

SCHEDULES.

THIRD SCHEDULE

PROVISIONS TO BE INCORPORATED IN ORDERS RELATING TO WATER UNDERTAKINGS.

PART XVI

GENERAL AND MISCELLANEOUS.

Notice of discontinuance.

- 79 A consumer who wishes the supply of water to his premises to be discontinued shall give not less than twenty-four hours' notice to the undertakers.

Duty of undertakers to give notice of certain works.

- 80 The undertakers, before commencing to execute repairs or other work which will cause any material interference with the supply of water, shall, except in a case of emergency, give to all consumers likely to be affected such notice as is reasonably practicable and shall complete the work with all reasonable despatch.

Undertakers may obtain copies of valuation list on payment.

- 81 (1) The rating authority of any area within which the undertakers supply water shall on application furnish to the undertakers a copy of their current valuation list, or of such part thereof or such entries therein as may be specified in the application, and their clerk shall, upon request, certify any such copy in accordance with the provisions of section forty-three of the Rating and Valuation Act, 1925.
- (2) In respect of every such copy the rating authority may demand a sum not exceeding five shillings for every hundred entries numbered separately, and for the purposes of this subsection any number of entries less than a complete hundred shall be treated as a complete hundred.

Power to enter premises.

- 82 (1) Subject to the provisions of this section, any authorised officer of the undertakers shall, on producing, if so required, some duly authenticated document showing his authority, has a right to enter any premises at all reasonable hours—
- (a) for the purpose of inspecting and examining meters used by the undertakers for measuring the water supplied by them, and of ascertaining therefrom the quantity of water consumed;
 - (b) for the purpose of ascertaining whether there is, or has been, on or in connection with the premises any contravention of the provisions of the special Act or of any byelaws made thereunder;

- (c) for the purpose of ascertaining whether or not circumstances exist which would authorise the undertakers to take any action, or execute any work, under the special Act or any such byelaws;
- (d) for the purpose of taking any action, or executing any work, authorised or required by the special Act or any such byelaws to be taken, or executed, by the undertakers:

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

- (2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
 - (a) that admission to any premises has been refused, or that refusal is apprehended, or that the premises are unoccupied or that 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 such purpose as aforesaid,

the justice may by warrant under his hand authorise the undertakers by any authorised officer 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.

- (3) An authorised officer entering any premises by virtue of this section, or of a warrant issued thereunder, 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.
- (4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) If any person who in compliance with the provisions of this section, or of a warrant issued thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.
- (6) Nothing in this section shall be construed as limiting the power of entry conferred in Part XIII of this Schedule for the purpose of making examination as to waste or misuse of water.

Penalty for obstructing execution of special Act.

- 83 A person who wilfully obstructs any person acting in the execution of the special Act, or of any byelaw or warrant made or issued thereunder, shall be liable to a fine not exceeding five pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

Power to require occupier to permit works to be executed by owner.

- 84 If, on a complaint made by the owner of any premises, it appears to a court of summary jurisdiction that the occupier of those premises prevents the owner from executing any work which he is by, or under, the special Act required to execute, the court may order the occupier to permit the execution of the work.

Summary proceedings for offences.

- 85 Save as otherwise expressly provided, all offences and fines under the special Act may be prosecuted and recovered under the Summary Jurisdiction Acts.

Continuing offences and penalties.

- 86 Where provision is made by, or under, the special Act for the imposition of a daily penalty in respect of a continuing offence, the court by which a person is convicted of the original offence may fix a reasonable period from the date of conviction for compliance by the defendant with any directions given by the court and, where a court has fixed such a period, the daily penalty shall not be recoverable in respect of any day before the expiration thereof.

Restriction on right to prosecute.

- 87 Proceedings in respect of an offence created by, or under, the special Act shall not, without the written consent of the Attorney-General, be taken by any person other than the undertakers or a person aggrieved.

Inclusion of several sums in one complaint, and &c.

- 88 Where two or more sums are claimed from any person as being due under the special Act, or under byelaws made thereunder, a complaint, summons or warrant may contain in the body thereof, or in a schedule thereto, all or any of the sums so claimed.

Appeals and applications to courts of summary jurisdiction.

- 89 (1) Where any enactment in the special Act provides—
- (a) for an appeal to a court of summary jurisdiction against a requirement, refusal or other decision of the undertakers; or
 - (b) for any matter to be determined by, or an application in respect of any matter to be made to, a court of summary jurisdiction,
- the procedure shall be by way of complaint for an order, and the Summary Jurisdiction Acts shall apply to the proceedings.
- (2) The time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the undertakers' requirement, refusal or other decision was served upon the person desiring to appeal, and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing' of the appeal.
- (3) In any case where such an appeal lies, the document notifying to the person concerned the decision of the undertakers in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought.

Appeals to quarter sessions against decisions of justices.

- 90 Where a person aggrieved by any order, determination or other decision of a court of summary jurisdiction under the special Act is not by any other enactment authorised to appeal to a court of quarter sessions, he may, subject to any express provisions in the special Act to the contrary, appeal to such a court.

Mode of reference to arbitration.

- 91 In arbitrations under the special Act the reference shall, except where otherwise expressly provided, be to a single arbitrator to be appointed by agreement between the parties or, in default of agreement, by the Minister.

Liability of undertakers to pay compensation.

- 92 In any case, where no express provision with respect to compensation is made by the special Act, the undertakers shall pay to the owners and occupiers of, and all other persons interested in, any lands or streams taken or used for the purposes of that Act, or injuriously affected by the construction or maintenance of the works thereby authorised or otherwise by the execution of the powers thereby conferred, compensation for the value of the lands or streams so taken or used and for all damage sustained by those owners, occupiers and other persons by reason of the exercise as to those lands and streams of the powers conferred on the undertakers by the special Act, or any Act incorporated therewith.

The amount of such compensation shall, in case of dispute, be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Protection for works of navigation authorities and for catchment boards and railways.

- 93 (1) Subject to the provisions of this section and to any provisions of the special Act empowering the undertakers to execute works specified therein, or to abstract water, nothing in the special Act shall authorise the undertakers without the consent of the navigation authority concerned—
- (a) to interfere with any river, canal, dock, harbour, basin, lock or reservoir so as injuriously to affect navigation thereon or the use thereof or the access thereto, or to interfere with any towing path, so as to interrupt the traffic thereon;
 - (b) to interfere with any bridge crossing any river, canal, dock, harbour or basin;
 - (c) to execute any works in, across or under any dock, harbour, basin, wharf, quay or lock, or any land which belongs to a navigation authority and is held or used by them for the purposes of their undertaking;
 - (d) to execute any works which will interfere with the improvement of, or the access to, any river, canal, dock, harbour, basin, lock, reservoir, or towing path, or with any works appurtenant thereto or any land necessary for the enjoyment or improvement thereof;

or without the consent of the catchment board to execute any works which will interfere with the exercise by a catchment board of their functions under any enactment, or without the consent of the railway company concerned, to execute any works along, across or under any railway of a railway company:

Provided that consent under this section shall not be unreasonably withheld, and if any question arises as to whether or not consent is unreasonably withheld, either party may require that it shall be referred to an arbitrator to be appointed, in default of agreement, by the President of the Institution of Civil Engineers.

- (2) Upon an arbitration under this section, the arbitrator shall determine—
- (a) whether any works which the undertakers propose to execute are such works as under the last foregoing subsection they are not entitled to execute without consent; and
 - (b) if they are such works, whether the injury, if any, to the navigation authority, catchment board or railway company will be of such a nature as to admit of being fully compensated by money; and
 - (c) if the works are of such a nature, the conditions, including conditions of a financial character with respect to the payment of compensation, future liabilities and otherwise, subject to which—
 - (i) the navigation authority, catchment board or railway company shall, if they so elect, carry out the works on behalf of the undertakers; or
 - (ii) in default of such election, the undertakers may themselves carry out the works.

If the arbitrator should determine that the proposed works are such works as the undertakers are not entitled to execute without consent and that the works would cause injury to the navigation authority, catchment board or railway company of such a nature as not to admit of being fully compensated by money, the undertakers shall not proceed to execute the works, but in any other case they may execute the works subject to compliance with such conditions, including the payment of such compensation, as the arbitrator may have determined.

- (3) For the purposes of this section, a navigation authority shall be deemed to be concerned with any river, canal, dock, harbour, basin, lock, reservoir, towing path, wharf, quay or land if it belongs to them and forms part of their undertaking, or if they have statutory rights of navigating on or using it, or of demanding tolls or dues in respect of navigation thereon or the use thereof.
- (4) Nothing in this section shall be construed as limiting the powers of the undertakers under the special Act in respect of the opening and breaking up of streets and bridges.

Copies of special Act to be kept by undertakers in their office, and deposited with certain officers.

- 94 (1) The undertakers shall at all times after the expiration of six months from the date on which the special Act was passed or made, keep at their principal office a copy thereof printed by the printers to His Majesty, and shall also within the said six months deposit such a copy with the clerk of the council of every county and town clerk of every county borough within which they supply, or propose to supply, water, or have, or propose to construct, any waterworks.
- (2) If the undertakers fail to comply with any of the provisions of this section, they shall be liable to a fine not exceeding twenty pounds and to a further fine not exceeding five pounds for each day during which such a copy is not so kept or has not been so deposited.