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MINISTRY OF HEALTH

# DRAFT OF A WATER UNDERTAKINGS BILL

PREPARED BY THE CENTRAL  
ADVISORY WATER COMMITTEE

*Presented by the Minister of Health to Parliament  
by Command of His Majesty,  
April, 1939*

LONDON

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DE LA PAIX

# Water Undertakings Bill.

## ARRANGEMENT OF CLAUSES.

### Clause.

1. Power of Minister of Health to make orders authorising establishment of, and facilitating co-operation between, water undertakings.
2. Agreements for supply of water in bulk.
3. Power of Minister to authorise certain statutory water undertakers to supply premises outside their limits of supply.
4. Power of local authorities to give guarantees to statutory water undertakers.
5. Supply of water for purposes other than domestic.
6. Liability for, and recovery of, water rates.
7. Notice to be given to local authority of water supply to inhabited house being cut off.
8. Power of Minister to revise water rates and water charges.
9. General provisions for protection of water from pollution.
10. Agreements as to drainage, &c., of lands.
11. Power of statutory water undertakers to acquire and hold lands and execute works for protection of water.
12. Power of statutory water undertakers to control use of land within catchment area of waterworks.
13. Temporary discharge of water into streams, &c.
14. Provision of offices and houses, &c., for employees.
15. Power to issue redeemable stock.
16. Restriction on right to prosecute.
17. Inquiries by the Minister.
18. Interpretation.
19. Incorporation, and application by order, of provisions of First Schedule.

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Clause.

20. Amendments of Public Health Act, 1936.  
 21. Repeals.  
 22. Short title, commencement and extent.

SCHEDULES :

First Schedule.—Provisions to be incorporated in Acts and orders relating to water undertakings.

Second Schedule.—Amendments of the Public Health Act, 1936.

Third Schedule.—Enactments repealed.

D R A F T

OF A

B I L L

TO

Consolidate with amendments certain enactments A.D. 1939.  
 relating to water undertakings.

**B**E it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

- 1.—(1) Where powers are required for any of the following purposes, that is to say—
- (a) to construct, alter or continue, and maintain waterworks and works connected therewith;
- 10 (b) to supply water in any area not within the limits of supply of any statutory water undertakers supplying water under a local Act or order;
- 15 (c) to supply water in a case where water is being supplied otherwise than under statutory authority;
- 20 (d) to enable two or more companies or persons authorised, whether under this section or otherwise, to supply water to enter into, and carry into effect, agreements jointly to furnish such supply, or to amalgamate their undertakings, or to vary any common boundary between their respective limits of supply;

Power of Minister of Health to make orders authorising establishment of, and facilitating co-operation between, water undertakings.

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- (e) to authorise any company or person supplying water to sell, and any company or person, to purchase the water undertaking of that first mentioned company or person, or any part of that undertaking; or 5
- (f) to raise capital or borrow money for any of the purposes aforesaid,

the Minister of Health (hereafter in this Act referred to as "the Minister"), on the application of any person or body of persons, whether incorporated or not, may, subject to the provisions of this section, make an order conferring upon the applicants such powers as he may deem necessary or expedient for such of the purposes aforesaid as he may approve and containing such other provisions, including provisions for the amendment of any local Act or order, as he may deem necessary or expedient: 15

Provided that—

- (i) an order shall not be made under this section upon the application of a local authority; 20
- (ii) an order made under this section shall not empower the applicants to acquire compulsorily any land or water rights; and
- (iii) an order shall not be made under paragraph (d), or paragraph (e) of this subsection, except on a joint application by the proprietors of both or all of the undertakings concerned. 25

(2) An application by a company for an order under paragraph (d), paragraph (e) or paragraph (f) of the preceding subsection must be authorised, if the company is a company within the meaning of 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 number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted. 30 35

(3) Applicants for an order under this section shall submit to the Minister a draft of the order which they desire him to make and shall publish in one or more local newspapers circulating in the area within which 40

they carry on, or propose to carry on, their water undertaking a notice— A.D. 1939.

- (a) stating the general effect of their application;
- (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 publication of the notice; and 5
- (c) stating that, within the said period, any person may, by notice to the Minister, object to the application; 10

and, not later than the date on which the notice is so published, shall serve a copy thereof—

- (i) on the council of every county, county borough, county district and rural parish within which they carry on, or propose to carry on, their water undertaking and, where any such rural parish is not under a parish council, on the chairman of the parish meeting; and 15 20
- (ii) on the catchment board of any catchment area, and the fishery board of any fishery district, within which they carry on, or propose to carry on, their water undertaking. 25

The applicants shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section, 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. 30

(4) 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 five shillings, as they deem reasonable.

(5) On an application under this section, 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 in the terms of a draft order, he shall require the applicants to give such additional notices, if any, as he thinks necessary for the information of persons who may be affected by the proposed modification. 35 40

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(6) If, before the expiration of the period of twenty-eight days referred to in subsection (3) of this section, or of eighteen 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 preceding subsection, an objection is received by the Minister from any council or board on whom a notice is required to be served under the said subsection (3), 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 is not withdrawn, an order made by the Minister on the application shall be provisional only and shall not have effect until it is confirmed by Parliament.

(7) The costs incurred by the Minister in connection with the preparation, making and proceedings for the confirmation of an order under this section shall be paid by the applicants and the Minister may require them to give security for the payment of such costs.

(8) Any order made under this section, whether or not confirmed by Parliament, and any Provisional Order relating to waterworks made under the Gas and Water Works Facilities Act, 1870, may, on the application of the persons supplying water under the original order, be amended by a subsequent order of the Minister made under, and in accordance with the procedure laid down in, this section.

(9) Nothing in any order made under this section, or in any Act confirming such an order, shall exempt the persons supplying water thereunder from the provisions of any subsequent general Act relating to water undertakings.

Agreements  
for supply of  
water in  
bulk.

2.—(1) Subject to the provisions of this section, statutory water undertakers and any other persons, whether water undertakers or not, may enter into and carry into effect agreements 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 :

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Provided that—

- (a) an agreement under this section shall require the approval of the Minister and, where the 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 purposes within their limits of supply; and
- (b) where the undertakers to whom the supply is to be given are a local authority, and the area to be supplied is within the limits of supply of any other statutory water undertakers, 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 such a consent is unreasonably withheld shall be referred to, and determined by, the Minister.
- (2) For the purpose of giving or taking a supply of water in pursuance of an agreement made under this section, statutory water undertakers may exercise, either within or outside their limits of supply, the like powers as are exercisable by undertakers to whose undertaking Parts V and VI of the First Schedule to this Act are applicable, but subject to the like conditions and obligations.

(3) The powers conferred by this section on statutory water undertakers shall be deemed to be in addition to, and not in substitution for, any powers exercisable by them under any other enactment :

Provided that, where statutory water undertakers have power under any other enactment to supply water in bulk subject to a prohibition against supplying water outside the catchment area of any catchment board, nothing in this section shall authorise them to supply water in bulk outside that catchment area.

(4) Statutory water undertakers who propose to enter into an agreement under this section shall publish 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-one days after the

A.D. 1939. — publication of the notice, and shall send a copy of the notice to the catchment board of any catchment area and the fishery board of any fishery district from which water is obtained by the water undertakers or other persons who propose to give the supply. 5

They shall also publish in the London Gazette a notice stating that they propose to enter into an agreement under this section 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. 10

The Minister shall not approve the agreement before the expiration of the said twenty-one days, or before the expiration of eighteen 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. 15

(5) In this section the expression "supply in bulk" means a supply of water for distribution by the undertakers taking the supply.

Power of Minister to authorise certain statutory water undertakers to supply premises outside their limits of supply.

3.—(1) If the Minister is satisfied that the owners or occupiers of premises in an area outside the limits of supply of any statutory water undertakers supplying water under a local Act or order desire to obtain a supply of water from those undertakers, and that the giving of the supply is not likely to interfere with the supply of water for any purposes within the said limits, he may, on the application of those undertakers, and with the consent of the local authority within whose district, and of any statutory water undertakers within whose limits of supply, the area is situate, by order authorise the applicants to supply water in that area, or such part thereof as may be specified in the order, on such conditions as may be so specified : 20 25 30

Provided that a consent required for the purposes of this subsection shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to, and determined by, the Minister. 35

(2) Where undertakers are by virtue of an order made under the preceding subsection supplying water to premises outside their limits of supply, any other statutory water undertakers supplying water under a local Act or order within whose limits of supply those premises 40

are situate, or, if there are no such other undertakers, the local authority of the district in which the premises are situate, may, in the absence of any agreement to the contrary, at any time give not less than three months' notice to the supplying undertakers that they are able and intend to give a supply of water to the premises in question. 5

(3) When a notice has been given under the last preceding subsection, then, so soon as, after the expiration of three months, the undertakers or authority giving the notice commence to supply water to the premises in question, the undertakers who obtained the Minister's order shall, except for the purpose of recovering water rates and water charges, cease to have any rights or duties in respect of a supply to those premises, but the undertakers or authority giving the notice shall pay to them such portion of any expenses reasonably incurred by them for the purpose of giving a supply to those premises as may be agreed, or, in default of agreement, determined by an arbitrator appointed by the Minister. 10 15 20

(4) While undertakers are by virtue of an order made under subsection (1) of this section authorised to supply water outside their limits of supply, the enactments relating to their undertaking shall have effect as if the area specified in the order were within those limits. 25

4.—(1) The provisions of the next succeeding subsection shall have effect in any case where the owners or occupiers of any premises can require statutory water undertakers to bring water to the area in which those premises are situate, if the aggregate amount of the water rates which will be payable annually in respect of those premises will not be less than a prescribed fraction of the costs to be incurred by the undertakers in complying with the requisition, and if the owners or occupiers of those premises agree to take a supply of water for a prescribed period. 30 35

Power of local authorities to give guarantees to statutory water undertakers.

(2) If in any such case as aforesaid the aggregate amount of the water rates which would be payable annually in respect of any premises in an area is not sufficient to enable a valid requisition to be made by the owners and occupiers of those premises, the local authority may undertake that, until the water rates 40

A.D. 1939. — paid for any year in respect of premises in that area amount to a sum which would have enabled such a requisition to be made, the authority will make good to the undertakers for each year the difference between that sum and the amount of the water rates actually paid in respect of premises in that area, and, thereupon, the undertakers shall lay any necessary mains and bring water to the area in question. 5

(3) Any two or more local authorities may combine for the purpose of giving an undertaking under the last preceding subsection. 10

Supply of water for purposes other than domestic.

5.—(1) Statutory water undertakers may, and, subject as hereinafter provided, shall, give a supply of water on reasonable terms and conditions for purposes other than domestic purposes to the owner or occupier of any premises within their limits of supply who requests them to give him such a supply to those premises : 15

Provided that they shall not be required to give such a supply if their ability to meet existing or probable future requirements for supplies of water for domestic purposes, without having to incur unreasonable expenditure in constructing new waterworks for the purpose, would be endangered thereby. 20

(2) Any question arising under this section as to whether terms and conditions which the undertakers seek to impose are reasonable, or whether they are justified in refusing to give a supply, shall be referred to, and determined by, the Minister. 25

(3) The provisions of sections forty-three to forty-five and forty-seven of the First Schedule to this Act (which relate to the laying, maintenance and vesting of supply pipes and communication pipes, &c.) shall apply in relation to a supply of water to be given under this section as they apply in relation to a supply of water for domestic purposes to be given by undertakers to whom those sections are applicable. 30 35

(4) Except in so far as may be otherwise expressly agreed, the undertakers shall be subject to the same liabilities as in the case of failure to give or maintain a supply for domestic purposes. 40

(5) Charges for water supplied under this section, whether by meter or otherwise, shall be recoverable in the manner in which water rates are recoverable.

(6) In this section the expression “ domestic purposes ” has the same meaning as it has for the purposes of the enactments relating to the undertakers. A.D. 1939. —

6.—(1) Water rates payable to statutory water undertakers, whether under the Public Health Act, 1936, or under any other enactment, shall be payable and recoverable in accordance with the provisions of this section and not otherwise. Liability for, and recovery of, water rates.

(2) Except where an owner of premises who is not himself the occupier thereof is liable by or under some express enactment, or by agreement with the undertakers, to pay the water rates for a supply of water to those premises, the water rates shall be payable by the occupier of the premises.

(3) The water rates payable by any person may be recovered from him by the undertakers either summarily as a civil debt, or as a simple contract debt in any court of competent jurisdiction, and, subject as hereinafter provided and to the provisions of the next succeeding subsection, where a person fails to pay any instalment of a water rate payable by him in respect of any premises, the undertakers may cut off the supply of water to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as, and together with, the instalment due : 25

Provided that they shall not cut off the supply of water if there is any dispute as to the amount due in respect of the water rate or as to the liability to pay the rate.

(4) Where, at the date when an instalment of a water rate in respect of any premises becomes due, the owner of the premises is liable by or under some express enactment, or by agreement with the undertakers, to pay the water rates for a supply of water to those premises and is not himself the occupier thereof, the undertakers shall not cut off the supply of water to the premises for a failure by him to pay that instalment, but that instalment, without prejudice to the right of the undertakers to enforce payment thereof by him, may be recovered by them either from the owner for the time being, or, subject as hereinafter provided, from the occupier for the time being, of the premises, in the manner in which water rates are recoverable : 30 35 40



A.D. 1939.

Provided that, where the occupier of the premises is not the owner thereof,—

- (a) proceedings shall not be commenced under this subsection against the occupier until notice has been given to him requiring him to pay 5 the amount due out of any rent which is then due, or which may thereafter become due, from him, and he has failed to comply with the notice; and
- (b) no greater sum shall be recovered at any one 10 time from the occupier than the amount of rent which is owing by him or which has accrued since such notice as aforesaid was given to him; and
- (c) if the occupier, as between himself and the 15 owner of the premises, is not liable to pay the water rates, he shall be entitled to deduct from the rent payable by him any sum paid by him in compliance with the notice, or so recovered from him. 20

(5) If any water supply is cut off by the undertakers in contravention of the provisions of this section, they shall be liable on summary conviction to a fine not exceeding five pounds for each day during which the water remains cut off. 25

Notice to be given to local authority of water supply to inhabited house being cut off.

7. Where, in the exercise of their powers under the last preceding section or for any other reason, statutory water undertakers cut off the supply of water to an inhabited house, they shall within twenty-four 30 hours give notice that they have done so to the local authority of the county borough or county district in which the house is situate and, if they fail to do so, shall be liable on summary conviction to a fine not exceeding ten pounds.

Power of Minister to revise water rates and water charges.

8.—(1) The Minister, on an application made to him 35 by any statutory water undertakers supplying water under a local Act or order, or by a local authority within whose district any such undertakers supply water, or by twenty persons supplied with water by any such undertakers, may by order make such reduction or increase in 40 the rates and charges which the undertakers are authorised to levy and make as he considers reasonable :

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Provided that, where the undertakers are a company, he shall not make any reduction unless he is satisfied that it will not endanger their ability, so long as their undertaking is managed efficiently, to pay dividends 5 at a rate not less than the average rate upon the paid-up capital of the undertaking after paying all proper expenses of and connected with the working, management and maintenance of the undertaking, providing for any contributions which the undertakers may lawfully 10 carry to any reserve fund or contingency fund, making good depreciation (in so far as provision therefor is not made by any such fund as aforesaid), and meeting all other costs, charges and expenses, if any, properly chargeable to revenue.

15 For the purposes of this subsection, the expression "average rate" in relation to a dividend means a rate equal to the average of the rates at which dividends on the class of capital in question have been paid in respect of the last five preceding financial years.

20 (2) Applicants for an order under this section shall publish in one or more local newspapers circulating within their limits of supply a notice explaining the effect of their proposals and stating that objections thereto may be made to the Minister within twenty-one days after 25 publication of the notice, and shall also publish in the London Gazette a notice stating that they are about to apply for an order under this section 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 30 be found.

(3) The Minister shall not make any order on the application before the expiration of the said twenty-one days, or before the expiration of eighteen days from the publication of the notice in the London Gazette, and, 35 before making an order, shall consider any objections which may have been received by him.

(4) The Minister may at any time, upon the application either of the undertakers, or of any such local authority or body of consumers as aforesaid, amend any 40 order previously made by him under this section :

Provided that, unless he considers that exceptional circumstances exist, he shall not make an amending order in pursuance of an application under this subsection before

A.D. 1939. — the expiration of five years from the date of his decision on the last preceding application.

(5) In relation to any period during which an order made under this section is in operation, the enactments relating to the undertakers shall have effect as if the 5 rates and charges specified in the order were substituted for the rates and charges specified in those enactments.

General provisions for protection of water from pollution.

9.—(1) No person shall—

(a) bathe, paddle or wash himself in any stream, reservoir, aqueduct or other waterworks belonging to any statutory water undertakers; or 10

(b) wash or cleanse in any such stream, reservoir, aqueduct or waterworks any clothes, cloth, wool, leather, skin or other material or object, or any animal; or 15

(c) throw any animal or the carcase of any animal into, or incite any animal to enter, any such stream, reservoir, aqueduct or waterworks; or

(d) cause or permit any oil or tar, or liquid from a sink, drain, sewer, boiler or engine, or other filthy liquid belonging to him or under his control, to run or be conducted— 20

(i) into, or into any drain communicating with, any such stream, reservoir, aqueduct or waterworks; or 25

(ii) into any depression in the ground or excavation in proximity to any spring, well or adit belonging to any statutory water undertakers; or 30

(e) wilfully do any other act whereby water belonging to any such undertakers is fouled.

(2) A person who contravenes any of the provisions of this section shall be liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which his offence continues after conviction therefor. 35

Agreements as to drainage, &c. of lands.

10. Statutory water undertakers may make and carry into effect agreements with the owners or occupiers of any lands within the catchment area of their waterworks with respect to the execution by any party to the agreement of such works as the undertakers deem necessary 40

for the purpose of draining those lands, or for more effectually collecting, conveying and preserving the purity of, water which the undertakers are for the time being authorised to take. A.D. 1939. —

5 11.—(1) For the purpose of protecting against pollution any water which they are for the time being authorised to take, statutory water undertakers may by agreement purchase, take on lease or otherwise acquire any lands, easements or rights and may hold those lands, and any other lands which they may have acquired for the purposes of their undertaking, so long as they deem it necessary or expedient to hold them for the said purpose: 10

15 Provided that they shall not create, or permit the creation or continuance of, any nuisance on any lands acquired under this section, nor, without the approval of the Minister, erect any buildings thereon except offices and dwellings and other buildings for the use of persons in their employment and such other buildings and works as may be incidental to, or connected with, their water undertaking, but, when any such land is sold or leased by the undertakers, the restriction as to the erection of buildings imposed by this proviso shall cease to apply thereto, either absolutely or, as the case may be, during the term of the lease. 25

(2) The undertakers may in and upon any such lands as are referred to in the preceding subsection lay and construct drains, sewers, watercourses, catchpits and other works for intercepting any foul water arising or flowing upon those lands, or for preventing water which the undertakers are for the time being authorised to take from being polluted, and for those purposes may, with the consent of the highway authority concerned, carry any such drain, sewer or watercourse under, across or along any street, whether within or outside their limits of supply, subject to such provisions with respect to the breaking open of streets for the purpose of laying pipes as are applicable to the undertakers. 30

40 A consent required for the purposes of this section shall not be unreasonably withheld and any question whether or not such a consent is unreasonably withheld shall be referred to an arbitrator to be appointed, in default of agreement, by the Minister.

Power of statutory water undertakers to acquire and hold lands and execute works for protection of water.

A.D. 1939.  
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Power of  
statutory  
water un-  
dertakers to  
control use  
of land  
within  
catchment  
area of  
waterworks.

12.—(1) If it appears to statutory water undertakers that, for the purpose of protecting against pollution any water which they are for the time being authorised to take, they should be enabled to control the use of any land within the catchment area of their waterworks, they may by byelaws—

- (a) define the limits within which they deem it necessary to exercise control; and  
(b) prohibit the doing within those limits of any act which may tend to pollute the water. 10

(2) Where limits have been defined by byelaws under this section, the undertakers may require either the owner or the occupier of any premises within those limits to construct and keep in good repair such drains, sewers and other works as they deem 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: 15

Provided that an owner or occupier who considers that a requirement made on him under this subsection is unreasonable may, within fourteen days after service on him of the requirement, appeal to the Minister and the Minister may, if he thinks fit, disallow the requirement. 20

(3) The undertakers shall pay compensation to the owners of, and other persons interested in, any lands within the limits defined by byelaws made under this section in respect of— 25

- (a) any curtailment or injurious affection of their legal rights by restrictions imposed by the byelaws; and 30  
(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 by the local authority of the district or the county council; 35

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. 40

In this subsection the expression "legal rights" includes a user of land in respect of which the local

authority or the county council 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. 5

(4) The Minister shall be the confirming authority as respects byelaws made under this section, and, where the undertakers are not a local authority the following provisions of the Local Government Act, 1933, that is to say, subsections (2) to (4), (6), (7) and (10) of section two hundred and fifty (which relates to procedure, &c. for making byelaws) and sections two hundred and fifty-one and two hundred and fifty-two (which relate respectively to fines for offences against byelaws and evidence of byelaws) shall apply in relation to such byelaws as if the undertakers were a local authority within the meaning of those sections and as if their clerk or secretary were the clerk of the local authority. 15

(5) Undertakers who propose to apply to the Minister for confirmation of byelaws made under this section shall, in addition to complying with any other statutory requirements— 20

- (a) send, at least one month before the application is made, a copy of the byelaws to the council of every county and local authority of every district any part of which is within the limits to be defined by the byelaws; 25  
(b) publish in the London Gazette, at least one month before the application is made, notice of their intention to apply for confirmation; 30  
(c) exhibit during the said month in some conspicuous place in each borough, urban district and rural parish any part of which is within those limits a copy of the notice referred to in subsection (3) of section two hundred and fifty of the Local Government Act, 1933; 35  
(d) at the request of any owner or occupier of land within those limits, furnish to him free of charge a copy of the byelaws and a statement of the effect of this section; and 40  
(e) at the request of any other person interested, furnish to him a copy of the proposed byelaws upon payment of one shilling.

A.D. 1939.  
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A.D. 1939.

Paragraph (e) of this subsection shall, in its application to a local authority, have effect in lieu of subsection (5) of section two hundred and fifty of the Local Government Act, 1933.

Temporary discharge of water into streams, &c.

**13.**—(1) Subject to the provisions of this section, 5  
statutory water undertakers who are carrying out, or are  
about to carry out, the construction, alteration, repair,  
cleaning or examination of any reservoir, line of  
pipes or other work forming part of their undertaking  
may cause the water therein to be discharged into any 10  
available river, stream or watercourse and for that  
purpose may lay and maintain in any street, whether  
within or outside their limits of supply, all necessary  
discharge pipes and apparatus, and such statutory  
provisions with respect to the breaking open of streets 15  
as are applicable to the undertakers shall, with any  
necessary modifications, apply accordingly.

(2) Except in a case of emergency, the following provisions shall have effect:—

- (a) not less than seven days before commencing to 20  
discharge the water, the undertakers shall give  
notice in writing of their intentions to the  
catchment board and the fishery board exercising  
functions in respect to any river, and the  
navigation authority controlling any inland 25  
navigation, into which the water is to be dis-  
charged, either directly or indirectly, and give  
public notice of their intentions by advertise-  
ment in a newspaper circulating in the locality;
- (b) the undertakers shall give due regard to any 30  
representations which may be made to them as to  
the time and mode of discharge with a view to  
avoiding or minimising injury or interference  
therefrom; and
- (c) the water shall not be discharged directly or 35  
indirectly into any inland navigation without  
the written approval of an authorised officer of  
the navigation authority, or except at such  
times as that officer may approve and in a  
manner approved by him as not calculated to 40  
injure the navigation or the banks thereof, or  
interfere with traffic thereon:

Provided that no such approval shall be withheld unreasonably, and any question whether it is withheld

unreasonably or not shall be referred to an arbitrator A.D. 1939.  
to be appointed, in default of agreement, by the President  
of the Institution of Civil Engineers.

(3) The undertakers shall take all necessary steps  
5 to secure that any water discharged by them under the  
provisions of this section shall be as free as may be  
reasonably practicable from mud and silt, from solid,  
polluting, offensive or injurious matters, and from any  
matter prejudicial to fish or spawn, or to spawning beds or  
10 food of fish, and, if they fail to do so, shall be liable—

(a) on summary conviction, to a fine not exceeding  
fifty pounds; and

(b) on conviction on indictment, to a fine not exceed-  
ing two hundred pounds.

(4) The powers of this section shall not be exercised  
15 so as to damage or affect injuriously any railways,  
docks or other works of a railway company or dock  
authority, or any works forming part of an inland  
navigation.

(5) In the exercise of the powers conferred by this  
20 section the undertakers shall do as little damage as may  
be and shall pay compensation to all persons for any  
damage sustained by them by reason of the exercise of  
those powers.

25 Any dispute as to the amount of the compensation  
to be so paid shall be referred to an arbitrator to be  
appointed, in default of agreement, by the Minister.

(6) In this section—

30 the expression “inland navigation” includes any  
canal or navigable river;

the expression “navigation authority” means any  
person or body of persons having powers  
under an enactment to work, maintain or  
control any inland navigation; and

35 the expression “dock authority” means the  
owners or lessees of any dock or harbour  
established by or under an enactment.

**14.** Statutory water undertakers may provide—

(a) offices for the purposes of their undertaking;

(b) houses and other buildings for the use of  
40 persons employed by them for the purposes  
of their undertaking;

(c) recreation grounds for persons so employed,

Provision  
of offices  
and houses,  
&c., for  
employees.

A.D. 1939. — and may acquire land by agreement for those purposes, and may erect any such offices, houses and other buildings and lay out any such recreation ground upon land so acquired, or upon any land for the time being held by them for the purposes of their undertaking or, 5 subject to the terms of the lease, upon any land for the time being leased to them for those purposes :

Provided that they shall not under the powers conferred by this section create or continue, or permit the creation or continuance of, any nuisance upon any such land as aforesaid or on any other premises belonging to them. 10

Power to  
issue  
redeem-  
able stock.

15.—(1) This section applies to all statutory water undertakers who have before the commencement of this Act created and issued any redeemable stock, or who at any time after that date may have authority to create and issue any stock, and in this section unless the context otherwise requires— 15

“ stock ” means preference stock, preference shares and debenture stock; 20

“ issue ” includes re-issue;

“ redeemable stock ” means stock issued so as to be redeemable;

“ redeemed stock ” means redeemable stock which has been redeemed and is available for issue 25 under the provisions of this section.

(2) Subject to the provisions of this section the undertakers may from time to time issue so as to be redeemable any stock created by them and any redeemed stock : 30

Provided that no redeemed stock shall be issued except for the purpose of effecting the redemption of redeemable stock under the provisions of this section, unless the issue is authorised by a resolution of a general meeting of the undertakers. 35

(3) Redeemable stock may be redeemed either by paying off the stock, or by issuing to an assenting holder of the stock other stock in substitution therefor, and for the purpose of raising money to pay off, or of providing stock in substitution for, any redeemable stock the undertakers may create new stock or issue redeemed stock, in either case so as to be redeemable or irredeemable, as they think fit : 40

Provided that—

(a) no new stock shall be created, nor shall any redeemed stock be issued, so as to make the total amount of any particular class of stock exceed the amount of stock of that class which the undertakers are for the time being authorised to create except during an interval of three months between the creation, or, in the case of redeemed stock, the issue, of the stock and the completion of the redemption of the redeemable stock for the purpose of redeeming which the stock of that particular class is proposed to be so created or issued; and 5

(b) during such interval as aforesaid the amount raised by means of any preference stock so created or issued shall not be deemed for the purposes of any enactment regulating the borrowing powers of the undertakers to have been raised. 10 20

(4) The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage, or debenture stock, if the grant or issue thereof by the undertakers was lawful in the circumstances existing at the date of the grant or issue. 25

(5) Redeemable stock shall bear such rate of dividend or interest, not exceeding such maximum rate, if any, as may be prescribed in respect of the particular class of stock, and shall be redeemable at such time and in such manner and subject otherwise to such terms and conditions, as the undertakers may before the issue thereof determine : 30

Provided that the terms and conditions of redemption upon which any redeemable stock is issued shall be stated in any offer by the undertakers of such stock for sale and in every certificate of such stock, and no term or condition of redemption which is not so stated shall be binding upon the holder of the stock. 35

(6) The undertakers shall not redeem out of revenue any redeemable stock, but any discount allowed on the issue, or any premium payable on the redemption, thereof may be written off out of revenue. 40

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(7) Nothing in any enactment relating to the undertakers shall require any stock created or issued under this section in substitution for any redeemable stock to be offered for sale by auction or tender.

(8) For the purpose of any enactment relating to stamp duty, the share capital of the undertaking shall not be deemed to be increased by the issue of share capital in pursuance of this section for the purpose of redeeming preference stock, if the preference stock is redeemed before the expiration of such an interval as is mentioned in the provisos to subsection (3) of this section.

Restriction on right to prosecute.

16. Proceedings in respect of an offence created by, or under, any of the foregoing provisions of this Act shall not, without the written consent of the Attorney-General, be taken by any person other than the water undertakers concerned or a person aggrieved.

Inquiries by the Minister.

17.—(1) The Minister may cause such inquiries to be held as he may consider necessary in connection with the discharge by him of any of his functions with respect to water undertakings.

(2) Where the undertakers are not a local authority, the provisions of section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to any such inquiry as if the undertakers were a local authority.

Interpretation.

18. In the foregoing provisions of this Act 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—

“ Minister ” means Minister of Health ;

“ statutory water undertakers ” includes any company, local authority, board, committee, or other persons or person supplying water under an enactment ;

“ local authority ” means the council of a borough, or of an urban or rural district ;

“ county district ” means a non-county borough, an urban district or a rural district ;

“ district,” in relation to a local authority being the council of a borough, means that borough ;

“ street ” has the same meaning as in the Public Health Act, 1936 ;

“ enactment ” includes an enactment in any Act of Parliament, whether public general, local or private, and a provision in an order confirmed by, or made under, an Act of Parliament ;

“ fishery board ” and “ fishery district ” have the same meanings as in the Salmon and Fresh Water Fisheries Act, 1923 ;

“ catchment board ” and “ catchment area,” in relation to such a board, have the same meanings as in 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 ; and

“ prescribed ” means prescribed by the enactments regulating the undertaking in question.

19.—(1) The provisions contained in the First Schedule to this Act shall be incorporated with any Act, or Part of an Act, or provisional or other statutory order, passed or made after the commencement of this Act for authorising or regulating the supply of water for public or private purposes within any area, subject, however, to such exceptions and modifications as may be specified in the said Act or order, and to such necessary adaptations (including the substitution of references to an incorporating order for references to an incorporating special Act) as may be so specified.

Incorporation, and application by order, of provisions of First Schedule.

(2) Subject to the following provisions of this section, the Minister of Health may at any time by order apply the said provisions or any of them to the undertaking of any statutory water undertakers supplying water under a local Act or order, subject to such modifications and adaptations as may be specified in his order, and may by his order repeal or amend any provisions previously applicable to the undertaking which appear to him to be inconsistent with, or rendered redundant by, any provisions so applied :

Provided that during a period of five years from the commencement of this Act he shall not make such an order except on the application of the undertakers concerned.

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(2) Where the Minister makes an order under this section, he shall, if so requested by the undertakers concerned before the order is made, postpone the operation of the order for such period as he deems sufficient to enable them to make an application to him under section 5 eight of this Act (which relates to the power of the Minister to revise water rates and water charges).

(3) The Minister shall not make an order under this section until he is satisfied that notice of the application to him for such an order or, as the case may be, of his proposal to consider the making of such an order, has been given in such manner and to such persons as he deems necessary and has also been published in the London Gazette.

(4) The Minister, when considering the making of an order under this section, shall have regard to the powers, if any, and practice of the undertakers as regards additional charges in respect of waterclosets and baths, and the probable effect of any order made by him on the financial position of the undertaking and on the rates and charges payable by consumers of different classes.

Amend-  
ments of  
Public  
Health Act,  
1936.

20. The amendments specified in the Second Schedule to this Act shall be made in the provisions of the Public Health Act, 1936, relating to water supply and matters connected therewith.

Repeals.

21. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof and, as respects any area, so much of any other enactment in force therein as is inconsistent with any of the foregoing provisions of this Act, or with any provision of the First Schedule to this Act which is in operation in that area shall, notwithstanding that it may be contained in an Act or order of a local character, be deemed to have been repealed as from the commencement of this Act, or, as the case may be, as from the date when the provision with which it is inconsistent came into force in the said area.

Short title,  
commence-  
ment and  
extent.

22.—(1) This Act may be cited as the Water Undertakings Act, 1939, and shall come into operation on

(2) This Act shall not extend to Scotland or Northern Ireland.

## SCHEDULES.

### FIRST SCHEDULE.

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

Section 19.

5

#### Arrangement.

- Part I :—(Section 1.) Interpretation.  
 Part II :—(Sections 2 to 13.) Works and lands.  
 Part III :—(Section 14.) Compensation water.  
 Part IV :—(Sections 15 to 22.) Minerals underlying waterworks.  
 10 Part V :—(Sections 23 to 25.) Power to lay mains, &c.  
 Part VI :—(Sections 26 to 31.) Breaking open streets, &c.  
 Part VII :—(Sections 32 to 34.) Supply of water for domestic purposes.  
 Part VIII :—(Sections 35 to 41.) Supply of water for public purposes.  
 15 Part IX :—(Section 42.) Constancy and pressure of supply.  
 Part X :—(Sections 43 to 47.) Laying and maintenance of supply pipes and communication pipes.  
 Part XI :—(Section 48.) Stopcocks.  
 20 Part XII :—(Sections 49 to 63.) Water rates and charges.  
 Part XIII :—(Sections 64 to 75.) Provisions for preventing waste, &c., of water and as to meters and other fittings.  
 Part XIV :—(Sections 76 to 78.) Pollution of water by manufacture, &c., of gas.  
 25 Part XV :—(Sections 79 to 83.) Financial provisions applicable to water companies.  
 Part XVI :—(Sections 84 to 102.) General and miscellaneous.

#### Part I :—Interpretation.

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 :—
- “special Act” means the Act, or Part of an Act, or order with which any provisions of this Schedule are incorporated, with or without modifications, and includes those provisions as so incorporated;

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—cont.

- “undertakers” means the persons whose water undertaking is authorised or regulated by the special Act;
- “prescribed” or “authorised” means prescribed or authorised by the special Act;
- “limits of supply,” in relation to any water undertaking, 5 means the limits within which the undertakers are for the time being authorised to supply water;
- “enactment” includes an enactment in any Act of Parliament, whether public general, local or private, and a provision in an order confirmed by, or made under, 10 an Act of Parliament;
- “the Lands Clauses Acts” means the Lands Clauses Consolidation Act, 1845, as amended by any subsequent Act;
- “deposited plans” and “deposited sections” mean the plans and sections required to be deposited by promoters of a Bill in Parliament, or by applicants for a statutory order; 15
- “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; 20
- “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;
- “communication pipe” means— 25
- (a) where the premises supplied with water abut on the street, or length of a 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; 30
- (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, 35
- and includes the ferrule at the junction of the service pipe with the main, and also—
- (a) where the communication pipe ends at a stopcock, that stopcock; and 40
- (b) any stopcock fitted on the communication pipe between the end thereof and the main;
- “outer wall” in relation to a building abutting on a street does not include the outer wall of a cellar or other

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1ST SCH.  
—cont.

- structure belonging to that building but situate beneath the street;
- “supply pipe” means so much of any service pipe as is not a communication pipe;
- 5 “water fittings” includes pipes, taps, cocks, valves, ferrules, meters, cisterns, baths, waterclosets, soil-pans and other similar apparatus used in connection with the supply and use of water;
- 10 “consumer” means a person supplied, or about to be supplied, with water by the undertakers;
- “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;
- 25 “street” and “owner” have the same meanings as in the Public Health Act, 1936;
- “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;
- 30 “factory” means a factory within the meaning of the Factories Act, 1937;
- “Minister” means Minister of Health;
- “county” means administrative county;
- “county district” means a non-county borough, an urban district or a rural district;
- 35 “local authority” means the council of a borough (including a metropolitan borough) or of an urban or rural district, and the common council of the city of London;
- “fire authority” has the same meaning as in the Fire Brigades Act, 1938;
- 40 “statutory undertakers” means any persons authorised by an enactment to construct, work or carry on any railway,



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1ST SCH.  
—cont.

canal, inland navigation, dock, harbour, tramway, gas, electricity, water or other public undertaking;

“highway authority” means, in the case of a highway maintainable at the public expense, the authority in whom that highway is vested; 5

“bridge authority” means—

(i) in the case of a county bridge, the county council;

(ii) in the case of a bridge which carries a highway maintainable at the public expense but is not a county bridge, the authority who are the highway authority in respect of that highway; 10

and any reference 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. 15 20

*Part II :—Works and lands.*

Further plans, &c., to be deposited, if alterations approved by Parliament.

2. If during the passage of the Bill for the special Act any variation from the deposited plans and sections of any works proposed to be authorised has been approved by Parliament, the undertakers shall not begin to execute the works finally authorised by the special Act until they have deposited a copy of so much of the amended plans and sections as relates to any county, county borough, county district or parish with any official of that area with whom they were required by any enactment, or any Standing Order of either House of Parliament, to deposit a copy of the original plans and sections. 25 30

Permissible limits of deviation.

3. In the construction of any works authorised by the special Act the undertakers may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited plans and, where on any street no such limits are shown, the boundaries of the street (including for this purpose any roadside waste forming part of or adjoining it) shall be deemed to be such limits, and they may also deviate vertically from the levels shown on the deposited sections to any extent : 35 40

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 deposited sections and six feet in addition thereto; and 5

(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 interested in those lands has been obtained, no pipe or aqueduct shall be raised above the surface of the ground otherwise than in accordance with the deposited sections. 10

4. The undertakers shall not construct any works for taking or intercepting 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. 15

Limit on powers of undertakers to abstract water.

5. Subject to the provisions of the last preceding 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 on 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, culverts, mains, pipes, engines, pumps, machinery, buildings and things for supplying water as they deem necessary : 20 25

General power to construct subsidiary works.

Provided that they shall not under the powers conferred by this section create or continue, or permit the creation or continuance of, any nuisance on any land or other premises belonging to them. 30

6.—(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 such wires, posts, conductors and other apparatus as they deem necessary and the provisions of this schedule relating to the breaking open of streets by the undertakers shall, with any necessary modification or adaptation, apply in relation to the laying, erection and maintenance in any street of any such wires, posts, conductors or other apparatus : 35 40

Provided that the undertakers shall not, except with the consent of the highway authority concerned and in accordance with such conditions as that authority may attach to their consent, lay or erect any such wires, posts, conductors or other apparatus in a street maintainable at the public expense, but such consent shall not be unreasonably withheld nor shall unreasonable conditions be attached thereto, and any question whether a with- 45

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

A.D. 1939.

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1ST SCH.  
—cont.

- A.D. 1939. holding 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.
- 1st Sch.  
—cont.
- (2) 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, or any statutory modification or re-enactment thereof, and shall be so constructed, maintained and used as to prevent interference with any telegraphic line, as defined by the Telegraph Act, 1878, belonging to or used by the Postmaster-General, or with telegraphic communication by means of any such line. 5 10
- Penalty for obstructing construction of works.
7. Any person who wilfully obstructs a person engaged by, or under authority of, the undertakers in setting out the line or site of any works authorised by the special Act, or knowingly pulls up any peg or stake driven into the ground for the purpose of setting out such line or site, or knowingly defaces or destroys anything made or erected for that purpose, shall be liable to a fine not exceeding five pounds. 15 20
- Power to acquire easements for underground works.
- 8.—(1) Where the undertakers are empowered by the special Act to acquire any lands for the purposes of authorised underground works, they may, in lieu of acquiring those lands, acquire only such easements and rights over or in those lands as may be sufficient for the said purposes and may give notice to treat in respect of those easements and rights, and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition thereof as if they were lands within the meaning of those Acts. 25
- (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 acquired 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. 30 35
- Undertakers who have acquired easements over land may subsequently purchase the land.
9. Where the undertakers have under statutory powers acquired any easement or right over or in any lands for the laying or construction of any pipe or other similar work, they may at any time thereafter purchase by agreement the lands lying over, under and alongside that pipe or other work. 40
- Persons under disability
10. 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 45

- any easement, right or privilege 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, rights and privileges :
- 5
- Provided that nothing in this section shall be construed as empowering persons to grant any easement, right or privilege of water in which any other person has an interest, unless that other person concurs in the grant.
- 11.—(1) Any private right of way over land which the undertakers are authorised by the special Act 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. 10 15
- (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 reference to the taking of lands otherwise than by agreement. 20
12. The undertakers, in addition to any other lands acquired by them in pursuance of the special Act, may by agreement purchase, take on lease or otherwise acquire and hold further lands for the purposes of their water undertaking, but, except with the consent of the Minister the quantity of lands held by them by virtue of this section shall not at any time exceed such number of acres as may be prescribed :
- 25
- Provided that, if no number of acres is prescribed for the purposes of this section, they may hold such number of acres as the Minister may allow. 30
- 13.—(1) Notwithstanding anything in the Lands Clauses Acts, the undertakers may hold and use for the purposes of their undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell, lease, exchange or otherwise dispose of any such lands in such manner, for such consideration and on such terms and conditions as they think fit and, in particular, on any such disposition may reserve to themselves any water rights or other easements in, over, or belonging to, the lands disposed of and may make any such disposition subject to such other reservations, special conditions, restrictions and provisions with respect to the use of water, the carrying on of noxious trades, or the discharge or deposit of manure, sewage, or other foul matter, as they think fit :
- 35 40
- Provided that, where the undertakers are a local authority—
- 45 (a) they shall not, without the consent of the Minister, sell, lease, exchange or otherwise dispose of any such

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—  
1st Sch.  
—cont.  
may grant easements, &c.

Extinction of private rights of way.

Purchase of additional lands by agreement.

Power to retain and use or sell, &c., land.

A.D. 1939.

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1ST SCH.  
—cont.

lands or any interests therein at a price or rent, or for a consideration of a value, less than the current market value thereof, but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained; and 5

(b) nothing in this section shall be taken to dispense with the consent of any Government department to any sale, lease, exchange, appropriation or other disposition of any lands of the undertakers, other than lands acquired by them under a local Act, in any case in which such consent would have been required if the special Act had not been passed. 10

(2) Nothing in this section shall release the undertakers, or any person purchasing or acquiring any lands from them under this section, from any rents, covenants, restrictions, reservations, terms or conditions made payable by, or contained in, any conveyance, lease or other deed or instrument by which any such lands have been, or may be conveyed or leased to, or otherwise acquired by, the undertakers or any person from or through whom they have derived, or may derive, their title, but all such rents, covenants, restrictions, reservations, terms and conditions shall remain and be of as full force and effect, and may be recovered, exercised, enjoyed and enforced in the like manner and to the same extent as if the special Act had not been passed. 15 20 25

*Part III :—Compensation water.*

Provisions as to compensation water.

14.—(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 : 30

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. 35

(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 during every day of twenty-four hours reckoned from midnight in a regular 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. 40

(3) If the undertakers—

(a) fail to construct or maintain in good order, or refuse to allow any person interested to inspect and examine, 45

any such gauge as aforesaid, or any records made by that gauge or kept by them in connection therewith; or A.D. 1939.  
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1ST SCH.  
—cont.

(b) take any water from the stream contrary to the provisions of subsection (1) 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 15  
(ii) on conviction on indictment, to a fine not exceeding five hundred pounds in respect of each such day.

(4) 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 of Agriculture and Fisheries; and, for the purposes of this section, a catchment board and a fishery board shall be deemed to be interested in the flow of water in, and the discharge of water into, any stream within their catchment area or, as the case may be, their fishery district. 20 25

(5) 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. 30

*Part IV :—Minerals underlying waterworks.*

15. When the undertakers purchase any land under authority of the special Act, 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. 35 40

Undertakers not entitled to underlying minerals, unless expressly purchased.

16.—(1) The undertakers shall, within six months after any pipes, conduits, or underground works have been laid or constructed by them, cause the course and situation of all existing 45

Map of underground works to be

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—cont.  
prepared and kept up to date, and placed on deposit.

pipes or 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 so corrected shall be kept at the office of the undertakers. 5 10

(2) The undertakers shall, from time to time, within three months after the said map was prepared and after each occasion on which it was in any way corrected, cause a copy of so much of the plan or, as the case may be, of any corrected part thereof, as relates to any such area as is hereinafter mentioned to be deposited— 15

- (a) in the case of a county, with the clerk to the county council;
- (b) in the case of a borough with the town clerk; and
- (c) in the case of an urban district, not being a borough, and in the case of a rural district, with the clerk to the district council. 20

(3) The said map, and the copies thereof so deposited, shall at all reasonable hours be open to inspection by any person interested free of charge. 25

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

17. 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, conduits or underground works shown on the deposited map, 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. 30

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

18.—(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, 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. 35 40

(2) If the undertakers have not before the expiration of the said thirty days stated their willingness to treat with the 45

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—cont.

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. 5

(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. 10 15

19. If the working of any such mines or minerals as aforesaid under any of the reservoirs, buildings, pipes, conduits or underground works of the undertakers, or within the above-mentioned distance therefrom, 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. 20 25 30

Power to make mining communications where continuous working is prevented.

20.—(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, 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. 35 40 45

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

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—cont.Undertakers  
may enter  
and inspect  
the working  
of mines.

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

21. For the purpose of ascertaining whether any such mines or minerals as aforesaid are being, or have been, worked so as to damage any of their said works, the undertakers, after giving twenty-four hours' notice, 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 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, or are about to be, worked.

Undertakers  
not ex-  
empted from  
liability  
for injury  
to mines.

22. 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  
water mains.

23.—(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 water main—

(a) in, under or over 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, in, on or over that land,

and may from time to time repair or alter, or may at any time remove, a main previously laid 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 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 (within the meaning of that expression as used in the Land Drainage Act, 1930), 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.

(3) Where the undertakers, in the exercise of their powers under this section, lay a water main in, on or over any land not forming part of a street, or repair, alter 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 laying, repair, alteration or removal of the main.

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

24.—(1) Where the undertakers, in the exercise of their powers under the last preceding section, propose to lay a water 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.

(2) If, within twenty-eight days after the publication of the notice referred to in the preceding subsection, notice of objection to their proposals are served on the undertakers by the local authority of a borough or district in which they propose to lay a main, 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.

25.—(1) Subject to the provisions of Part VI of this Schedule the undertakers may in any street within their limits of supply lay or construct such service pipes and such plant and other

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—cont.Conditions  
as to laying  
mains out-  
side limits  
of supply.Power to lay  
service pipes,  
&c.

A.D. 1939. works as they deem necessary for supplying water to persons living within the said limits, and may from time to time repair or alter, and may at any time remove, any pipe, plant or works so laid or constructed, whether by virtue of this section or otherwise. 5

(2) Where a 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 repair, alter or remove the then existing pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them. 10

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

*Part VI :—Breaking open streets, &c.*

Laying of pipes under streets, &c. 26. 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 : 15 20

Provided that they shall in the exercise of the powers conferred by this section do as little damage as may be and for any damage done shall pay compensation to be determined, in case of dispute, by arbitration. 25

Notice to be given before breaking open streets, &c. 27. Not less than seven 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 : 30 35

Provided that, in cases of emergency arising from defects in any existing 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. 40

Streets, &c., not to be broken open except under supervision 28.—(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 : A.D. 1939.

Provided that, if any difference arises in connection with the plans submitted for approval, that difference shall be determined by a court of summary jurisdiction and, in cases where a sewer or drain is affected, the court may direct the undertakers to execute such work as the court 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. 5 10

(2) Notwithstanding anything in the preceding 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 preceding 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. 15

29.—(1) Except in cases of emergency arising from defects in existing 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 dock undertakers 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. 20 25

(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 dock undertakers, and which is not under the control or management of the railway company or dock undertakers, they shall give to the railway company or dock undertakers the like notice as they are required by the last but one preceding 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 dock undertakers, shall carry out the work to the reasonable satisfaction of the engineer of the railway company or dock undertakers in accordance with plans approved by him. 30 35 40

Any dispute arising under this subsection between the persons proposing to execute work and a railway company or dock undertakers, shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers. 45

A.D. 1939. — 1ST SCH. —cont. of persons responsible therefor.

Protection for railway companies, dock undertakers, tramway undertakers, &c.

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—cont.

(3) 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

(4) In this section, the expression "railway company" means any persons authorised by an enactment to construct, work or carry on a railway; the expression "dock undertakers" means any persons authorised by an enactment to construct, work or carry on a dock, harbour, canal or inland navigation; and the provisions of this section shall apply in relation to the London Passenger Transport Board as if that Board were a railway company. 10 15

Streets, &c.,  
broken open  
to be  
reinstated  
without  
delay.

30.—(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 complete the work and fill in the ground, and reinstate and make good the roadway or footway, 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 footway, 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. 20 25

(2) So long as any such roadway or footway remains broken open or obstructed, the undertakers shall cause it to be properly fenced and guarded at all times and to be efficiently lighted between the hours of sunset and of sunrise. 30

Remedies  
where  
undertakers  
fail to  
comply  
with  
foregoing  
require-  
ments.

31.—(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 of, the persons aggrieved. 35

(2) If the undertakers fail to comply with any of the requirements of the last preceding 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 subsection (1) of this section, 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. 40 45

*Part VII :—Supply of water for domestic purposes.*

A.D. 1939.

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—cont.

32.—(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 that the aggregate amount of water rates payable annually by those owners and occupiers at the rates specified in the special Act will be not less than one-eighth of the expense of 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. 5 10

Duty of  
undertakers  
to lay  
additional  
mains on  
certain  
conditions.

(2) If the undertakers, after receipt of a requisition which satisfies the provisions of the preceding 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 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. 15

33.—(1) An owner or occupier of any premises within the limits of supply who has complied with the provisions of Part X of this Schedule with respect to the laying of a supply pipe and payment or tender of the water rate shall be entitled to demand and receive from the undertakers a supply of water sufficient for his domestic purposes. 20

Right to  
demand  
supply for  
domestic  
purposes.

(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 a further fine not exceeding forty shillings for each day on which the default continues after notice thereof from the person aggrieved: 25 30

35 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 repairs; or  
(b) failure of the person aggrieved to comply with any byelaw of the undertakers. 40

34. The undertakers shall provide in their mains and communication pipes a supply of pure and 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. 45

Duty of  
undertakers  
as respects  
sufficiency  
and purity.

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*Part VIII :—Supply of water for public purposes.*

- 1st Sch. —  
—cont.  
Undertakers to fix and maintain fire-hydrants in pipes.
35. The undertakers shall, at the request of the fire authority concerned, fix fire-hydrants in the pipes belonging to them, 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. 5
- 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.
36. As soon as any such hydrant is completed, the undertakers shall 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, and shall keep affixed in some conspicuous position where any hydrant is situated a public notice showing its situation, which notice they may affix to any house, building, wall or fence. 10 15
- Cost of hydrants.
37. The cost of such hydrants as aforesaid and of fixing, maintaining and renewing them, and of providing such keys, and affixing and maintaining such notices, as aforesaid, shall be defrayed by the fire authority. 20
- Hydrants to be placed near factories, &c., at request of owners or occupiers.
38. 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, place 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 preceding section. 25
- Water to be taken to extinguish fires without charge.
39. The undertakers shall allow all persons to take water for extinguishing fire, without payment. 30
- Supply of water for cleansing sewers, &c., and for other public purposes.
- 40.—(1) In every pipe in which a hydrant is fixed the undertakers shall provide a sufficient supply of water for cleansing sewers and drains, for cleansing and watering streets, 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 concerned and the undertakers, or as, in default of agreement, may be determined by the Minister. 35
- Penalties for default in respect of hydrants or supply of water.
41. If the undertakers fail to comply with any of their obligations under sections thirty-five to thirty-nine of this Part of this Schedule, or, except when prevented by frost, drought, unavoidable accident or other unavoidable cause, or during the

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- execution of necessary repairs, fail to furnish a sufficient supply of water for the extinction of fires or for such other public purposes as aforesaid, 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 concerned. 5

*Part IX :—Constancy and pressure of supply.*

- Duty of undertakers as respects constant supply and pressure
- 42.—(1) Subject as hereinafter provided, the undertakers shall cause the water in all pipes in which hydrants are fixed, or which are used for giving supplies for domestic purposes, to be constantly laid on at such a pressure as will cause the water to reach to the top-most story 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 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 repairs, 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, &c.
43. 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



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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;

(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; 5

(c) the bore, strength and material of the supply pipe shall comply with the requirements of any byelaws of the undertakers with respect to those matters or, if there are no such byelaws, shall be such as may be approved by the undertakers or, in case of dispute, by a court of summary jurisdiction : 10

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. 15

Laying of  
communica-  
tion pipes,  
&c.

44.—(1) Upon receipt of such a notice as is referred to in the last preceding 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 : 20

Provided that where any part of the supply pipe is to be laid in a highway, they may elect to lay a branch 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. 25

(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 preceding section, 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. 30

(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 : 35

Provided that, if under the provisions of this section, the undertakers lay a branch 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. 40

Power to  
break open  
streets  
forming

45. 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 45

occupier of those premises exercise with respect to the whole width of the street the like powers of breaking open the street for the purposes of laying, inspecting, repairing, renewing and removing service pipes as are exercisable by them with respect to streets within the said limits, subject, however, to the like conditions and obligations. 5

46.—(1) Subject to the provisions of this section, the undertakers may require the provision of a separate service pipe for each house supplied, or to be supplied by them, with water.

(2) If, in the case of a house already supplied with water but not having a separate service pipe, the undertakers give notice to the owner of the house 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. 10 15

(3) If an owner upon whom a notice has been served under the last preceding subsection fails to comply therewith, the undertakers may themselves execute the work which he was required to execute. 20

(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 preceding subsection to execute, shall be repaid to them by the owner of the house and may be recovered by them from him summarily as a civil debt. 25

(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. 30

(6) 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— 35

(a) the existing supply pipe becomes so defective as to require renewal; or 40

(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. 45

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—cont.boundary of  
limits of  
supply.Power of  
undertakers  
to require  
separate  
service  
pipes.

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—cont.

(7) If a building belonging to one owner is divided into two or more houses and the owner agrees in writing with the undertakers to pay the water rates in respect of all those houses, then, so long as he punctually pays those rates, the undertakers shall not require the provision of separate services pipes for 5 those houses.

Vesting of  
communi-  
cation pipes  
and repair of  
such pipes  
and of  
supply pipes  
in highways.

47.—(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, alteration or 10 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 15 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 20 work within twenty-one days 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 after the expiration of the said twenty-one 25 days.

*Part XI :—Stopcocks.*

Provisions  
as to  
position,  
&c., of  
stopcocks.

48.—(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 30 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 as follows :—

(a) where the premises supplied or to be supplied abut on 35 the street, or length of a street, in which the main is laid, and the service pipe enters, or is to enter, those premises otherwise than through the outer wall of a building abutting on the street, the stopcock shall be placed in those premises, and as near to the street as is 40 reasonably practicable; and

(b) in any other case the stopcock shall be placed in the street, and as near to the boundary thereof as is reasonably practicable.

For the purposes of this subsection a pipe which enters premises through a cellar or other structure under a street shall be deemed to enter those premises otherwise than through the outer wall of a building abutting on the street.

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1st Sch.  
—cont.

5 *Part XII :—Water rates and charges.*

49.—(1) Undertakers who supply water to any premises 5 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—

10 (a) in the case of premises not used solely for business, trade or manufacturing purposes, on the net annual value thereof; and

15 (b) in the case of premises used solely for such purposes, on such fraction of the net annual value thereof as, in default of agreement, may be determined by a court of summary jurisdiction :

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, one pound per annum.

20 (2) 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 :

25 Provided that, if that value is not therein stated, 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 30 of summary jurisdiction.

35 (3) 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.

40 50.—(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.

Power to  
make  
agreed  
charges for  
domestic  
supply.

A.D. 1939.

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1ST SCH.  
—cont.

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

(2) Charges payable under this section shall be recoverable in the manner in which water rates are recoverable.

51.—(1) Where water which the undertakers supply for domestic purposes, and in respect of which they charge a water rate, is used for either of the following purposes, that is to say— 5

- (a) for watering a garden; or  
(b) for horses, or for washing vehicles, or for other purposes, in stables, garages or other premises where horses or vehicles are kept,

the undertakers may, if a hosepipe or other similar apparatus is used, charge in respect of the use of water for the purpose in question an additional annual sum not exceeding the prescribed sum or, if no sum is prescribed, one pound. 10

(2) Where the water so used is drawn from a tap outside a house, but no hosepipe or similar apparatus is used, the authority may charge an additional annual sum not exceeding one-half the maximum sum chargeable under the preceding subsection. 15

(3) Sums charged under the provisions of this section shall be paid quarterly in advance and shall be recoverable in the manner in which water rates are recoverable. 20

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

52.—(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— 25

- (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;  
(b) any public institution, hospital, 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; 30  
(c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein; or 35  
(d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes is required.

(3) Where water supplied to a farmhouse is used for farming purposes as well as for domestic purposes, the undertakers may 40

require that the water used for farming purposes shall be taken by meter. A.D. 1939.

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1ST SCH.  
—cont.

(4) In any of the cases mentioned in this section the water shall be supplied at a charge not exceeding the prescribed charge, 5 subject, however, to a minimum quarterly charge of one-fourth of the annual amount which would be payable by way of water rates for a supply of water for domestic purposes furnished to the premises in question.

53. Where a person who takes a supply of water for domestic purposes from the undertakers otherwise than by meter 10 desires to use any of the water so supplied for operating—

- (a) a water-cooled refrigerating apparatus; or  
(b) any apparatus depending while in use upon a supply of continuously running water; or  
(c) any apparatus used for softening water which requires 15 water for cleaning, regeneration, motive power or similar purposes,

Power to require supplies for refrigerating or water-softening apparatus, &amp;c., to be taken by meter.

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, 20 be taken by meter at a charge not exceeding the prescribed charge, subject, however, to a minimum quarterly charge of ten shillings; or  
(ii) whether such a charge is prescribed or not, be paid for 25 at a reasonable rate to be determined, in default of agreement, by a court of summary jurisdiction:

30 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 can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

54. Where water which the undertakers supply for domestic 35 purposes and in respect of which they charge a water rate is used by the consumer by means of a hose-pipe, or other similar apparatus, for watering a garden, for horses, or for washing vehicles, or for other purposes in stables, garages or other premises where horses or vehicles are kept for private use, and the consumer takes also a supply of water by meter for purposes other than domestic, 40 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 other non-domestic purposes.

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

A.D. 1939.

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1ST SCH.  
—cont.Provisions  
as to supply  
to sheds,  
tents,  
vans, &c.

55.—(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) Notwithstanding that a person may be willing to comply with the requirements of the preceding subsection, the undertakers shall not, except in compliance with directions of the Minister, give or continue to that person a supply of water for a habitation to which this section applies if the local authority of the district in which the habitation is erected or stationed object to their so doing.

(3) 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 apply.

Liability to  
water rates  
where  
buildings  
supplied by  
common  
pipe.Water rates  
on small  
tenements  
may be  
demanded  
from the  
owners.

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

57. Where a house supplied with water by the undertakers has a net annual value not exceeding thirteen pounds and is let to tenants holding for any period less than a quarter of a year, the owner instead of the occupier shall, if the undertakers so resolve, pay the rate for the supply of water :

Provided that 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.

58.—(1) Undertakers who charge water rates under the special Act shall make such a rate annually 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) 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 provisions of the last preceding section with respect to water rates on small tenements, 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 either of them has paid any greater proportion of the instalment, he 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 a small tenement from liability in respect of any subsequent portion of the half-year during which the premises may be occupied by another person.

(3) Subject to the provisions of the last preceding 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

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1ST SCH.  
—cont.Making and  
dates for  
payment  
of water  
rates.

A.D. 1939.

—  
1st Sch.  
—cont.

(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

(4) 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.

59.—(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, the amendment 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 first day of the period of twelve months covered by the water rate which was current at the date when the proposal was made. 10 15

(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 as if it were arrears of the rate. 20

Discount  
for prompt  
payment of  
water rates  
and charges.

60.—(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. 25

(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.

Recovery of  
rates from  
persons  
removing.

61. 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 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 water rate 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. 30 35 40

Register of  
meter to be  
evidence.

62.—(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.

5 (3) If the meter on being tested is proved to register incorrectly to any material degree—

10 (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

15 (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.

20 63. A notice to the undertakers from a consumer for the discontinuance of a supply of water shall not be of any effect unless it is signed by or on behalf of the consumer, and is left at or sent to the office of the undertakers. Notice of dis-  
continuance.

*Part XIII :—Provisions for preventing waste, &c., of water, and as to meters and other fittings.*

25 64.—(1) The undertakers may make byelaws for preventing waste, undue consumption, misuse or contamination of water supplied by them. Byelaws for  
preventing  
waste,  
misuse or  
contamina-  
tion of  
water, &c.

(2) Byelaws under this section may include provisions—

30 (a) prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used; and

35 (b) forbidding any arrangement and the use of any water fittings which permit, or are likely to permit, waste, undue consumption, misuse, erroneous measurement or contamination of water:

Provided that byelaws made for the purposes of paragraph (a) of this subsection shall apply only in relation to supplies of water for domestic purposes.

40 (3) If a person contravenes, or fails to comply with, the provisions of any byelaw made under this section, the undertakers may, without prejudice to their right to take proceedings for a fine, in respect of such contravention or non-compliance, cause any water fittings belonging to or used by that person which are

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1st Sch.  
—cont.

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1st Sch. —cont.
- not in accordance with the requirements of the byelaws to be altered, repaired or replaced, and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.
- (4) Nothing in this section, or in any byelaw made thereunder, shall apply to any fittings used on premises which belong to a railway company and are held or used by them for the purposes of their railway, so long as those fittings do not cause waste, undue consumption, misuse or contamination of water supplied by the undertakers :
- Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses, or in offices not forming part of a railway station.
- (5) The provisions of section sixty-three of the Public Health Act, 1936 (which relates to the powers of a local authority with the consent of the Minister to relax the requirements of building byelaws) shall apply in relation to water undertakers and byelaws made by them under this section as they apply in relation to local authorities and building byelaws made by them.
- (6) Subject as hereinafter provided—
- (a) any byelaw made by water undertakers under this section shall cease to have effect on the expiration of ten years from the date on which it was made; and
- (b) any byelaw made by water undertakers under any other enactment which confers power to make byelaws for purposes similar to the purposes of this section shall, if made more than nine years before the date of the commencement of this Act, cease to have effect at the expiration of one year from that date and, if made not more than nine years before that date, cease to have effect at the expiration of ten years from the date on which it was made :
- Provided that the Minister may by order extend the period during which any such byelaw is to remain in force.
- (7) The Minister shall be the confirming authority as respects byelaws made under this section, and, where the undertakers are not a local authority, the following provisions of the Local Government Act, 1933, that is to say, subsections (2) to (4), (6), (7) and (10) of section two hundred and fifty (which relates to procedure, &c. for making byelaws) and sections two hundred and fifty-one and two hundred and fifty-two (which relate respectively to fines for offences against byelaws and evidence of byelaws) shall apply in relation to such byelaws as if the undertakers were a local authority within the meaning of those sections and as if their clerk or secretary were the clerk of the local authority.

- A.D. 1939. —  
1st Sch. —cont.
- (8) Undertakers who propose to apply to the Minister for confirmation of byelaws made under this section shall, in addition to complying with any other statutory requirements—
- (a) send, at least one month before the application is made, a copy of the byelaws to the local authority of every district in which any premises to which the byelaws will apply are situate;
- (b) publish in the London Gazette, at least one month before the application is made, notice of their intention to apply for confirmation; and
- (c) at the request of any person interested, furnish to him a copy of the proposed byelaws upon payment of one shilling.
- Paragraph (c) of this subsection shall, in its application to a local authority, have effect in lieu of subsection (5) of section two hundred and fifty of the Local Government Act, 1933.
- 65.—(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 which is situate on land at a higher level than fifty 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.
- 66.—(1) The undertakers may at the request of a consumer supply to him, by way either of sale or hire, or repair or alter (but shall not manufacture), any such pipes or other water fittings as are required or allowed by their byelaws, and may

Power to require provision of cisterns in certain cases.

Power to supply water fittings.

A.D. 1939. provide any materials and do any work required in connection therewith.

1st Sch. —cont.

Subject to any agreement as to the price or rent for any fitting supplied, the undertakers may make reasonable charges for any fitting supplied, or any materials provided or work done, 5 under this subsection.

(2) If any fittings let for hire by the undertakers bear either a distinguishing metal plate affixed thereto, or a distinguishing brand or other mark conspicuously impressed or made thereon, sufficiently indicating the undertakers as the actual owners of the fittings, those fittings— 10

(a) shall, notwithstanding that they be fixed to some part of the premises in which they are situate or be laid in the soil thereunder, continue to be the property of, and removable by, the undertakers; and 15

(b) shall not be subject to distress or to the landlord's remedy for rent, or be liable to be taken in execution under any process of any court or in any proceedings in bankruptcy against the persons in whose possession they may be : 15

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament. 20

(3) Where the undertakers are a local authority—

(a) the undertakers shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder, including interest upon any moneys borrowed for the purposes thereof, and any sums carried to a sinking fund for repayment of moneys so borrowed; and 25

(b) the total sums expended and received by the undertakers in connection with the purposes of this section in each year, including interest and any sums carried to a sinking fund, shall be separately shown in the published accounts of the undertakers for that year. 30

Power to inspect and test water fittings.

67. The undertakers may inspect and test any water fittings used in connection with water supplied by them : 35

Provided that, in the case of a factory to which water is supplied by meter, the powers of inspection and testing conferred by this section shall apply only in relation to a meter used by the undertakers for measuring the water supplied by them, and to any water fittings between that meter and the main. 40

Penalty for waste, &c., of water by non-repair of pipes, &c.

68. If a consumer wilfully or negligently causes or suffers any pipe or other water fitting which he is liable to maintain—

(a) to be or remain so out of order, or so in need of repair; or

(b) to 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 45

before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with the pipes belonging to, the undertakers, he shall be liable to a fine not exceeding five pounds.

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1st Sch. —cont.

69.—(1) If the undertakers have reason to think that some injury to or defect in a pipe or other water fitting 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 or other fitting 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 5 10 15

Power to repair pipes and other water fittings.

(2) Where several houses in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses, the amount of any such expenses 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. 20

70.—(1) An owner or occupier of premises supplied with water by the undertakers who supplies any of that water to another person, or wilfully permits another person to take away any of that water from a cistern or pipe on the premises, shall 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. 25 30

Penalties for misuse of water.

(2) If a person not supplied with water by the undertakers wrongfully takes or uses water from a reservoir, watercourse, conduit or pipe belonging to the undertakers, or from a pipe leading to or from any such reservoir, watercourse, conduit or pipe, 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. 35 40

(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. 45

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1ST SCH.  
—cont.  
Penalty for  
injuring  
water  
fittings, &c.,  
or for  
fraudulent  
use of water.

71.—(1) If any person wilfully or negligently injures, or suffers to be injured, any water fittings belonging to the undertakers, or fraudulently alters the index of any meter used by them 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 repairing any injury done, or 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 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.

72. 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 obtains the consent of any other consumer whose supply will be affected thereby.

Penalty for  
extension or  
alteration of  
pipes, &c.

73.—(1) Any person who without the written consent of the undertakers attaches any pipe or apparatus to a pipe belonging to the undertakers, or attaches any pipe or apparatus to, or makes any alteration in, a service 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 pipe which has been so 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 :

Provided that, in the case of a factory to which water is supplied by meter, this subsection shall apply only in relation to

a pipe between the main and the meter used by the undertakers for measuring the water supplied by them.

(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.

74.—(1) Before a person connects or disconnects 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, he shall give to the undertakers not less than twenty-four hours' notice of his intention so to do, and of the time when the work is to be commenced, and the connecting and disconnecting of the meter and any alterations or repairs shall be carried out at his cost and, unless the undertakers fail to cause an officer or other authorised person to attend at the time so specified, under the superintendence of an officer of, or some other person authorised by, the undertakers.

(2) A person who contravenes any of the provisions of this section shall be liable to a fine not exceeding forty shillings.

75. 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 pipes and stop-cocks in the pipes supplying houses with water and may insert in the carriageways or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose temporarily stop up, 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 15 of the Electric Lighting Act, 1882.

Part XIV :—Pollution of water by manufacture, &c., of gas.

76.—(1) Any person manufacturing or supplying gas under statutory authority who—

- (a) causes or suffers any washing or other liquid produced in, or resulting from, the manufacture or supply of

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1ST SCH.  
—cont.

Notice to  
be given to  
undertakers  
before connect-  
ing or disconnect-  
ing meters.

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

Provisions as  
to pollution  
by liquids  
resulting  
from manu-  
facture of  
gas.



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—cont.

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 stream, reservoir, aqueduct or other waterworks belonging to the undertakers; or 5

(ii) into any depression in the ground or excavation in proximity to any spring, well or adit belonging to the undertakers; 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, 10

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; and 15

(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. 20

Provisions as to pollution by gas.

77. If water supplied by the undertakers is fouled by gas belonging to any person manufacturing or supplying gas under statutory authority, 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. 25

Power to examine gas pipes to ascertain source of pollution

78.—(1) For the purpose of ascertaining whether any water belonging to them is being fouled by gas belonging to any person manufacturing or supplying gas under statutory authority, the undertakers may open the ground, and examine the pipes and other works of that person : 30

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. 35 40

(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 45

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 works by the examination. 5

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. 10

*Part XV :—Financial provisions applicable to water companies.*

79. 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 :— 15

(a) on capital subscribed before the passing of the special Act, the rates which they were entitled to pay thereon immediately before that date; and

(b) on capital subscribed after that date, seven per cent. or, in the case of such capital entitled by the terms of subscription to a rate of dividend lower than seven per cent., that lower rate : 20

Provided that nothing in this section shall prevent the payment of a greater dividend in order to make up any deficiency in a previous dividend paid in respect of any of the five last preceding years at a rate less than the maximum rate applicable to that dividend. 25

80.—(1) Where the undertakers are a company, they may, subject to the provisions of this section, by setting apart in any year out of the clear profits of their undertaking such sums as they think fit, form and maintain— 30

(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; 35

(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 40

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—cont.

Maximum rates of dividend.

Reserve and contingency funds.

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—cont.

moneys, and, subject to the provisions of the next 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. 5

(3) The aggregate amount standing to the credit of the reserve fund and contingency fund together shall not at any time exceed a sum equal to fifteen per cent. of the capital for the time being expended by the undertakers for the purposes of their undertaking and, whenever the reserve fund and contingency fund together amount to that sum, the interest and dividends on the funds shall no longer be invested, but shall be treated as income of the undertaking. 10

(4) The aggregate amount which, subject to the provisions of the last preceding 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 one-half per cent. of the capital for the time being expended by the undertakers for the purposes of their undertaking. 15

(5) The undertakers shall transfer to any reserve fund or contingency fund formed under the foregoing provisions any sum then standing to the credit of any existing reserve fund or contingency fund, as the case may be. 20

Limitation  
on balance  
carried  
forward at  
end of year.

81.—(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:— 25

(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; 30

(b) an amount equal to the total sum which they would be lawfully entitled to distribute as dividends on the preference and ordinary capital of the undertaking in respect of the next following year; and

(c) 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. 35

(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. 40

Power to pay  
superannua-  
tion and  
other allow-  
ances, &c.,  
and to assist  
research.

82. Where the undertakers are a company, they may—

(a) grant gratuities, pensions or superannuation allowances to, or to the widows, families or dependents of, their employees; 45

(b) establish contributory superannuation schemes, and establish and contribute to superannuation funds for the benefit of their employees;

(c) give donations or subscriptions to charitable institutions, sick funds, benevolent funds and other objects calculated to benefit their employees; 5

(d) make contributions for furthering research in matters with which water undertakers and their officers are concerned.

83.—(1) Where the undertakers are a company, they shall in each year after that in which they commence to supply water from their waterworks prepare an abstract of the accounts of their undertaking for the preceding year showing under the appropriate heads their receipts and expenditure and the balances brought forward and carried forward respectively, and the abstract so prepared shall be signed by the chairman of the undertakers and by the auditors of the undertaking. 10 15

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—cont.

Accounts to  
be made up  
annually and  
copies sent  
to certain  
officers.

(2) A copy of the said abstract so signed shall be transmitted forthwith to the clerk of the council of every county and town clerk of every county borough within which the undertakers supply water or have any part of their waterworks. 20

(3) If the foregoing provisions of this section are not complied with, the undertakers shall be liable to a fine not exceeding twenty pounds.

25 *Part XVI :—General and miscellaneous.*

84.—(1) The undertakers may by agreement with an owner or occupier of any premises execute any work in connection with the laying, maintenance, repair, alteration, renewal or removal of a water pipe which he is required or entitled to execute, and for that purpose shall have all such rights as he has and may provide any necessary materials. 30

Power of  
undertakers  
to execute  
work on  
behalf of  
consumer.

(2) Except so far as may have been otherwise agreed, expenses reasonably incurred by the undertakers under the preceding subsection shall be repaid to them by the owner or occupier in question and may be recovered by them from him summarily as a civil debt. 35

85.—(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. 40

Undertakers  
may obtain  
copies of  
valuation  
list on  
payment.

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—cont.
- (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 section any number of entries less than a complete hundred shall be treated as a complete hundred. 5
- Notices, &c.,  
to be in  
writing.
86. All notices, orders, consents, demands and other documents authorised or required by or under the special Act to be given, made or issued by the undertakers, and all notices and applications authorised or required by or under the special Act to be given or made to, or to any officer of, the undertakers shall be in writing. 10
- Authentica-  
tion of  
documents.
- 87.—(1) Any notice, order, consent, demand or other document which the undertakers are authorised or required by, or under, the special Act to give, make or issue may be signed on behalf of the undertakers— 15
- (a) by the clerk or secretary of the undertakers; or
- (b) by any officer of the undertakers authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document.
- (2) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document, or expressed to be duly authorised by the undertakers to sign such a document or the particular document, shall for the purposes of the special Act, and of any byelaws made thereunder, be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the undertakers. 20
- In this subsection the expression “signature” includes a facsimile of a signature by whatever process reproduced.
- Proof of  
resolutions,  
&c.
88. In any proceedings under the special Act a document purporting to be certified by the clerk or secretary of the undertakers as a copy of a resolution or order passed or made by the undertakers on a specified date, or of the appointment of, or of any authority given to, an officer of the undertakers on a specified date, shall be evidence that that resolution, order, appointment or authority was duly passed, made, or given by the undertakers on the said date. 30
- 35
- Service of  
notices, &c.
89. Any notice, order, consent, demand or other document which is required or authorised by, or under, the special Act to be given to or served on any person may, in any case where no other provision as respects service is made by the special Act, be given or served either— 40
- (a) by delivering it to that person; or

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—cont.
- (b) in the case of an officer of the undertakers, by leaving it, or sending it in a prepaid letter addressed to him, at his office; or
- (c) in the case of any other person, by leaving it, or sending it in a prepaid letter addressed to him, at his usual or last known residence; or
- (d) in the case of an incorporated company or body, by delivering it to their clerk or secretary at their registered or principal office, or by sending it in a prepaid letter addressed to him at that office; or
- (e) in the case of a document to be given to, or served on, a person as being the owner of any premises by virtue of the fact that he receives the rackrent thereof as agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a prepaid letter addressed to him, at his place of business; or
- (f) in the case of a document to be given to, or served on, the owner or the occupier of any premises, if it is not practicable after reasonable inquiry to ascertain the name and address of the person to or on whom it should be given or served, or if the premises are unoccupied, by addressing it to the person concerned by the description of “owner” or “occupier” of the premises (naming them) to which it relates, and delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- 90.—(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, have a right to enter any premises at all reasonable hours— 30
- Power to  
enter  
premises.
- (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; 35
- (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; 40
- (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; 45

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1ST SCH.  
—cont.

(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 shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier of the premises. 5

(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 10

(b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid, 15

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. 20 25

(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. 30

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(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. 35 40

Penalty for obstructing execution of special Act.

91. 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, in any case where no other 45

provision as respects fines is made by the special Act, 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.

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1ST SCH.  
—cont.

92. 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. 5 10

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

93. Save as otherwise expressly provided, all offences and fines under the special Act may be prosecuted and recovered under the Summary Jurisdiction Acts. 15

Summary proceedings for offences.

94. 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. 15 20

Continuing offences and penalties.

95. 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. 25

Restriction on right to prosecute.

96. 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. 30

Inclusion of several sums in one complaint, &c.

97.—(1) Where any enactment in the special Act provides—

Appeals and applications to courts of summary jurisdiction.

(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, 35

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. 40 45

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—cont.

(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.

5

Appeals to  
quarter  
sessions  
against  
decisions of  
justices.

98. 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 appeal to such a court.

Mode of  
reference to  
arbitration.

99. In arbitrations under this Schedule 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.

10

Judges and  
justices not  
to be  
disqualified  
by liability  
to rates,  
charges, &c.

100. No judge of any court or justice of the peace shall be disqualified from acting in cases arising under the special Act by reason only of his being liable to pay any rate, rent or charge thereunder, or by reason only of his being as one of several ratepayers, or as one of any other class of persons, liable in common with the others to contribute to, or be benefited by, any rate or fund out of which any expenses of the undertakers are to be defrayed.

15

20

Liability of  
undertakers  
to pay  
compensa-  
tion.

101. In any case where no express provision with respect to compensation is made by this 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 the special 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 vested in the undertakers by the special Act, or any Act incorporated therewith.

25

30

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.

35

Copies of  
special Act  
to be kept  
by under-  
takers in  
their office,  
and  
deposited  
with certain  
officers.

102.—(1) The undertakers shall at all times after the expiration of six months from the passing of the special Act 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.

40

(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.

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—cont.

## SECOND SCHEDULE.

Section 20.

## 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 two of this Act.

10

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

15

“Incorporation of certain provisions of Water Undertakings Act, 19—.”

120. 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 First Schedule to the Water Undertakings Act, 19 , that is to say—

20

Part X (Laying and maintenance of supply pipes and communication pipes.)

25

Part XI (Stop-cocks.)

Part XIII (Provisions for preventing waste, &c., of water and as to meters and other fittings) except sections 64 and 71, and subject to the proviso that section 66 shall apply only in relation to consumers to whom the local authority supply water by meter.

Part XIV (Pollution of water by manufacture, &c., of gas.)”

30

Sections one hundred and twenty-one and one hundred and twenty-three shall cease to have effect.

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

35

“General provisions as to breaking open streets.”

279.—(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 First Schedule to the Water Undertakings Act, 19 , shall be incorporated with this Act, subject, however, to such adaptations as may be necessary to make

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—cont.

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.”

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

Section 21.

### THIRD SCHEDULE.

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847	The whole Act.	10
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.	15
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.	20
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.	Supply of Water in Bulk Act, 1934	The whole Act.	25
26 Geo. 5. & 1 Edw. 8.	The Public Health Act, 1936	Sections one hundred and twenty-one, one hundred and thirty-three, two hundred and eighty and two hundred and eighty-one.	30 35

