
STATUTORY INSTRUMENTS

1974 No. 607

The Water Authorities etc. (Miscellaneous Provisions) Order 1974

Application of Third Schedule in place of provisions of Public Health Act 1936

9.—(1) In this article—

“former statutory water undertakers” means statutory water undertakers within the meaning of the 1945 Act as that Act had effect immediately before 1st April 1974;

“water supply area”, in relation to a water authority, means the area within which it is the duty of that authority to supply water under Part II of the 1973 Act.

(2) This article shall not apply to the Welsh National Water Development Authority.

(3) Subject to paragraph (2) above, this article shall apply to any of the following areas, that is to say—

(a) any area which forms part of the water supply area of a water authority and within which, immediately before 1st April 1974, a supply of water was furnished by former statutory water undertakers under powers conferred by Part IV (Water Supply) of the Public Health Act 1936;

(b) the parish of Ulpha in the rural district of Millom.

(4) Subject to the provisions of this article, the Third Schedule shall apply in relation to any area to which this article applies and is hereby incorporated with this order and shall have effect, as so applied, as if it had been applied by virtue of section 32 of the 1945 Act.

(5) For the purposes of paragraph (4) above, the following provisions of the Third Schedule shall be excepted:—

Section 2 (permissible limits of deviation)

Section 7 (power to acquire easements for underground works).

Part XV (Financial Provisions applicable to Water Companies).

(6) The provisions of the Third Schedule as applied and incorporated by this article shall have effect subject to the following modifications:—

(a) in section 3 (limit on powers of undertakers to take water) there shall be added at the end the words “(including any enactment passed or made before 1st April 1974)”.

(b) the following subsection shall be added at the end of section 5 (power of undertakers to lay or erect telephone wires etc.):—

“(6) This section shall apply to any wires, posts, conductors or other apparatus laid or erected before 1st April 1974 for the purposes and in the manner specified in this section or for like purposes and in like manner as if they had been laid or erected under the powers conferred by this section.”

(c) In subsection (1) of section 19 (power to lay mains), for paragraph (b) there shall be substituted the following paragraph:—

- “(b) in, on or over any land not forming part of a street, after giving reasonable notice to every owner and occupier of that land, and with the consent of—
- (i) the highway authority concerned, if the main will be laid within 220 feet of any highway; and
 - (ii) the electricity or gas board concerned, if the main will be laid in, on or over any land of that board being operational land within the meaning of the Town and Country Planning Act 1971⁽¹⁾
- (d) In subsection (1) of section 41 (laying of communication pipes, etc.), for the proviso there shall be substituted the following proviso:—
- “Provided that the undertakers may elect to lay a main in lieu of any part of a service pipe which is to be laid in a highway and in that case shall lay a communication pipe from that main and connect it with the supply pipe.”
- (e) In section 41(3), for the proviso there shall be substituted the following proviso:—
- “Provided that if under the provisions of this section the undertakers lay a main in lieu of part of a service pipe the additional cost incurred of laying a main instead of that part of a service pipe shall be borne by them.”
- (f) In section 42 (power of undertakers to require separate service pipes) the following paragraph shall be added at the end of subsection (8):—
- “(d) the owner or occupier of any of the houses has caused or knowingly permitted interference with the existing service pipe, or with any stopcock fixed thereto, in such a way as to interrupt the supply of water to any other house supplied by that pipe”.
- (g) Section 64 (penalty for waste, etc., of water by non-repair of water fittings) shall have effect as set out in the Schedule to the Local Government (Miscellaneous Provisions) Act 1953 and not as originally enacted.
- (h) At the end of section 70 (meters, etc., to measure water or detect waste) there shall be added the following subsection:—
- “(2) This section shall apply to any apparatus affixed, maintained or inserted before 1st April 1974 for the purposes and in the manner specified in subsection (1) above as if it had been affixed, maintained or inserted under the powers conferred by this section.”
- (7) Where by virtue of this article the provisions of the Third Schedule have effect in relation to any area, references in that Schedule to statutory water undertakers shall be construed as referring only to the water authority in whose water supply area that area lies.

⁽¹⁾ 1971 c. 78.