



# Water Act 1945

## 1945 CHAPTER 42

### PART II

#### LOCAL ORGANISATION OF WATER SUPPLIES.

#### **12 Supply of water in bulk by agreement or compulsorily.**

- (1) Any statutory water undertakers may enter into an agreement with any other persons, whether water undertakers or not, for the giving by those other persons, and the taking by the statutory water undertakers, of a supply of water in bulk for any period and on any terms and conditions, and, where the supply is to be given by persons who are themselves statutory water undertakers, either within or outside the limits of supply of those undertakers:

Provided that—

- (a) an agreement under this section shall require the approval of the Minister and, where a supply is to be given by statutory water undertakers, he shall withhold his approval if it appears to him that the giving of the supply would be likely to interfere with the supply of water for any purpose within their limits of supply; and
  - (b) where the supply is to be given to a local authority and the area to be supplied is within the limits of supply of any other statutory water undertakers supplying water under a local enactment, the agreement shall require also the consent of those other undertakers, but such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be referred to the Minister.
- (2) Where—
- (a) any undertakers who have power under any enactment other than this section to supply water in bulk subject to a prohibition against supplying water outside the catchment area of a catchment board enter into an agreement under the last foregoing subsection for the supply by them of water in bulk outside that catchment area; or

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (b) the supply of water in bulk in pursuance of any agreement under the last foregoing subsection would, but for this subsection, be subject to any right of a navigation authority under any enactment other than this section to prohibit or impose restrictions on such supply;

the Minister's approval shall, if the catchment board or navigation authority, as the case may be, duly object to the agreement in accordance with Part III of the First Schedule to this Act and the objection is not withdrawn, be given by order and the order shall, in the circumstances specified in paragraph 23 of the said Schedule, be provisional only and not have effect until it is confirmed by Parliament.

- (3) Where it appears to the Minister that it is expedient that any statutory water undertakers should give to other statutory water undertakers, and that those other statutory water undertakers should take, a supply of water in bulk, either within or outside the limits of supply of the undertakers by whom the supply is to be given, and he is satisfied that the giving and taking of such a supply cannot be secured by agreement, he may by order require the respective undertakers to give and to take such a supply as aforesaid for such period and on such terms and conditions as may be provided in the order.
- (4) For the purpose of laying any pipes or installing any apparatus connected therewith, being pipes or apparatus required for giving or taking a supply of water in pursuance of an agreement or order made under this section, statutory water undertakers may exercise, either within or outside their limits of supply, the like powers as are exercisable under Parts V and VI of the Third Schedule to this Act for the purpose of laying mains by undertakers to whose undertaking those Parts apply, but subject to the like conditions and obligations.
- (5) The provisions of Part III of the First Schedule to this Act shall apply to the approval of agreements under this section; and the provisions of Part II of the First Schedule to this Act shall apply to the making of orders under subsection (3) of this section and any such order shall, in the circumstances specified in paragraph 17 of the said Schedule be provisional only and not have effect until it is confirmed by Parliament:

Provided that if the Minister is satisfied that by reason of an exceptional shortage of rain, or by reason of an accident or other unforeseen circumstances, a serious deficiency in the supply of water exists or is threatened in any locality, the said provisions of the First Schedule to this Act shall not apply to the approval of any agreement entered into under this section by undertakers supplying water in the locality or to the making of an order under this section with respect to any such undertakers, and the Minister may, if he considers that the interests of public health so require, direct that Parts V and VI of the Third Schedule to this Act shall, in relation to any works to be carried out for the purposes of that agreement or order, have effect subject to such modifications as he may think necessary for the avoidance of delay, but any agreement or order to which this proviso applies shall cease to have effect at the expiration of such period not exceeding two years as the Minister may direct.