC HEALTH ACT, 1936.

In section one hundred and sixteen, for the reference to the Supply of Water in Bulk Act, 1934, there shall be substituted a reference to section twelve of this Act and subsections (4) and (6) of the said section one hundred and sixteen shall cease to have effect.

For section one hundred and twenty there shall be substituted the following section:—

##### **“120 Incorporation of certain provisions of Water Act, 1945.**

For the purpose of enabling a local authority to supply water under this Act, there shall be incorporated with this Act the following provisions of the Third Schedule to the Water Act, 1945, that is to say—

Section twenty-one of Part V,  
Section thirty of Part VII,  
Part X (Laying and maintenance of supply pipes and communication pipes),  
Part XI (Stopcocks),  
Sections fifty-three and fifty-five of Part XII,  
Part XIII (Provisions for preventing waste, &c, of water and as to meters and other fittings),  
Part XIV (Pollution of water by manufacture, &c, of gas),  
Sections seventy-nine and eighty of Part XVI.”

Section one hundred and twenty-one shall cease to have effect.

In the proviso to subsection (3) of section one hundred and twenty-seven the words " can be drawn off into a receptacle at one point only and " shall be omitted.

Sections one hundred and thirty, one hundred and thirty-two, one hundred and thirty-three and one hundred and thirty-five shall cease to have effect.

In section one hundred and thirty-six for the words " material degree " there shall be substituted the words " degree exceeding five per cent. "

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*Status: This is the original version (as it was originally enacted).*

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In subsection (4) of section one hundred and thirty-eight after the words " section thirty-five of the Waterworks Clauses Act, 1847 " there shall be inserted the words " or section twenty-nine of the Third Schedule to the Water Act, 1945, whichever applies for the time being to the undertakers ".

Section one hundred and thirty-nine shall cease to have effect.

In section one hundred and forty-two the definition of " water fittings " shall be omitted.

In section two hundred and seventy-five, for the words " drain or communication pipe for water " there shall be substituted the words " or drain ".

For subsection (1) of section two hundred and seventy-nine there shall be substituted the following subsection:—

**“279 General provisions as to breaking open streets.**

- (1) For the purposes of any section of this Act which confers powers on local authorities to construct, lay or maintain sewers, drains or pipes, the provisions of Part VI of the Third Schedule to the Water Act, 1945, shall be incorporated with this Act, subject, however, to such adaptations as may be necessary to make those provisions applicable to the construction and maintenance of sewers and drains as well as to the laying and maintenance of water mains and pipes.”

In subsection (2) of the said section the words " and modifications " shall be omitted, and for the words " drain or pipe " there shall be substituted the words " or drain. "

Sections two hundred and eighty and two hundred and eighty-one shall cease to have effect.

FIFTH SCHEDULE

Section 62.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Vict. c. 16.	The Companies Clauses Consolidation Act, 1845.	Section one hundred and twenty-two, in relation to water companies.
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847.	The whole Act.
26 & 27 Vict. c. 93.	The Waterworks Clauses Act, 1863.	The whole Act.
33 & 34 Vict. c. 70.	The Gas and Water Works Facilities Act, 1870.	The whole Act, so far as it relates to water.
36 & 37 Vict. c. 89.	The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873.	The whole Act, so far as it relates to water.
38 & 39 Vict. c. 55	The Public Health Act, 1875	Section three hundred and three so far as it applies to any local enactment relating to water supply.

*Status: This is the original version (as it was originally enacted).*

Session and Chapter.	Short Title.	Extent of Repeal.
50 & 51 Vict. c. 21.	The Water Companies (Regulation of Powers) Act, 1887.	The whole Act.
11 & 12 Geo. 5 c. 44.	The Water Undertakings (Modification of Charges) Act, 1921.	The whole Act.
24 & 25 Geo. 5 c. 15.	The Supply of Water in Bulk Act, 1934	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Subsections (4) and (6) of section one hundred and sixteen ; sections one hundred and twenty-one, one hundred and thirty, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-five, one hundred and thirty-nine, two hundred and eighty and two hundred and eighty-one.
7 & 3 Geo. 6. c. 16.	The Rural Water Supplies and Sewerage Act, 1944.	Section three, in section four the words " with the supply of water in or" and section five.