



Water Act 1945

1945 CHAPTER 42

PART I

CENTRAL AND LOCAL PLANNING.

7 Facilities for obtaining information as to underground water.

- (1) Any person who proposes to sink, for the purpose of searching for or abstracting water, a well or borehole intended to reach a depth of more than fifty feet below the surface shall, before he begins to do so, give to the Committee of the Privy Council for Scientific and Industrial Research notice in writing of his intention to do so, and shall keep a journal of the progress of the work, which shall include measurements of the strata passed through and of the levels at which water is struck and subsequently rests, and shall allow any person authorised by the said Committee for the purpose, on the production of some duly authenticated document showing his authority, at all reasonable times—
 - (a) to have free access to any such well or borehole;
 - (b) to inspect the well or borehole and the material excavated therefrom;
 - (c) to take specimens of such material and of water abstracted from the well or borehole; and
 - (d) to inspect and take copies of or extracts from the journal required to be kept under this subsection.
- (2) The person sinking any such well or borehole shall, on completion or abandonment of the work, send a complete copy of the journal kept under the last foregoing subsection to the said Committee and shall also send to the Committee particulars of any test made, before such completion or abandonment, of the flow of water, specifying the rate of flow throughout the test and the duration of the test and also where practicable specifying the water levels during the test and thereafter until the water has returned to its natural level.
- (3) Where any such well or borehole is sunk in connection with an existing pumping station, the particulars of any test to be supplied to the said Committee shall also include the rate of pumping at the existing works during the test.

Status: This is the original version (as it was originally enacted).

- (4) Where the person sinking a well or borehole on any land is not the occupier of the land, the obligation to allow a person authorised by the said Committee to exercise the rights specified in paragraphs (a) to (d) of subsection (1) of this section shall be the obligation of the occupier as well as of the person sinking the well or borehole.
- (5) Where any person contracts to sink any well or borehole on land belonging to or occupied by any other person, and the execution of the work is under the control of the contractor, the contractor and no other person shall be deemed for the purposes of this section to be the person sinking the well or borehole.
- (6) The person sinking a well or bore hole or (if a different person) the owner or occupier of the land on which it is sunk may give notice in writing to the said Committee requiring them to treat as confidential any copy of or extract from the journal required to be kept under subsection (1) of this section or any specimen taken under that subsection, and the Committee shall thereupon not allow that copy, extract or specimen, except in so far as it contains or affords information as to water resources and supplies, to be published or shown to any person not being an officer of the Department of Scientific and Industrial Research or of the Ministry of Health, unless the person giving the notice consents thereto:

Provided that, if at any time the Committee give notice to that person that in their opinion his consent is unreasonably withheld, then that person may, within three months after the notice is given by the Committee, appeal to the Railway and Canal Commission, but if at the expiration of that period no such appeal has been made, or if, after hearing the appeal, the Commission do not make an order restraining them from doing so, the Committee may proceed as if such consent had been given.

- (7) Any person who fails to comply with any obligation imposed on him by the foregoing provisions of this section shall be guilty of an offence against this Act.