



Water Act 1945

1945 CHAPTER 42 8 and 9 Geo 6

PART III

CONSERVATION AND PROTECTION OF WATER RESOURCES

[^{F1}18] **Byelaws for preventing pollution of water of undertakers.**

- (1) If it appears to statutory water undertakers to be necessary for the purpose of protecting against pollution any water, whether on the surface or underground, which belongs to them or which they are for the time being authorised to take, they may by byelaws—
 - (a) define the area within which they deem it necessary to exercise control; and
 - (b) prohibit or regulate the doing within that area of any act specified in the byelaws.

Byelaws made under this section may contain different provisions for different parts of the area defined by the byelaws.

- (2) Where an area has been defined by byelaws under this section, the undertakers may by notice require either the owner or the occupier of any premises within that area to execute and keep in good repair such works as they consider necessary for preventing pollution of their water and, if he fails to comply with any such requirement, he shall be liable on summary conviction to the same penalties as if he had committed an act prohibited by the byelaws:

Provided that an owner or occupier who considers that a requirement made on him under this subsection is unreasonable may, within twenty-eight days after service on him of the requirement, appeal to the Minister and the Minister may determine the appeal himself or, if he thinks fit, may refer it for determination by an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers, and the Minister or arbitrator may, if he decides that the requirement is unreasonable, modify or disallow the requirement.

- (3) The undertakers shall pay compensation to the owners and occupiers of, and other persons interested in, any premises within the area defined by byelaws made under this section in respect of—

*Changes to legislation: There are currently no known outstanding effects
for the Water Act 1945, Section 18. (See end of Document for details)*

- (a) any curtailment or injurious affection of their legal rights by restrictions imposed by the byelaws; and
- (b) any expenses incurred by them in complying with a requirement to construct and maintain any works the construction of which could not, apart from this section, lawfully have been required, otherwise than upon payment of compensation, by the local authority of the district or county;

and any question as to the amount of compensation to be paid shall be referred to an arbitrator to be appointed, in default of agreement, by the Minister.

In this subsection the expression “legal rights” includes a user of land in respect of which the local authority might have taken proceedings under the Acts relating to public health or under their byelaws, but have refrained from doing so, either by reason of the character or situation of the land or for some other reason.

- (4) Where any person has failed to comply with a requirement made on him under subsection (2) of this section and either—
 - (a) he has not appealed to the Minister against that requirement and the time for appealing has expired; or
 - (b) his appeal has been dismissed or the requirement has been modified on his appeal and he has failed to comply with the requirement as so modified:

the undertakers may, without prejudice to their right to take proceedings for a fine in respect of such failure, execute and keep in good repair the works specified in the requirement as originally made or, as the case may be, as modified on appeal, and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt, except expenses incurred in respect of works the construction of which could not, apart from this section, lawfully have been required, otherwise than upon payment of compensation, by the local authority of the district or county.

- (5) Two or more statutory water undertakers may combine for the purpose of making and enforcing byelaws under this section, and this section and subsection (2) of the next but one following section of this Act shall in any such case have effect as if the references to statutory water undertakers were construed as references to those two or more statutory water undertakers acting jointly.
- (6) Nothing in this section shall be construed as empowering the undertakers to make any byelaw restricting the rights of a navigation authority under any enactment.]

Textual Amendments

F1 S. 18 repealed (prosp.) by [Control of Pollution Act 1974 \(c. 40\)](#), s. 109(2), [Sch. 4](#)

Modifications etc. (not altering text)

C1 S. 18 extended by [Water Resources Act 1963 \(c.38\)](#), s. 79

C2 S. 18 modified by [SI 2010/675 Sch. 23 Pt. 8 para. 3 Table 9](#) (as substituted (1.10.2011) by [The Environmental Permitting \(England and Wales\) \(Amendment\) Regulations 2011 \(S.I. 2011/2043\)](#), reg. 1(b), [Sch. 1](#))

C3 S. 18 modified (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), [Sch. 23 paras. 1\(3\), 2 Table 9](#) (with regs. 1(3), 77-79, [Sch. 4](#))

C4 S. 18 amended (27.8.1993) by [1993 c. 12, ss. 40, 51\(2\)](#), [Sch. 3 Pt. 1 para.10](#).

C5 S. 18(2)–(5) modified by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190, [Sch. 26 para. 57\(3\)](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 193(1), [Sch. 26 paras. 3\(1\)\(2\), 17, 40\(4\), 57\(6\), 58](#)) (and subject to a saving in [Sch. 26 para. 6](#))

Changes to legislation: There are currently no known outstanding effects
for the Water Act 1945, Section 18. (See end of Document for details)

C6 S. 18(2)–(5) and Pt. V (ss. 44–63) modified by [Water Consolidation \(Consequential Provisions\) Act 1991](#) (c. 60, SIF 130), s. 2, **Sch. 2 para. 4(2)**

Changes to legislation:

There are currently no known outstanding effects for the Water Act 1945, Section 18.