



# Water Act 1945

## 1945 CHAPTER 42

### PART I

#### CENTRAL AND LOCAL PLANNING.

#### **1 Duty of Minister in relation to water.**

It shall be the duty of the Minister of Health (hereafter in this Act referred to as " the Minister "), to promote the conservation and proper use of water resources and the provision of water supplies in England and Wales and to secure the effective execution by water undertakers, under his control and direction, of a national policy relating to water.

#### **2 Central Advisory Water Committee.**

- (1) The Minister shall appoint a committee, to be called the Central Advisory Water Committee, for the purpose of—
  - (a) advising him or any other Minister concerned upon matters connected with the conservation and use of water resources;
  - (b) advising any Minister concerned with the administration of enactments which relate to or in any way affect the conservation or use of water resources or the provision of water supplies, upon any question that may be referred by him to the Committee in connection with the operation, or proposed amendment of, the said enactments;
  - (c) considering the operation of any such enactments, and making to the Minister concerned such representations with respect to matters of general concern arising in connection with the operation of those enactments, and such recommendations for their extension or modification, as the Committee think fit.
- (2) The Minister may by order make provision with respect to the constitution and procedure of the Committee.

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*Status: This is the original version (as it was originally enacted).*

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- (3) The Minister may pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

### **3 Joint Advisory Water Committees.**

- (1) If, with respect to any area in England and Wales, the Minister is satisfied that the provision of water supplies for that area or the conservation of water resources for the purpose of such provision may be thereby more effectively secured, he may by order constitute for that area a committee, to be known as a Joint Advisory Water Committee, which shall consist of—
- (a) a chairman appointed by the Minister;
  - (b) members appointed by statutory water undertakers whose limits of supply are comprised wholly or partly in the area of the Committee or who supply water in bulk for distribution in any part of that area;
  - (c) members appointed by local authorities whose counties or districts are comprised wholly or partly in the area of the Committee, not being such statutory water undertakers as aforesaid.
- (2) Any such order may make further provision as to the constitution of the Committee, the term of office of the members thereof, the method of appointment of members by the statutory water undertakers and local authorities aforesaid and as to the procedure of the Committee.
- (3) Any such order may apply to a Joint Advisory Water Committee, subject to any necessary modifications, any of the provisions of the Local Government Act, 1933, other than the provisions of that Act enabling land to be acquired compulsorily, and may contain such incidental, consequential and supplementary provisions as the Minister considers necessary or expedient.
- (4) The expenses of a Joint Advisory Water Committee shall be defrayed by the councils of counties and county boroughs comprised wholly or partly in the area of the Committee in such proportions as they may agree upon or, in the case of disagreement, as may be determined by the Minister.
- (5) Before making any such order, the Minister shall consult the statutory water undertakers and local authorities concerned.

### **4 Duties of Joint Advisory Water Committees.**

- (1) An order made under the last foregoing section may prescribe the duties of Joint Advisory Water Committees and, without prejudice to the generality of the foregoing provision, those duties may include the duties of—
- (a) carrying out a survey of the existing consumption of and demand for water supplies in their area and of the water resources in or available for their area;
  - (b) preparing an estimate of the future water supply requirements of their area;
  - (c) formulating proposals for meeting the existing or future water supply requirements of their area including proposals for the joint use by two or more water undertakers of any existing or proposed new source of water supply;
  - (d) advising statutory water undertakers and local authorities represented on the Committee in the preparation and co-ordination of schemes relating to water supply;

- (e) furnishing the Minister and the said statutory water undertakers and local authorities with such information relating to water supplies in their area or water resources in or available for their area as they may reasonably be required to furnish.
- (2) Where any of the duties referred to in paragraphs (a) (b) and (c) of the last foregoing subsection have been imposed upon any Joint Advisory Water Committee, the Minister may from time to time require that Committee to submit a report thereon to him within such time as he may specify.
- (3) A Joint Advisory Water Committee may require statutory water undertakers and local authorities represented on the Committee to furnish information relating to their existing or proposed waterworks, the consumption of and demand for water supplies in the area where they are supplying or are authorised to supply water, and the water resources in or available for that area:

Provided that if, upon the representation of any statutory water undertakers or local authority so required to furnish information, the Minister is satisfied that in all the circumstances compliance with the requirement is impracticable or undue expense would thereby be incurred, he may direct that the requirement need not be complied with.

- (4) Any person authorised by a Joint Advisory Water Committee for the purpose shall, on producing, if so required, some duly authenticated document showing his authority, have a right at all reasonable hours to enter any premises for the purpose of carrying out the functions of the Committee, and the section of this Act relating to entry of premises shall apply to any such right of entry.

## **5 Power to require local authorities and statutory water undertakers to carry out surveys and formulate proposals.**

The Minister may require any local authority or statutory water undertakers to—

- (a) carry out a survey of the existing consumption of and demand for water supplies in the area where they are supplying or are authorised to supply water and of the water resources in or available for that area;
- (b) prepare an estimate of the future water supply requirements of that area;
- (c) formulate proposals for meeting the existing or future water supply requirements of that area including proposals for the joint use with any other local authority or water undertakers of any existing or proposed new source of water supply;
- (d) submit a report on any of the aforesaid matters to the Minister within such time as he may specify.

## **6 Power of Minister to require records and information from persons abstracting water.**

- (1) The Minister may make regulations requiring any class of persons to keep such records and furnish such returns as to the quantity and quality of water abstracted by them from any source and as to such other matters relating to the source as may be prescribed by the regulations:

Provided that—

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- (a) the regulations shall not apply in a case where water is abstracted by an individual for the domestic purposes of his household only;
  - (b) in a case where the Minister is satisfied that in all the circumstances compliance with any requirement of the regulations is impracticable or undue expense would be thereby incurred, he may direct that that requirement need not be complied with.
- (2) The regulations may provide for the inspection of any records kept thereunder and of any apparatus used for the purpose thereof and for the taking of copies of and extracts from any such records and may confer rights of entry for the purpose of exercising any of the powers aforesaid, and the 'section of this Act relating to entry of premises shall apply to any such right of entry.
- (3) Any person who fails to comply with any requirement of the regulations shall be guilty of an offence against this Act.

## **7 Facilities for obtaining information as to underground water.**

- (1) Any person who proposes to sink, for the purpose of searching for or abstracting water, a well or borehole intended to reach a depth of more than fifty feet below the surface shall, before he begins to do so, give to the Committee of the Privy Council for Scientific and Industrial Research notice in writing of his intention to do so, and shall keep a journal of the progress of the work, which shall include measurements of the strata passed through and of the levels at which water is struck and subsequently rests, and shall allow any person authorised by the said Committee for the purpose, on the production of some duly authenticated document showing his authority, at all reasonable times—
- (a) to have free access to any such well or borehole;
  - (b) to inspect the well or borehole and the material excavated therefrom;
  - (c) to take specimens of such material and of water abstracted from the well or borehole; and
  - (d) to inspect and take copies of or extracts from the journal required to be kept under this subsection.
- (2) The person sinking any such well or borehole shall, on completion or abandonment of the work, send a complete copy of the journal kept under the last foregoing subsection to the said Committee and shall also send to the Committee particulars of any test made, before such completion or abandonment, of the flow of water, specifying the rate of flow throughout the test and the duration of the test and also where practicable specifying the water levels during the test and thereafter until the water has returned to its natural level.
- (3) Where any such well or borehole is sunk in connection with an existing pumping station, the particulars of any test to be supplied to the said Committee shall also include the rate of pumping at the existing works during the test.
- (4) Where the person sinking a well or borehole on any land is not the occupier of the land, the obligation to allow a person authorised by the said Committee to exercise the rights specified in paragraphs (a) to (d) of subsection (1) of this section shall be the obligation of the occupier as well as of the person sinking the well or borehole.
- (5) Where any person contracts to sink any well or borehole on land belonging to or occupied by any other person, and the execution of the work is under the control of

the contractor, the contractor and no other person shall be deemed for the purposes of this section to be the person sinking the well or borehole.

- (6) The person sinking a well or bore hole or (if a different person) the owner or occupier of the land on which it is sunk may give notice in writing to the said Committee requiring them to treat as confidential any copy of or extract from the journal required to be kept under subsection (1) of this section or any specimen taken under that subsection, and the Committee shall thereupon not allow that copy, extract or specimen, except in so far as it contains or affords information as to water resources and supplies, to be published or shown to any person not being an officer of the Department of Scientific and Industrial Research or of the Ministry of Health, unless the person giving the notice consents thereto:

Provided that, if at any time the Committee give notice to that person that in their opinion his consent is unreasonably withheld, then that person may, within three months after the notice is given by the Committee, appeal to the Railway and Canal Commission, but if at the expiration of that period no such appeal has been made, or if, after hearing the appeal, the Commission do not make an order restraining them from doing so, the Committee may proceed as if such consent had been given.

- (7) Any person who fails to comply with any obligation imposed on him by the foregoing provisions of this section shall be guilty of an offence against this Act.