



Water Act 1945

1945 CHAPTER 42

PART V

GENERAL.

44 Compensation to officers of statutory water undertakers.

If, in consequence of any order made under this Act, or anything done in pursuance thereof, any person who immediately before the date of operation of the order, was an officer or servant of any statutory water undertakers affected by the order, suffers direct pecuniary loss by reason of the determination of his employment or the diminution of his emoluments, he shall, unless provision for his compensation for that loss is made by or under any other enactment for the time being in force, be entitled to receive compensation under this section from such statutory water undertakers as may be specified in the order; and for the purposes of any claim for compensation under this section, the provisions of subsections (2) (3) and (6) of section one hundred and fifty of the Local Government Act, 1933, and of the Fourth Schedule to that Act shall have effect as if—

- (a) references to a scheme or order made under Part VI of that Act were construed as references to the said order made under this Act; and
- (b) the expression " existing officer " in the said subsections meant any person who, immediately before the date of operation of the said order, was an officer or servant employed by any statutory water undertakers affected by the order; and
- (c) references to a local authority or to the local authority were construed as references to statutory water undertakers or to the statutory water undertakers.

45 False information.

Any person who—

- (a) in keeping any record or journal or in furnishing any return, abstract or information which he is required by or under this Act to keep or furnish,

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knowingly or recklessly makes any statement which is false in a material particular; or

- (b) for the purpose of obtaining any licence from the Minister under this Act, knowingly makes any statement which is false in a material particular;

shall be liable in respect of each offence—

- (i) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment;
- (ii) on conviction on indictment, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

46 Restriction on right to prosecute.

Proceedings in respect of an offence created by or under any of the provisions of this Act shall not, without the written consent of the Attorney-General, be taken by any person other than the Minister, a local authority, statutory water undertakers or person aggrieved or, in the case of an offence relating to a watercourse within a fishery district, the fishery board for that district.

47 Penalties for offences.

Any person guilty of an offence against this Act shall, except where the provision by or under which the offence is created provides for the penalty to be imposed, be liable in respect of each offence—

- (a) on summary conviction, to a fine not exceeding fifty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for every day during which the offence is continued after conviction ;
- (b) on conviction on indictment, to a fine not exceeding two hundred pounds and in the case of a continuing offence to a further fine not exceeding twenty pounds for every day during which the offence is continued after conviction.

48 Entry of premises.

- (1) Where any right of entry is conferred by any of the foregoing provisions of this Act, the following provisions of this section shall apply.
- (2) Admission to any premises, not being a factory within the meaning of the Factories Act, 1937, or a place in which persons are employed otherwise than in domestic service, shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.
- (3) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
- (a) that admission to any premises which any person is entitled to enter by virtue of such a right of entry has been refused to that person, or that refusal is apprehended, or that the premises are unoccupied or 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
- (b) that there is reasonable ground for entry into the premises for any purpose for which the right of entry is exercisable;

the justice may by warrant under his hand authorise that person 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.

- (4) Any person entitled to enter any premises by virtue of such a right of entry, or of a warrant issued under this section, 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.
- (5) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (6) If any person who, in compliance with any of the foregoing provisions of this Act or with a warrant issued thereunder, is admitted into any premises discloses to any person any information obtained by him there with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable in respect of each offence—
 - (a) on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment;
 - (b) on conviction on indictment, to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.
- (7) Any person who wilfully obstructs any person upon whom a right of entry has been conferred by any of the foregoing provisions of this Act or by a warrant issued under this section shall, in respect of each offence, be liable on summary conviction to a fine not exceeding five pounds.
- (8) This section, except subsection (6) thereof, shall not apply to any right conferred by section seven of this Act.

49 Inquiries by Ministers.

- (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 under this Act.
- (2) The provisions of section two hundred and ninety of the Local Government Act, 1933, shall apply to all inquiries held by the Minister or the Minister of Agriculture and Fisheries or the Minister of Town and Country Planning under this Act, and the reference in subsection (4) of the said section to a local authority shall be construed as including a reference to any water undertakers concerned in the inquiry.

50 Power to revoke and vary orders.

Any power conferred on the Minister by this Act to make orders shall be deemed to include a power, exercisable in the like manner and subject to the like conditions, to vary or revoke any such order.

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51 Regulations.

- (1) The Minister may make regulations prescribing anything required to be prescribed for the purpose of any provision of this Act.
- (2) All regulations made under this Act shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament, within the period of forty days beginning with the day on which any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall cease to have effect, but without prejudice to anything previously done thereunder or to the making of any new regulations.

In reckoning any such period of forty days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

52 Expenses of the Minister.

Any expenses incurred by the Minister in the exercise of his functions under this Act shall be defrayed out of moneys provided by Parliament.

53 Expenses of Common Council.

Any expenses incurred by the Common Council of the City of London in the exercise of their functions under this Act shall be defrayed as part of their general expenses.

54 Notices, etc., to be in writing.

All notices, consents, approvals, demands and other documents authorised or required by or under this Act or any local enactment incorporating any provisions of the Third Schedule to this Act to be given, made, or issued by the Minister or any authority, board or water undertakers, and all notices and applications authorised or required by or under this Act or any such local enactment, to be given or made to the Minister or to, or to any officer of, any authority, board or water undertakers shall be in writing.

55 Authentication of documents.

- (1) Any notice, consent, approval, demand or other document which any authority, board or water undertakers are authorised or required by, or under, this Act or any local enactment incorporating any provisions of the Third Schedule to this Act to give make or issue may be signed—
 - (a) on behalf of a local authority,—
 - (i) by the clerk of the authority;
 - (ii) by the water engineer or manager of the water department or the surveyor or the chief financial officer of the authority as respects documents relating to matters within their respective provinces ;
 - (iii) by any officer of the authority authorised by them in writing to sign documents of the particular kind or, as the case may be, the particular document;
 - (b) on behalf of any board or any authority other than a local authority, by the clerk or secretary of the board or authority;
 - (c) on behalf of water undertakers not being a local authority,—

- (i) by the clerk or secretary of the undertakers;
 - (ii) by any other 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 any person 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 authority, board or water undertakers to sign such a document or the particular document shall for the purposes of this Act or any local enactment incorporating any provisions of the Third Schedule to this Act, and of any byelaws made thereunder, be deemed, until the contrary is proved, to be duly given, made or issued by authority of the authority, board or undertakers concerned.

In this subsection the expression " signature " includes a facsimile of a signature by whatever process reproduced.

56 Service of notices, etc..

Any notice, consent, approval, demand or other document which is required or authorised by, or under, this Act or any local enactment incorporating any provisions of the Third Schedule to this Act, to be given to or served on any person may, in any case where no other provision as respects service is made by that local enactment, be given or served either—

- (a) by delivering it to that person; or
- (b) in the case of an officer of any local authority, water undertakers or navigation authority, by leaving it, or sending it in a pre-paid letter addressed to him, at his office ; or
- (c) in the case of any other person, by leaving it or sending it in a pre-paid letter 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 pre-paid 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 an agent for another, or would so receive it if the premises were let at a rackrent, by leaving it, or sending it in a pre-paid 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 occupier of any premises, if it is not practicable after reasonable enquiry 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 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.

57 Proof of resolutions, etc..

In any proceedings under this Act, or any local enactment incorporating any provisions of the Third Schedule to this Act, a document purporting to be certified by the clerk of any local authority, or the clerk or secretary of any board or any authority other than a local authority or of any water undertakers, as a copy of a resolution or order passed

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or made by them on a specified date, or as a copy of the appointment of, or of any authority given to, an officer of the authority, board or undertakers on a specified date, shall be evidence that that resolution, order, appointment or authority was duly passed, made, or given by the authority, board or undertakers concerned on the said date.

58 Judges and justices not disqualified by liability to rates.

No judge of any court or justice of the peace shall be disqualified from acting in cases arising under this Act or under any local enactment incorporating any provisions of the Third Schedule to this Act, by reason only of his being liable to pay any rate or charge thereunder, or by reason only of his being liable, as one of several ratepayers or as one of any other class of persons, in common with the others to contribute to, or to be affected by, any rate or fund out of which any expenses of water undertakers are to be defrayed.

59 Interpretation.

(1) In 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—

" catchment board " and " catchment area, " in relation to such a board, have the same meanings as in the Land Drainage Act, 1930;

" clerk ", in relation to a local authority being the council of a borough, means the town clerk;

" contravention " includes failure to comply, and " contravene " shall be construed accordingly;

" county district " means a non-county borough, urban district or rural district;

" cut off, " in relation to a supply of water, means stop the supply, whether by operating a tap, by disconnecting pipes, or otherwise;

" district, " in relation to the council of a borough, means that borough and, in relation to the Common Council of the City of London, means the City of London;

" enactment " means any Act of Parliament, whether public general, local or private, any statutory order, or any provision in an Act of Parliament or statutory order;

" fishery board " and " fishery district " have the same meanings as in the Salmon and Freshwater Fisheries Act, 1923;

" joint water board " means any joint board of local authorities constituted under section six of the Public Health Act, 1936, or any enactment repealed by that Act, or under any local enactment, for the purpose of discharging functions relating to water supply, and any joint board of local authorities constituted under section nine of this Act;

" land " includes any interest in land and any easement or right in, to or over land;

" 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, so, however, that when used in relation to undertakers expressed to be supplying water under a local enactment, it means the limits within which they are authorised to supply water under such an enactment;

" local authority " means the council of a county, county borough or county district, the Common Council of the City of London or the council of a metropolitan borough;

" local enactment " means any local Act of Parliament, any public general Act of Parliament relating to the supply of water in London, any statutory order or any provision in any such Act of Parliament or statutory order;

" Minister " means Minister of Health;

" navigation authority " means any person or body of persons, whether incorporated or not, having powers under an enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock;

" owner " means, except in the Second Schedule to this Act, the person for the time being receiving the rack-rent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if those premises were let at a rackrent;

" premises " includes land;

" prescribed " means prescribed by regulations made by the Minister under this Act;

" railway company " means any persons authorised by an enactment to construct, work or carry on a railway, and includes the London Passenger Transport Board;

" rivers board " means a joint committee, board or other body constituted under subsection (3) of section fourteen of the Local Government Act, 1888, or by or under a local Act, for the purpose of exercising powers of a sanitary authority under the Rivers Pollution Prevention Act, 1876;

" statutory order " means an order or scheme made under an Act of Parliament, including an order or scheme confirmed by Parliament;

" statutory water undertakers " means any company, local authority, board, committee, or other person supplying water under an enactment, and also includes, for the purposes of Part II of this Act only, any local authority authorised to supply water by the Public Health Act, 1936, but not actually supplying water under that Act, but the said expression does not include a railway company or navigation authority having statutory power to sell surplus water or any body or person supplying water solely for the purpose of producing motive power by hydraulic pressure;

" street " includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

" supply of water in bulk " means a supply of water for distribution by the undertakers taking the supply;

" watercourse " includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers (other than sewers vested in a local authority or a joint board of local authorities) and passages, through which water flows;

" water fittings " includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, water-closets, soil-pans and other similar apparatus used in connection with the supply and use of water.

- (2) References in this Act to any enactment shall be construed as including references to that enactment as amended by any subsequent enactment including this Act.

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(3) This section shall not apply for the purposes of the Third Schedule to this Act.

60 Provision as to work involving alteration of telegraphic lines.

The expression " Act of Parliament " in section seven of the Telegraph Act, 1878 (which makes provision as to work done in pursuance of Acts of Parliament involving any telegraphic lines) shall be construed as including any order made under this Act authorising the execution of works.

61 Saving for protective provisions in other Acts.

Except with the consent of the persons interested, no order made under section thirty-two of this Act shall abrogate or affect—

- (a) any provision contained in a local enactment for the protection or benefit of any specified person or class of persons or body of persons, whether incorporated or not;
- (b) any provision contained in a local enactment for conferring on or preserving to the public rights of enjoyment of air, exercise and recreation on land or rights of access to land for those purposes or for conferring any right of way;
- (c) any provision contained in a local enactment with respect to the quantity of compensation water to be discharged into any watercourse or the periods during which or the manner in which such compensation water is to be discharged.

62 Repeals.

The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent mentioned in the third column thereof:

Provided that this repeal shall not affect any byelaw in force at the commencement of this Act and made for purposes similar to the purposes for which byelaws can be made under this Act, or any order made under the Water Undertakings (Modification of Charges) Act, 1921, in force immediately before the commencement of this Act.

63 Short title, extent and commencement.

- (1) This Act may be cited as the Water Act, 1945.
- (2) This Act shall not extend to Scotland or Northern Ireland.
- (3) This Act shall come into operation on the first day of October, nineteen hundred and forty-five