



Water Act 1945

1945 CHAPTER 42

PART IV

POWERS AND DUTIES OF LOCAL AUTHORITIES AND WATER UNDERTAKERS.

Extension of powers and duties of local authorities under the Public Health Act, 1936.

28 Extension of duty to provide water supply for houses and schools.

The duty imposed on local authorities by section three of the Rural Water Supplies and Sewerage Act, 1944, to supply water in pipes to rural localities in which there are houses or schools shall extend to all localities to which section one hundred and eleven of the Public Health Act, 1936, applies in which there are houses or schools and in which such a supply is not already available, and accordingly the said section three shall cease to have effect and for the said section one hundred and eleven there shall be substituted the following section:—

“111 Duty of local authority with respect to water supplies within their district.

- (1) It shall be the duty of every local authority—
- (a) to take from time to time such steps as may be necessary for ascertaining the sufficiency and wholesomeness of water supplies within their district;
 - (b) to provide a supply of wholesome water in pipes to every part of their district in which there are houses or schools, and to take the pipes affording that supply to such point or points as will enable the houses or schools to be connected thereto at a reasonable cost, so, however, that this paragraph shall not require a local authority to do anything which is not practicable at a reasonable cost or to provide such a supply to any part of their district where such a supply is already available at such point or points as aforesaid ;

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- (c) to provide a supply of wholesome water otherwise than in pipes to every part of their district in which there are houses or schools and to which it is not practicable to provide a supply in pipes at a reasonable cost, and in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and a public supply is required and can be provided at a reasonable cost, and to secure that such supply is available within a reasonable distance of every house and school in that part of their district.
- (2) If any question arises under paragraph (b) of the preceding subsection as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses or schools to be connected to them at a reasonable cost, or under paragraph (c) thereof as to whether a public supply can be provided at a reasonable cost, the Minister, if requested so to do by the council of the county or by ten or more local government electors in the district of the local authority, shall, after consulting the local authority, and where the request was made by local government electors and the local authority is the council of a county district, after consulting also the council of the county, determine that question, and the local authority shall give effect to his determination.
- (3) Without prejudice to their obligations under subsection (1) of this section, every local authority shall, for the purpose of securing so far as is reasonably practicable that every house has available a sufficient supply of wholesome water for domestic purposes, exercise their powers under this Part of this Act as amended by any subsequent enactment of requiring owners of houses to provide a supply of water thereto.”

The obligations of joint water boards Constituted before the passing of this Act under section six of the Public Health Act, 1936, or any enactment repealed by that Act shall include the obligations imposed on local authorities by this section, and the enactments relating to any such board shall have effect accordingly.

29 Amendment of s. 137 of the Public Health Act, 1936.

- (1) For subsection (1) of section one hundred and thirty-seven of the Public Health Act, 1936 (which requires new houses to be provided with a sufficient water supply) there shall be substituted the following subsection:—
 - “(1) Where plans of a house are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless there is put before them a proposal which appears to them to be satisfactory for providing the occupants of the house with a supply of wholesome water sufficient for their domestic purposes—
 - (a) by connecting the house to a supply of water in pipes provided by the local authority or other statutory water undertakers; or
 - (b) if in all the circumstances it is not reasonable to require the house to be connected as aforesaid, by otherwise taking water into the house by means of a pipe; or
 - (c) if in all the circumstances neither of the preceding alternatives can reasonably be required, by providing a supply of water within a reasonable distance of the house;

and the authority are satisfied that the proposal can and will be carried into effect.

Any question arising under this subsection between a local authority and the person by whom, or on whose behalf, plans are deposited as to whether the local authority ought to pass the plans may on the application of that person be determined by a court of summary jurisdiction.”

- (2) In subsection (2) of the said section one hundred and thirty-seven for the words " for the domestic purposes of the inmates being provided in, or within a reasonable distance of, the house " there shall be substituted the words " for the domestic purposes of the occupants. "

30 Amendment of s. 138 of the Public Health Act, 1936.

- (1) For subsection (1) of section one hundred and thirty-eight of the Public Health Act, 1936 (which empowers a local authority to require an occupied house to be provided with a sufficient water supply) there shall be substituted the following subsections:—

“(1) Where a local authority are satisfied that any occupied house has not a supply of wholesome water in pipes in the house sufficient for the domestic purposes of the occupants, the local authority may—

- (a) if they are satisfied that in all the circumstances it is reasonable to require the owner of the house to connect it to a supply of water in pipes provided by the local authority or other statutory water undertakers, give notice to the owner requiring him within a time specified therein to connect the house as aforesaid;
- (b) if they are not satisfied that it is reasonable in all the circumstances to require the owner to connect the house as aforesaid, but are satisfied that it is reasonable to require him otherwise to take water into the house by means of a pipe, give notice to the owner requiring him within a time specified therein so to take water into the house.

(1A) Where a local authority are satisfied that any occupied house has not within a reasonable distance thereof a supply of wholesome water sufficient for the domestic purposes of the occupants and that in all the circumstances it is not reasonable to require the owner to connect the house, or to take water into the house, as aforesaid, the local authority may give notice to the owner requiring him within a time specified therein to provide a sufficient supply of wholesome water within a reasonable distance of the house.”

- (2) In subsection (2) of the said section, for the words " the preceding subsection " there shall be substituted the words " either of the preceding subsections ".

- (3) After the said subsection (2) there shall be inserted the following subsection:—

“(2A) If a person on whom a notice has been served under the preceding provisions of this section objects to the requirement of the local authority, he may, within twenty-eight days after service on him of the notice, appeal to a court of summary jurisdiction and, upon any such appeal, the court may either disallow the requirement of the local authority or allow it with or without modifications.”

- (4) In subsection (3) of the said section, for the words "Subject to the provisions of the next succeeding section with respect to appeals, if such a notice as aforesaid is not

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complied with " there shall be substituted the words " If any requirement contained in a notice given under the preceding provisions of this section, including a requirement modified by the court under the last preceding subsection, is not complied with within the time specified in the notice or, if the court extends that time, within the time as so extended. "

31 Other amendments of Public Health Act, 1936.

The provisions of the Public Health Act, 1936, mentioned in the Fourth Schedule to this Act, being provisions relating to water supply and matters connected therewith, shall be amended and repealed to the extent specified in the said Schedule.