

SCHEDULES.

THIRD SCHEDULE

PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

PART XIII

PROVISIONS FOR PREVENTING WASTE, &C, OF WATER, AND AS TO METERS AND OTHER FITTINGS.

Power to require provision of cisterns in certain cases.

- 60 (1) The undertakers may require that—
- (a) any building the supply of water to which need not under the special Act be constantly laid on under pressure; and
 - (b) any house the erection of which was not commenced before the coming into force of this section and to which water is required to be delivered at a height greater than thirty-five feet below the draw-off level of the service reservoir from which a supply of water is being, or is to be, furnished by them,
- shall be provided with a cistern having a ball and stop-cock fitted on the pipe conveying water to it and, in the case of such a house as is mentioned in paragraph (b) of this subsection may require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.
- (2) If a consumer, whom the undertakers have in accordance with the foregoing provisions required to provide a cistern, fails to comply with the requirement, or if a consumer fails to keep in good repair any cistern in use in his building, or the ball and stop-cock appurtenant to that cistern, the undertakers may themselves provide a cistern, or execute any repairs necessary to prevent waste of water, and may recover the expenses reasonably incurred by them in so doing summarily as a civil debt from the owner of the building, but without prejudice to the rights and obligations, as between themselves, of the owner and the consumer.

Power to test water fittings.

- 61 The undertakers may test any water fittings used in connection with water supplied by them.

Power to enter premises to detect waste or misuse of water.

- 62 An authorised officer of the undertakers may, between the hour of seven in the forenoon and one hour after sunset, on producing, if required, evidence of his authority, enter any premises supplied with water by the undertakers in order to examine if there be any waste or misuse of such water and, if, after production of his authority, he is refused admittance to the premises, or is obstructed in making

his examination, the person refusing him admittance, or so obstructing him, shall be liable to a fine not exceeding ten pounds.

Power to repair supply pipes.

- 63 (1) If the undertakers have reason to think that some injury to or defect in a supply pipe which they are not under obligation to maintain is causing, or is likely to cause, waste of water or injury to person or property, they may execute such work as they think necessary or expedient in the circumstances of the case without being requested so to do and, if any injury to or defect in the pipe is discovered, the expenses reasonably incurred by the undertakers in discovering it and in executing repairs shall be recoverable by them summarily as a civil debt from the owner of the premises supplied, but without prejudice to the rights and obligations, as between themselves, of the owner and the occupier of the premises.
- (2) Where several houses or other buildings in the occupation of different persons are supplied with water by one common supply pipe belonging to the owners or occupiers of the houses or buildings, the amount of any such expenses as aforesaid reasonably incurred from time to time by the undertakers in the maintenance and repair of that pipe may be recovered by them summarily as a civil debt from those owners or occupiers in such proportions as, in case of dispute, may be settled by the court.

Penalty for waste, and c, of water by non-repair of water fittings.

- 64 (1) If any person wilfully or negligently causes or suffers any water fitting which he is liable to maintain to—
- (a) be or remain so out of order, or so in need of repair; or
 - (b) be or remain so constructed or adapted, or be so used,
- that the water supplied to him by the undertakers is, or is likely to be, wasted, misused or unduly consumed, or contaminated before use, or that foul air or any impure matter is likely to return into any pipe belonging to, or connected with a pipe belonging to, the undertakers, he shall be liable to a fine not exceeding five pounds.
- (2) If any water fitting which any person is liable to maintain is in such a condition, or so constructed or adapted as aforesaid, the undertakers, without prejudice to their right to institute proceedings under the last foregoing subsection, may require that person to carry out any necessary repairs or alterations, and, if he fails to do so within forty-eight hours, may themselves carry out the work and recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.

Penalties for misuse of water.

- 65 (1) An owner or occupier of premises supplied with water by the undertakers who without their consent supplies any of that water to another person for use in other premises, or wilfully permits another person to take any of that water for use in other premises, shall (without prejudice to the right of the undertakers to recover from such owner or occupier the value of the water so supplied or permitted to be taken) be liable to a fine not exceeding five pounds, unless that other person requires the water for the purpose of extinguishing a fire, or is a person supplied with water by the undertakers but temporarily unable, through no default of his own, to obtain water.

- (2) If a person wrongfully takes, uses or diverts water from a reservoir, watercourse, conduit, pipe or other apparatus belonging to the undertakers, or from a pipe leading to or from any such reservoir, watercourse, conduit, pipe or other apparatus, or from a cistern or other receptacle containing water belonging to the undertakers or supplied by them for the use of a consumer of water from them, he shall be liable to a fine not exceeding five pounds.
- (3) Any person who, having from the undertakers a supply of water otherwise than by meter, uses any water so supplied to him for a purpose other than those for which he is entitled to use it shall be liable to a fine not exceeding forty shillings, without prejudice to the right of the undertakers to recover from him the value of the water misused.

Penalty for fraudulent use of water.

- 66 (1) If any person fraudulently alters the index of any meter used by the undertakers for measuring the water supplied by them, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the undertakers, he shall, without prejudice to any other right or remedy of the undertakers, be liable to a fine not exceeding five pounds, and the undertakers may do all such work as is necessary for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender summarily as a civil debt.
- (2) For the purposes of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or for enabling him fraudulently to abstract or use water, shall be evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

Penalty for interference with valves and apparatus.

- 67 If any person either—
- (a) wilfully and without the consent of the undertakers; or
 - (b) negligently,
- turns on, opens, closes, shuts off or otherwise interferes with any valve, cock or other work or apparatus belonging to the undertakers and thereby causes the supply of water to be interfered with, he shall be liable to a fine not exceeding five pounds and, whether proceedings be taken against him in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any damage sustained by them:

Provided that this section shall not apply to a consumer closing the stop-cock fixed on the service pipe supplying his premises, so long as he has obtained the consent of any other consumer whose supply will be affected thereby.

Penalty for extension or alteration of pipes, and &c.

- 68 (1) Any person who without the consent of the undertakers attaches any pipe or apparatus to a pipe belonging to the undertakers, or to a supply pipe, or makes any alteration in a supply pipe or in any apparatus attached to a supply pipe, shall be liable to a fine not exceeding five pounds, and any person who uses any pipe or apparatus which

has been so attached, or altered, shall be liable to the same penalty unless he proves that he did not know, and had no grounds for suspecting, that it had been so attached or altered.

- (2) When an offence under this section has been committed, then, whether proceedings be taken against the offender in respect of his offence or not, the undertakers may recover from him summarily as a civil debt the amount of any damage sustained by them and the value of any water wasted, misused or improperly consumed.

Meters to be connected, or disconnected, by undertakers.

- 69 (1) A consumer who has not obtained the consent of the undertakers shall not connect or disconnect any meter by means of which water supplied by the undertakers is intended to be, or has been, measured for the purposes of the payment to be made to them, but, if he requires such a meter to be connected or disconnected, shall give to the undertakers not less than twenty-four hours' notice of his requirements and of the time when the work can be commenced and, thereupon, the undertakers shall carry out the necessary work and may recover from him summarily as a civil debt the expenses reasonably incurred by them in so doing.
- (2) A consumer who contravenes any of the provisions of this section, and undertakers who fail to carry out with all reasonable despatch any such work as aforesaid, shall be liable to a fine not exceeding forty shillings.

Meters, and &c., to measure water or detect waste.

- 70 Subject to the provisions of the special Act with respect to the breaking open of streets, the undertakers may for the purpose of measuring the quantity of water supplied, or preventing and detecting waste, affix and maintain meters and other apparatus on their mains and service pipes and may insert in any street, but as near as is reasonably practicable to the boundary thereof, the necessary covers or boxes for giving access and protection thereto, and may for that purpose temporarily obstruct, break open, and interfere with streets, tramways, sewers, pipes, wires and apparatus:

Provided that the undertakers shall not under the powers of this section interfere with—

- (a) any telegraphic line belonging to or used by the Postmaster-General, except in accordance with, and subject to, the provisions of the Telegraph Act, 1878; or
- (b) any works or apparatus of any electricity undertakers, except in accordance with the provisions of section fifteen of the Electric Lighting Act, 1882, or section seventeen of the Schedule to the Electric Lighting (Clauses) Act, 1899; or
- (c) any pipes or apparatus of any gas undertakers, except under the supervision (if given) of an authorised officer of those undertakers and in accordance with plans approved by them or by such officer, or, in case of any difference, by a court of summary jurisdiction.