

SCHEDULES.

THIRD SCHEDULE

PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

PART XII

WATER RATES AND CHARGES.

Water rates.

- 46 (1) Undertakers who supply water to any premises for domestic purposes may charge in respect thereof a water rate, which shall be calculated at a rate-poundage not exceeding the prescribed rate-poundage—
- (a) in the case of a house or of any premises not used solely for business, trade or manufacturing purposes or for the exercise of functions by any public authority, on the net annual value thereof; and
 - (b) in the case of any other premises, on such proportion of the net annual value thereof as may be prescribed or, if no proportion is prescribed, as may be determined by the Minister:

Provided that the undertakers may in any case make in respect of the- supply such minimum charge as may be prescribed or, if no minimum charge is prescribed, fifteen shillings per annum.

- (2) For the purposes of this Part of this Schedule, where water supplied to a house within the curtilage of a factory is used solely for the domestic purposes of occupants of the house, the house shall be deemed separate premises not forming part of the factory.
- (3) For the purposes of this Part of this Schedule, the net annual value of any premises shall be taken to be that value as appearing in the valuation list in force on the first day of the period of twelve months covered by the rate:

Provided that, if that value does not appear therein, or if the water rate is chargeable on a part only of any hereditament entered therein, the net annual value of the premises supplied shall be taken to be such sum, or, as the case may be, such fairly apportioned part of the net annual value of the whole hereditament, as, in default of agreement, may be determined by a court of summary jurisdiction.

- (4) Subject to the provisions of subsection (2) of this section, where there is communication, otherwise than by a highway, between buildings or parts of buildings in the occupation of the same person, those buildings or parts of buildings shall, if the undertakers so decide, be treated, for the purpose of charging water rates, as one building having a net annual value equal to the aggregate of their net annual values:

Provided that a person aggrieved by a decision of the undertakers under this subsection may appeal to a court of summary jurisdiction.

Power to make agreed charges for domestic supply.

- 47 (1) The undertakers, in lieu of charging a water rate, may agree with any person requiring a supply of water for domestic purposes to furnish the supply, whether by meter or otherwise, on such terms and conditions as may be agreed.
- (2) Charges payable under this section (including charges for any meter supplied by the undertakers) shall be recoverable in the manner in which water rates are recoverable.

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

- 48 (1) Where water which the undertakers supply for domestic purposes, and in respect of which they charge a water rate—
- (a) is used for watering a garden; or
 - (b) is used for horses, washing vehicles, or other purposes, in stables, garages or other premises where horses or vehicles are kept,
- the undertakers may in either case, if a hosepipe or other similar apparatus is used, charge in respect of that use of the water an additional annual sum not exceeding the prescribed sum or, if no sum is prescribed, such sum as the Minister may determine.
- (2) Where in either of such cases the water used is drawn from a tap outside a house, but no hosepipe or similar apparatus is used, the undertakers may charge an additional annual sum not exceeding one-half the maximum sum chargeable under the last foregoing subsection.
- (3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly, as the undertakers may determine, and shall be recoverable in the manner in which water rates are recoverable.

Power to require supply to certain premises and for certain purposes to be taken by meter.

- 49 (1) The following provisions of this section shall have effect where a maximum charge for a supply of water by meter is prescribed.
- (2) The undertakers shall not be bound to supply with, water otherwise than by meter—
- (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 or any premises used as a farmhouse;
 - (b) any public institution, hospital, mental institution, nursing home, sanatorium, school, club, hostel, assembly hall, place of public entertainment, hotel, restaurant or licensed premises, within the meaning of that expression as used in the Licensing (Consolidation) Act, 1910;
 - (c) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein; or
 - (d) any premises which are used solely for business, trade or manufacturing purposes and in which a supply of water for domestic purposes only is required.
- (3) In any of the cases mentioned in the last foregoing subsection the water shall be supplied at a charge not exceeding the prescribed charge, subject, however, to a minimum annual charge equal to the annual amount which would be payable by way of water rate for a supply of water for domestic purposes furnished to the premises in question.

Power to require supplies for refrigerating or water-softening apparatus, and c, to be taken by meter.

- 50 Where a person who takes a supply of water for domestic purposes from the undertakers otherwise than by meter desires to use any of the water so supplied—
- (a) for operating a water-cooled refrigerating apparatus; or
 - (b) for operating any apparatus depending while in use upon a supply of continuously running water, not being an apparatus used solely for heating the water; or
 - (c) for cleaning, regenerating or supplying motive power to any apparatus used for softening water,

the undertakers may, subject as hereinafter provided, require that all water so used shall—

- (i) if a charge for a supply of water by meter is prescribed, be taken by meter at a charge not exceeding the prescribed charge; or
- (ii) whether such a charge is prescribed or not, be paid for at a reasonable rate to be determined, in default of agreement, by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken, if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

Power to require supply for hose-pipe to be taken by meter in certain cases.

- 51 Where water which the undertakers supply for domestic purposes and in respect of which they charge a water rate is used by means of a hose-pipe, or other similar apparatus, for watering a garden, or for horses, washing vehicles, or other purposes in stables, garages or other premises where horses or vehicles are kept, and the consumer takes also a supply of water by meter for purposes other than domestic, the undertakers may require that all water used by him by means of the hose-pipe or other apparatus shall be taken by meter and paid for at the rate for the time being applicable to his supply by meter for non-domestic purposes.

Provisions as to supply to sheds, tents, vans, and &c.

- 52 (1) No person shall be entitled to demand, or to continue to receive, from the undertakers a supply of water to any habitation to which this section applies unless he has—
- (a) agreed with the undertakers to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the required supply, and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation, and will yield a reasonable return on the cost of the water supplied; and
 - (b) secured to the reasonable satisfaction of the undertakers, by way of deposit or otherwise, payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

The annual sum to be so paid and the security to be so given shall be determined, in default of agreement, by a court of summary jurisdiction, whose decision shall be final.

- (2) The habitations to which this section applies are tents, vans or other conveyances, whether on wheels or not, and sheds or similar structures, not being structures to which the building byelaws of the local authority of the district apply.

Liability to water rates where building supplied by common pipe.

- 53 Where two or more houses or other buildings in the occupation of different persons are supplied with water by a common pipe, the owner or occupier of each of them shall be liable to pay the same water rate for the supply as he would have been liable to pay if it had been supplied with water by a separate pipe.

Water rates on certain houses may be demanded from the owners.

- 54 (1) Where a house or other building supplied with water by the undertakers has a net annual value not exceeding thirteen pounds, the owner instead of the occupier shall, if the undertakers so resolve, pay the rate for the supply of water:

Provided that in the administrative county of London twenty pounds shall be deemed to be substituted in this section for thirteen pounds and in any area in which a higher limit of value than thirteen pounds is in force for the purposes of the proviso to subsection (1) of section eleven of the Rating and Valuation Act, 1925, that higher limit shall be deemed to be substituted in this section for thirteen pounds.

- (2) An owner of premises to which a resolution of undertakers 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 or instalment of the rate is payable, or before such later date as may be specified by the undertakers, be entitled to an allowance calculated at the rate of five per cent.

Making and dates for payment of water rates.

- 55 (1) Undertakers who charge water rates under the special Act shall make such a rate by fixing, in respect of a period of twelve months commencing on either the first day of January, the first day of April, the first day of July or the first day of October, the rate-poundage or, as the case may be, the scale of rate-poundages, by reference to which amounts due under the rate are to be calculated and, subject to the provisions of this section, any such rate shall be payable in advance by equal quarterly instalments on those dates, or, if the undertakers so resolve, by equal half-yearly instalments on that one of those dates which is the first day of the rate period and on the first day of the seventh month comprised in that period.
- (2) A water rate under this section, or in force under any enactments relating to the undertakers immediately before the coming into operation of this section, shall unless and until a new rate is made, continue to operate in respect of each successive period of twelve months.
- (3) If, and so long as, the water rates are payable in advance by half-yearly instalments—
- (a) 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; and
 - (b) if the person who is, or who, but for the provision of the last foregoing section, would be, liable to pay the water rate payable 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 any greater proportion of the instalment has been paid, the person by whom it was paid shall be entitled to recover the excess from the undertakers, except in so far as he has previously recovered it from an incoming occupier:

Provided that nothing in this paragraph shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

- (4) Subject to the provisions of the last foregoing subsection—
- (a) where the undertakers commence to give a supply of water to any premises, either for the first time or after a discontinuance of supply, the then current instalment of the water rate shall become payable on the day on which notice requiring the supply is given to the undertakers or, if no such notice is given, on the day when they commence to give the supply; and
 - (b) the liability of a person to pay an instalment of a water rate shall not be affected by the fact that, before the end of the period in respect of which the instalment became payable by him, he or his tenant, as the case may be, removes from the premises in question, or causes the supply of water thereto to be discontinued.
- (5) Nothing in this section affects any right of the undertakers to make a minimum charge in respect of water rates.

Effect on water rates of alterations in valuation list.

- 56 (1) Where, in consequence of a proposal 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, or in consequence of a requisition under section forty-seven of the Valuation (Metropolis) Act, 1869, a provisional list comes into operation, the amendment or provisional list shall for the purpose of calculating the amount due in respect of any water rate payable under the special Act have effect retrospectively as from the date when the proposal or requisition was made and, notwithstanding anything in the last foregoing section with respect to the equality of instalments of a water rate any necessary adjustments shall be made in the then current instalments of the rates and any subsequent instalments thereof.
- (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 in the manner in which water rates are recoverable.

Discount for prompt payment of water rates and charges.

- 57 (1) The undertakers may allow discounts or rebates in consideration of prompt payment of water rates and charges:

Provided that such discounts or rebates shall be at the same rate under like circumstances to all persons and shall not in any case exceed five per cent.

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

- (2) If, and so long as, the undertakers allow such discounts or rebates, notice of the effect of this section shall be endorsed on every demand note for water rates and charges.
- (3) This section shall not apply in any case where a discount is payable under section fifty-four of this Schedule.

Recovery of rates and charges from persons leaving premises.

- 58 If it is shown to the satisfaction of a justice of the peace on sworn information in writing that a person is quitting, or is about to quit, premises to which the undertakers supply water and has failed to pay on demand an instalment of a water rate or charge payable by, and due from, him in respect of those premises, and intends to evade payment thereof by departing from the premises, the justice may, in addition to issuing a summons for non-payment of the sum due, issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim of the undertakers and to detain them until the complaint is determined upon the return of the summons.

Register of meter to be evidence.

- 59 (1) Where the undertakers supply water by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.
- (2) Any question arising between the undertakers and a consumer with respect to the quantity of water consumed may, on the application of either party, be determined by a court of summary jurisdiction.
- (3) If the meter on being tested is proved to register incorrectly to any degree exceeding five per cent,—
- (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the undertakers, unless it is proved to have begun to register incorrectly on some later date; and
 - (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the undertakers or paid by the consumer, as the case may be, and in the case of an extra payment, shall be recoverable in the manner in which water rates are recoverable.