



Water Act 1945

1945 CHAPTER 42

PART IV

POWERS AND DUTIES OF LOCAL AUTHORITIES AND WATER UNDERTAKERS.

Modernisation of Waterworks Code.

32 Incorporation and application by order of provisions of Third Schedule.

- (1) The Minister may by any order made under section nine, section ten, section twelve, section twenty-three or section forty of this Act apply to any water undertaking to which the order relates such of the provisions contained in the Third Schedule to this Act as appear to him to be appropriate, subject to such modifications and adaptations as may be specified in the order.
- (2) The Minister may at any time by order apply the provisions of the Third Schedule to this Act or any of them to the undertaking of any statutory water undertakers supplying water under a local enactment, subject to such modifications and adaptations as may be specified in the order, and may by the order repeal any provision previously applicable to the undertaking to the extent to which it appears to him, having regard to the provisions of this Act which apply, or are applied by the order, to the undertaking, to be no longer required, or amend any provision previously applicable to the undertaking to any extent which appears to him necessary to bring it into conformity with the said provisions of this Act:

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

- (3) The provisions of Part I of the First Schedule to this Act shall apply to orders made under the last foregoing subsection on the application of the undertakers concerned, and the provisions of Part II of the said Schedule shall apply to orders made thereunder without any such application, and all orders made under the said subsection shall, in the circumstances specified in paragraph 8 or paragraph 17, as the case may be, of

the said Schedule, be provisional only and not have effect until they are confirmed by Parliament.

- (4) The Minister, when considering the making of an order under subsection (2) of 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.
- (5) Where the Minister makes an order under subsection (2) of 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 forty of this Act (which relates to the power of the Minister to revise water rates and charges).

33 Repeal and amendment of local enactments.

- (1) The Minister may, on the application of any statutory water undertakers, by order repeal or amend any local enactment relating to the supply of water by those undertakers :

Provided that—

- (a) an order under this section shall not vary the quantity of compensation water required by any local enactment to be discharged into any watercourse or the period during which or the manner in which such compensation water is required to be discharged;
 - (b) the Minister shall not make an order under this section with respect to any matter which in his opinion could be more appropriately dealt with under any other provision of this Act.
- (2) The provisions of Part I of the First Schedule to this Act shall apply to orders made under this section and such orders shall, in the circumstances specified in paragraph 8 of the said Schedule, be provisional only and not have effect until they are confirmed by Parliament.
- (3) Section three hundred and three of the Public Health Act. 1875 (which empowers the Minister by provisional order to repeal or alter local Acts relating to the same subject matters as the said Act) shall cease to have effect so far as it applies to any local enactment relating to water supply.