



# Public Health Act 1936

## 1936 CHAPTER 49

### PART IV

#### WATER SUPPLY.

##### *Charges for water.*

#### **126 General power of local authority to make charges for water.**

- (1) Subject to the provisions of this Part of this Act, a local authority who supply water under this Act to any premises for domestic purposes may charge in respect thereof a water rate, which shall be assessed on the net annual value of the premises as appearing in the valuation list for the time being in force or, if that value does not appear in the valuation list, on the net annual value of the premises as determined, in the event of dispute, by a court of summary jurisdiction :

Provided that the authority may fix a minimum charge applicable in all cases to premises supplied with water.

- (2) The local authority may also enter into agreements for supplying water by meter, or otherwise, on such terms as may be agreed between them and the persons receiving the supply, and shall have the like powers for recovering water charges under such agreements as they have for recovering water rates.
- (3) Where the local authority charge a water rate in respect of water supplied by them for domestic purposes, they may make, in addition, a reasonable charge in respect of the use of that water—
- in any fixed 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; or
  - by means of a hose-pipe or similar apparatus, either for horses or for washing vehicles.

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A charge made under this subsection may be recovered as part of the water rate and, if any question arises as to whether any such charge is reasonable or not, that question shall be referred to the Minister, whose decision shall be final.

- (4) Any ten persons rated to the general rate in a borough or urban district, or any five persons rated to the general rate in a contributory place in a rural district, if aggrieved by the refusal of the local authority to make charges in respect of all water supplied by them under this Act in that borough, district or contributory place, or by their refusal to make such charges as those ratepayers deem reasonable and adequate, may appeal to the Minister, and the Minister may make such order in the matter as he thinks fit.

**127 Power to charge by meter for supply to certain premises and for certain purposes.**

- (1) The Minister, on an application made to him by a local authority who are supplying water under this Act for domestic purposes, may fix a maximum charge per thousand gallons for a supply of water by meter, subject to the right of the authority to make such, minimum charge, if any, as he may fix, and, where a maximum charge has been so fixed, the provisions of the two next succeeding subsections shall have effect.
- (2) The local authority may require that all water supplied by them to—
- (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;
  - (c) any hospital, sanatorium, school, club, hostel, assembly hall, place of public entertainment, restaurant, hotel, or licensed premises, within the meaning of that expression as used in the Licensing (Consolidation) Act, 1910; or
  - (d) any boarding-house capable of accommodating twelve or more persons, including the persons usually resident therein,

shall be taken by meter.

- (3) If a person who takes a supply of water for domestic purposes from the local authority otherwise than by meter desires to use any of the water so supplied for operating—
- (a) a water-cooled refrigerating apparatus;
  - (b) any apparatus depending while in use upon a supply of continuously running water; or
  - (c) any apparatus used for softening water which requires water for cleaning, regenerating, motive power or similar purposes,

the authority may require that all water so used shall be taken by meter:

Provided that nothing in this subsection shall apply to an apparatus used for softening water, if one such apparatus only is used, and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

- (4) A local authority who propose to make an application to the Minister under this section shall give notice of their proposal in such manner and to such persons, if any, as the Minister may direct, and the Minister shall not decide the application before the expiration of one month from the giving of the notice, and before giving his decision shall take into consideration any representations which may have been received by him.

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### **128 Power to charge for water supplied by stand-pipes, and &c.**

- (1) Where a local authority who supply water under this Act have provided a stand-pipe or constructed a well or cistern, from which persons may obtain water, the authority may recover water rates from the owner or occupier of every house within two hundred feet of that stand-pipe, well or cistern, in the like manner as if a supply had been given on the premises :

Provided that, if any such house has, from other sources and within a reasonable distance, a supply of wholesome water sufficient for the domestic purposes of the inmates, no water rate shall be recoverable from the owner or occupier of the house, unless and until water from the stand-pipe, well or cistern is used by inmates of the house.

- (2) Nothing in this section applies to a standpipe, well or cistern which is vested in the local authority by virtue of subsection (1) of section one hundred and twenty-four of this Act, or which has been constructed by them under subsection (3) of that section.

### **129 Water rates on small tenements may be demanded from the owners.**

- (1) Where a local authority supply water under this Act to a house, or to a part of a house occupied as a separate tenement, and the owner thereof is, under subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment, rated instead of the occupier, the owner instead of the occupier shall, if the authority so determine, pay the rate for the supply of water, but nevertheless the rate may be demanded and recovered by them from the occupier and, if it is so recovered, the occupier shall, unless as between himself and the owner he is liable to pay the rate, be entitled to deduct the amount so paid from his rent:

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority" together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

- (2) An owner of premises to which a determination of the local authority under this section applies shall, if he pays the amount due by him in respect of a water rate before the expiration of one-half of the period in respect of which the rate is payable, or before such later date as may be specified by the authority, be entitled to an allowance calculated at the same rate per cent. as the allowance which is made to him in respect of a general rate under paragraph (a) of subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment.

### **130 Water rates may be made recoverable half-yearly.**

- (1) If a local authority who supply water under this Act so resolve, the water rates shall, notwithstanding anything in the Waterworks Clauses Act, 1847, be payable in advance by half-yearly instalments in respect of the half-years commencing on the first day of April and the first day of October, but 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.
- (2) While such a resolution is in operation, if the person who is, or who but for the provisions of the last preceding section would be, liable to pay the water rate payable

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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 local authority, except in so far as he has previously recovered it from an incoming occupier.

**131 Adjustment in respect of Water rate where net annual value of premises is altered.**

- (1) Where 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 this Act have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate.
- (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.