

1975 No. 978

WATER, ENGLAND AND WALES

**The Wrexham and East Denbighshire Water
Order 1975**

Made - - - - *5th June 1975*

Coming into Operation *16th June 1975*

The Secretary of State for Wales, in exercise of powers conferred by sections 32, 33 and 50 of the Water Act 1945(a) and now vested in him(b) and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the Wrexham and East Denbighshire Water Order 1975 and shall come into operation on 16th June 1975. Citation and commencement.

(2) The Wrexham and East Denbighshire Water Acts and Orders 1864 to 1973 and this order may be cited together as the Wrexham and East Denbighshire Water Acts and Orders 1864 to 1975.

2.—(1) In this order, unless the context otherwise requires, expressions to which meanings are assigned by the Third Schedule have the same respective meanings and— Interpretation.

“the Ceiriog Order” means the Wrexham and East Denbighshire (Ceiriog) Water Order 1973(c);

“the Company” means the Wrexham and East Denbighshire Water Company;

“the local enactments” means the Wrexham and East Denbighshire Water Acts and Orders 1864 to 1975;

“the Maelor Order” means the Wrexham and East Denbighshire (Maelor and Llantysilio) Water Order 1973(d);

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

“the undertaking” means the undertaking of the Company as for the time being authorised by any enactment.

(2) Except where the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

(a) 1945 c. 42.

(b) S.I. 1951/142, 1900, 1965/319 (1951 I, pp. 1348, 1347; 1965 I, p. 785).

(c) S.I. 1973/2236.

(d) S.I. 1973/2235.

Application of Third Schedule to undertaking.

3.—(1) Subject to the provisions of this section, the Third Schedule (except the provisions thereof mentioned in Schedule 1 to this order) shall apply to the undertaking and is hereby incorporated with each of the local enactments:

Provided that the provisions of the Third Schedule specified in column (1) of Schedule 2 to this order, as so applied and incorporated by this section, shall have effect subject to the modifications specified in column (2) of the said Schedule 2.

(2) The last foregoing subsection shall not apply to any provision of the Third Schedule to the extent to which that provision applies to the undertaking with or without modification, otherwise than by virtue of this order.

Modification of provisions of Third Schedule as applied to the undertaking by the Maelor Order and the Ceiriog Order.

4. Section 76 of the Third Schedule (Reserve and contingency funds) as applied to the undertaking by section 20 of the Maelor Order and section 7 of the Ceiriog Order shall have effect as if in subsection (4) for the words "twelve and a half" there were substituted the word "twenty" and as if in subsection (5) for the words "one and a quarter" there were substituted the word "two".

Repeal of local enactments.

5. The following enactments are hereby repealed:—

(a) so much of each of the local enactments as incorporates or applies to the undertaking the Waterworks Clauses Act 1847(a) and the Waterworks Clauses Act 1863(b) or either of those Acts or any provision in either of them;

(b) save so far as it may be material for the purpose of any unrepealed enactment, any provision of the local enactments which enacts that words, terms or expressions to which meanings are assigned by the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 shall have the same respective meanings in any of the local enactments;

(c) so much of the local enactments as incorporates the provisions of section 122 (Power to directors to set apart a fund for contingencies) and section 145 (Publication of penalties) of the Companies Clauses Consolidation Act 1845(c);

(d) the enactments mentioned in Schedule 3 to this order;

(e) so much of any provision of any of the local enactments as incorporates with or extends or applies to any purpose of that enactment any provision mentioned in Schedule 3 to this order.

Amendment of Ceiriog Order and Maelor Order.

6. The Ceiriog Order and the Maelor Order are hereby amended by inserting immediately after section 19 (Fringe Orders) of each order the following new section:—

"Byelaws.

19A. The byelaws made by the Company under section 17 of the Act of 1945 and confirmed by the Secretary of State on 11th February 1972 shall in their application to water supplied in the added limits have effect as if the date when whose byelaws come into force were 16th June 1975."

(a) 1847 c. 17.
(c) 1845 c. 16.

(b) 1863 c. 93.

7. Without prejudice to the operation of section 38(2) of the Interpretation Act 1889(a)—

General provisions as to repeal.

- (a) all agreements and other instruments entered into or made before the commencement of this order under any enactment repealed or amended by this order by or with the Company or by or with any other person to whose rights or liabilities the Company have succeeded and in force immediately before the commencement of this order shall be as binding and of as full force and effect in every respect against or in favour of the Company and be enforceable as fully and effectually as if the enactments under which they were made had not been repealed or amended (as the case may be);
- (b) all notices and demands, given or made under any enactment repealed or amended by this order and in force immediately before the commencement of this order shall continue in force in like manner and to the like extent as if the enactment had not been so repealed or amended (as the case may be).

8. All costs, charges and expenses of and incidental to the application for, and the preparation and making of, this order may be paid by the Company in whole or in part out of revenue.

Cost of order.

SCHEDULES

SCHEDULE 1

PROVISIONS OF THE THIRD SCHEDULE EXCEPTED FROM INCORPORATION

- Section 2 (Permissible limits of deviation);
- Subsections (1) and (2) of section 74 (Maximum rates of dividend);
- Part VII (Supply of water for domestic purposes);
- Part IX (Constancy and pressure of supply).

SCHEDULE 2

MODIFICATIONS OF PROVISIONS OF THIRD SCHEDULE

Section (1)	Modification (2)
Section 41 (Laying of communication pipes, &c.)	For the proviso to subsection (1) thereof there shall be substituted the following proviso:— “Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe”;

(a) 1889 c. 63.

Section (1)	Modification (2)
	<p>For the proviso to subsection (3) thereof there shall be substituted the following proviso:—</p> <p>“Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of the service pipe shall be borne by them”.</p>
<p>Section 42 (Power of undertakers to require separate service pipes)</p>	<p>In subsection (8) for the words “on the coming into force of this section” there shall be substituted the words “immediately before 28th July 1921”; and at the end of the subsection there shall be inserted the following words:—</p> <p>“or (d) the owner or occupier of any of the houses has caused or permitted interference with the existing service pipe or the stop-cock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe”.</p>
<p>Section 43 (Power to break open streets forming boundary of limits of supply)</p>	<p>After the word “removing” there shall be inserted the words “mains and”.</p>
<p>Section 54 (Water rates on certain houses may be demanded from the owners)</p>	<p>In subsection (1) for the words “thirteen pounds” there shall be substituted the words “fifty-six pounds or such other value as may, in the area in which that house or other building is situate, be the limit of value for the time being in force for the purposes of the proviso to section 55(1) of the General Rate Act 1967”; and the proviso shall be omitted.</p>
<p>Section 64 (Penalty for waste, &c., of water by non-repair of water fittings)</p>	<p>The section shall have effect as set out in the Schedule to the Local Government (Miscellaneous Provisions) Act 1953 and with the addition of the following proviso to subsection (2) thereof:—</p> <p>“Provided that if the undertakers are of the opinion that the premises are unoccupied and after diligent enquiry they are unable readily to communicate with the owner of the premises for the purpose of taking action under the foregoing provisions of this subsection, the undertakers may</p>

Section (1)	Modification (2)
Section 75 (Sale of stock by auction or tender)	<p>as a preliminary to such action turn off the water supplied by them to the premises and in such case, without prejudice to the foregoing provisions of this subsection, they shall restore the said supply at the request of the owner or (if the premises become occupied) the occupier”.</p> <p>Before the words “the undertakers” in subsection (2) where they occur the second time and in subsection (3) there shall be inserted the words “the directors of”.</p>

SCHEDULE 3

ENACTMENTS REPEALED

The Wrexham Waterworks Act 1864(a)—

- Section 32 (Lands for extraordinary purposes).
- Section 40 (Meters not to be altered or repaired except under direction or with the consent of the Company).
- Section 41 (Water for other purposes may be supplied by agreement).
- Section 42 (Company not bound to supply water above a certain level).
- Section 43 (Consumers may have the option of providing their own pipes and fittings).

The Wrexham Waterworks Act 1874(b)—

- Section 17 (Power to acquire additional lands by agreement).
- Section 34 (Pressure).
- Section 35 (As to supply of water by measure).
- Section 36 (Water for other than domestic purposes).
- Section 37 (Notices to the Company).

The Wrexham Waterworks Act 1880(c)—

- Section 14 (Power to acquire additional lands by agreement).
- Section 29 (Company may supply meters, fittings, &c.)
- Section 31 (Supply of water in bulk).
- Section 32 (Domestic supply not to be interfered with).

The Wrexham Waterworks Act 1902(d)—

- Section 21 (Power to take and hold lands for protection of water-works).
- Section 22 (Power to take additional lands by agreement).

(a) 1864 c. lxxxv.
(c) 1880 c. lxx.

(b) 1874 c. lvii.
(d) 1902 c. ix.

The Wrexham and East Denbighshire Water Act 1921(a)—

- Section 5 (Where Company do not furnish a sufficient supply local authority or company may supply).
- Section 15 (Acquisition of lands by agreement).
- Section 19 (Discharge of water into streams).
- Section 25 (Rates for domestic purposes).
- Section 26 (Revision of rates).
- Section 29 (Rates payable by owners of small houses).
- Section 30 (Company not bound to supply several houses by one pipe).
- Section 31 (As to communication pipes).
- Section 32 (Company to connect communication pipes with mains).
- Section 34 (Guarantees by district councils).
- Section 35 (Purchase of water in bulk).
- Section 63 (Authentication and service of notices by Company).
- Section 64 (Notice of discontinuance).

The Wrexham and East Denbighshire Water Order 1933(b)—

- Section 11 (Special terms for supplies to caravans shacks &c.)
- Section 12 (Price of supply by meter).
- Section 14 (Maintenance of common pipe).
- Section 15 (As to register of meters).
- Section 16 (Power to Undertakers to repair communication pipes).
- Section 17 (Penalty for closing valves and apparatus).
- Section 18 (Extension of section 60 of Waterworks Clauses Act 1847).
- Section 21 (Sale of stock by auction or tender).
- Section 35 (Power to local authorities to guarantee on behalf of owners and occupiers).
- Section 36 (Judges not disqualified).
- Section 37 (Several sums in one summons).
- Section 39 (Recovery of penalties &c.).

The Wrexham and East Denbighshire Water Act 1936(c)—

- Section 11 (For protection of Postmaster General).
- Section 23 (Power to certain persons to grant easements &c. by agreement).
- Section 28 (As to streets and roads forming boundary of limits of supply).
- Section 29 (Supply to certain premises).
- Section 30 (Charges for supplies for refrigerating apparatus &c.).
- Section 31 (Injuring meters).
- Section 32 (Recovery of rates from persons removing).
- Section 33 (As to gross value of two or more houses in one occupation).
- Section 34 (Extension of power to inspect premises).
- Section 51 (Arbitration).

The Wrexham and East Denbighshire (Water Charges) Order 1971(d)—

The whole order

Signed by authority of the
Secretary of State
5th June 1975.

R. A. Lloyd Jones,
An Under Secretary
Welsh Office.

(a) 1921 c. xxx.
(c) 1936 c. cvii.

(b) Confirmed by 1933 c. lviii.
(d) S.I. 1971/350.