



Public Health Act 1936

1936 CHAPTER 49

PART IV

WATER SUPPLY.

General duties and powers of local authority.

111 Duty of local authority with respect to water supplies within their district.

It shall be the duty of every local authority—

- (i) to take from time to time such steps as may be necessary for ascertaining the sufficiency and wholesomeness of the water supplies within their district; and
- (ii) for the purpose of securing, so far as is reasonably practicable, that every house and school has available within a reasonable distance a sufficient supply of wholesome water for domestic purposes—
 - (a) to provide a supply of water to every part of their district in which danger to health arises from the insufficiency or un-wholesomeness of the existing supply, and a general scheme of supply is required and can be carried out at a reasonable cost; and
 - (b) without prejudice to their obligations under the preceding subparagraph, to exercise their powers under this Part of this Act of requiring owners of houses to provide a supply of water thereto.

112 Power to supply water for non-domestic purposes.

A local authority who supply water under this Act for domestic purposes may supply water for any other purposes.

113 Power of local authority in certain circumstances to supply water to premises outside their district.

If the Minister is satisfied that the owners or occupiers of premises in any area outside the district of a local authority who supply water under this Act desire to obtain a

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supply of water from that authority, and that the giving of the supply is not likely to interfere with the supply of water for domestic or other purposes within the district of that authority, he may, on the application of that authority, and with the consent of the local authority within whose district, and of any statutory water undertakers within whose limits of supply, the area is situate, by order authorise the applicants to supply water in that area, or any part thereof, on such conditions as may be specified in the order:

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

114 Power of local authority to supply water in bulk to adjoining authority.

A local authority who supply water under this Act may with the approval of the Minister furnish a supply of water in bulk to the local authority of an adjoining district on such terms as may be agreed:

Provided that the Minister shall not approve the furnishing of such a supply unless he is satisfied that it is not likely to interfere with the supply of water for domestic or other purposes within the district of the supplying authority.

115 Purity of water for domestic supply.

A local authority who supply water under this Act shall secure that the water in any waterworks belonging to them from which water is supplied for domestic purposes is wholesome.

Waterworks and other sources of supply.

116 General powers of local authority for supplying district with water.

- (1) For the purpose of providing their district, or any part thereof, with a supply of water, a local authority may, subject to the provisions of this section and to the provisions of Part XII of this Act with respect to the execution of works affecting water or water rights—
- (i) construct, take on lease, or with the approval of the Minister purchase by agreement, waterworks ;
 - (ii) with the approval of the Minister purchase by agreement any water, or right to take or convey water, or other rights, powers and privileges in relation to the supply of water, and, in so far as it may be necessary for facilitating the supply of water, any water-mill, dam, or weir;
 - (iii) with the approval of the Minister purchase by agreement the water undertaking of any statutory water undertakers whose limits of supply are coterminous with, or include the whole or any part of, the authority's district, and any water undertaking belonging to persons who are supplying water in any part of the authority's district, but are not statutory water undertakers;
 - (iv) contract with any local authority or other person for a supply of water and, in particular, avail themselves of the provisions of the Supply of Water in Bulk Act, 1934;
 - (v) give any such guarantee in respect of a supply of water as is authorised by any subsequent provision of this Part of this Act.

- (2) A local authority shall not take any steps for supplying water in any part of their district in which they are not already supplying water and which is within the limits of supply of any statutory water undertakers without the consent of those undertakers :

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

- (3) A local authority shall not, for the purpose of supplying water under this Act, construct any works for taking or intercepting water without the approval of the Minister.

- (4) Where a rural authority propose to carry out works for a supply of water to any part of their district, they shall, before adopting plans for the works, give notice of their proposals to the parish council of each parish to be served by the works, or, in the case of a parish not under a parish council, to the parish meeting.

- (5) Where under this section a local authority propose to purchase the water undertaking of statutory water undertakers whose limits of supply extend beyond the authority's district, or the water undertaking of persons, not being statutory water undertakers, who are supplying water outside that district, they shall give notice in writing to the authority of every other district which is wholly or in part within the limits of supply of the statutory undertakers or, as the case may be, within the area in which the non-statutory undertakers are supplying water, and shall not proceed with their proposal unless the consent of each such authority has been obtained:

Provided that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be referred to the Minister, whose decision shall be final.

- (6) Where a local authority have under this Act, or under any Act repealed by this Act, acquired a water undertaking constituted or regulated by an order made under the Gas and Water Works Facilities Act, 1870, or any Act amending that Act, the provisions of section three hundred and three of the Public Health Act, 1875, with respect to the power of the Minister to make provisional orders for repealing or amending local Acts shall apply as if the order were a local Act which could be repealed or amended under that section.

117 Rights of statutory undertakers where local authority supply water with their consent.

- (1) Where a local authority are supplying water to any premises within the limits of supply of statutory water undertakers by virtue of a consent given by those undertakers, whether voluntarily or in compliance with a decision of the Minister, under any of the foregoing provisions of this Part of this Act, those undertakers may, in the absence of any agreement to the contrary, at any time give not less than one month's notice to the supplying authority that they are able and intend to give a supply of water to the premises in question.

- (2) When a notice has been given under this section, then, so soon as, after the expiration of one month, the statutory undertakers commence to supply water to the premises in question, the rights and duties of the local authority in respect of a supply thereto shall cease, but the statutory undertakers shall pay to the local authority such portion of any expenses reasonably incurred by the authority for the purpose of giving a supply to those premises as may be agreed or, failing agreement, determined by arbitration.

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118 Notices to be given before constructing reservoir.

- (1) A local authority who propose to construct under the provisions of this Act a reservoir, other than a service reservoir or tank which will not contain more than one hundred thousand gallons, shall—
- (a) publish by advertisement in a local newspaper circulating in the district in which the proposed reservoir is to be constructed a notice describing the nature of the proposals and specifying the land in or on which they propose to execute any work, and naming a place where a plan illustrative of their proposals may be inspected at all reasonable hours by any person free of charge; and
 - (b) if the site of the proposed reservoir is in the district of another local authority, serve a copy of the notice on that authority.
- (2) If, within twenty-eight days after the publication of the notice referred to in the preceding subsection, notice of objection to their proposals is served on the local authority by any owner or occupier of land affected by the proposals, or by such other local authority, if any, as aforesaid, they shall not proceed with their proposals unless all such objections so made are withdrawn, or the Minister, after a local inquiry, has approved the proposals, either with or without modification.

119 Powers and duties of local authority in respect of laying and maintaining water mains.

A local authority who supply, or are about to supply, water under this Act shall have the like powers and duties and be subject to the like restrictions in respect of the laying and maintenance of water mains within or without their district, as, under the provisions of Part II of this Act, they have and are subject to in respect of the construction and maintenance of public sewers within or without their district, as the case may be.

120 Incorporation of certain provisions of Waterworks Clauses Acts.

For the purpose of enabling a local authority to supply water under this Act, there shall be incorporated with this Act the Waterworks Clauses Act, 1863, except section fifteen thereof, and the following provisions of the Waterworks Clauses Act, 1847 :—

- sections forty-four to forty-seven, with respect to the communication pipes to be laid by the undertakers;
- sections forty-eight to fifty-one and fifty-three, with respect to the communication pipes to be laid by the inhabitants;
- sections fifty-four to sixty, with respect to waste or misuse of the water supplied by the undertakers;
- sections sixty-one to sixty-seven, with respect to the provision for guarding against fouling the water of the undertakers; and
- sections sixty-eight to seventy-one, seventy-three and seventy-four, with respect to the payment and recovery of the water rates :

Provided that—

- (a) the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts, or parts of districts, where the local authority lay any pipes for the supply of any of the inhabitants thereof;

- (b) the provisions with respect to the communication pipes to be laid by the inhabitants shall have effect subject to the provisions of the next succeeding section;
- (c) any dispute authorised, or directed, by any of the said incorporated provisions to be settled by an inspector, or two justices, shall be settled by a court of summary jurisdiction;
- (d) section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words " with the consent " in writing of the owner or reputed owner " of any such house, or of the agent of such " owner " were omitted therefrom, and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner;
- (e) section forty-eight of the said Act shall for the purposes of this Act have effect as if after the words " having first obtained " there were inserted the words " as respects any ground not forming part of a street ";
- (f) section fifty-seven of the said Act shall for the purposes of this Act have effect as if after the word " afternoon " there were inserted the words " on producing, if required, evidence of his authority ", and as if after the words " and if" there were inserted the words " after production of his authority " ; and
- (g) the provisions with respect to the payment and recovery of water rates shall have effect subject to the subsequent provisions of this Part of this Act with respect to charges for water.

121 Power of owner or occupier to break open streets for laying pipes, subject, in certain cases, to right of local authority to execute the work.

- (1) Subject to the provisions of Part XII of this Act with respect to the breaking open of streets, and to the following provisions of this section, any owner or occupier of premises entitled under this Act to take a supply of water from the mains of a local authority may break open any street for the purpose of laying any necessary communication pipe and for the purpose of inspecting, repairing and renewing any communication pipe serving his premises.
- (2) A person who proposes to lay a pipe from his premises to communicate with a main of the local authority shall give to the authority notice of his proposals and they may, within twenty-one days after the receipt thereof, give notice to him that they intend themselves to make the communication and if, after such a notice has been given to him, he proceeds himself to make the communication, he shall be liable to a fine not exceeding fifty pounds.
- (3) Where a local authority have given such a notice as aforesaid, they shall have all such rights in respect of the making of the communication as the person desiring it to be made would have, but it shall not be obligatory on them to make the communication until the cost of the work as estimated by their surveyor has been paid to them, or security for payment has been given to their satisfaction.
- (4) If any payment so made to the local authority exceeds the expenses reasonably incurred by them in the execution of the work, the excess shall be repaid by them and, if and so far as those expenses are not covered by the payment, if any, made to them, they may recover the expenses, or the balance thereof, from the person for whom the work was done.

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- (5) For the purposes of this section, the making of the communication with a main includes all such work as involves the breaking open of a street.

122 Power of water undertakers to supply water, or sell or lease waterworks, to local authority.

Any person supplying water, whether under statutory powers or not, may—

- (i) contract to supply water to a local authority; or
- (ii) subject to the provisions of this section, sell or lease to a local authority all or any of his waterworks and all his rights, powers and privileges attaching thereto, but subject to all liabilities attaching thereto :

Provided that a sale by a company under this section must be authorised, if the company is a company within the meaning of the Companies Act, 1929, by a special resolution of the members passed in the manner provided in Part IV of that Act, and if the company is not such a company, by a resolution passed by three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened for the purpose with notice of the business to be transacted.

123 Power of local authority to give guarantees to water companies, and &c.

A local authority may undertake to pay to any person supplying water, or guarantee payment to any such person of, such periodical or other sums as may be agreed as a consideration for that person giving a supply of water, so far as he can lawfully do so, within any part of the authority's district and executing any works necessary for that purpose.

Public wells, pumps, &c.

124 Certain public pumps, wells, cisterns, and &c, vested in local authority.

- (1) All public pumps, wells, cisterns, reservoirs, conduits, and other works used for the gratuitous supply of water to the inhabitants of any part of the district of a local authority shall vest in and be under the control of the authority, and the authority may cause the works to be maintained and supplied with wholesome water, or may substitute, maintain and supply with wholesome water other such works equally convenient.
- (2) If the local authority are satisfied that any such works are no longer required, or that the water obtained from any such works is polluted and that it is not reasonably practicable to remedy the cause of the pollution, they may close those works or restrict the use of the water obtained therefrom.
- (3) Subject to the provisions of this Act, a local authority may construct any works for supplying water for the gratuitous use of any inhabitants who desire to take it not for sale but for domestic purposes.

125 Power of parish council to utilise wells, springs or streams for obtaining water.

- (1) A parish council may utilise any well, spring or stream within their parish and provide facilities for obtaining water therefrom, and may execute any works, including works

of maintenance or improvement, incidental to, or consequential on, any exercise of that power:

Provided that nothing in this subsection shall be construed as authorising them to interfere with the rights of any person, or as restricting, in the case of a public well or other works, any powers of the local authority under the last preceding section.

- (2) A parish council may contribute towards the expenses incurred by any other parish council, or by any other person, in doing anything authorised by the preceding subsection.
- (3) Nothing in this section shall derogate from any obligation of a district council with respect to the supply of water.

Charges for water.

126 General power of local authority to make charges for water.

- (1) Subject to the provisions of this Part of this Act, a local authority who supply water under this Act to any premises for domestic purposes may charge in respect thereof a water rate, which shall be assessed on the net annual value of the premises as appearing in the valuation list for the time being in force or, if that value does not appear in the valuation list, on the net annual value of the premises as determined, in the event of dispute, by a court of summary jurisdiction :

Provided that the authority may fix a minimum charge applicable in all cases to premises supplied with water.

- (2) The local authority may also enter into agreements for supplying water by meter, or otherwise, on such terms as may be agreed between them and the persons receiving the supply, and shall have the like powers for recovering water charges under such agreements as they have for recovering water rates.
- (3) Where the local authority charge a water rate in respect of water supplied by them for domestic purposes, they may make, in addition, a reasonable charge in respect of the use of that water—
 - (a) in any fixed bath having a capacity (measured to the centre fine of the overflow pipe, or in such other manner as the Minister may by regulations prescribe) in excess of fifty gallons; or
 - (b) by means of a hose-pipe or similar apparatus, either for horses or for washing vehicles.

A charge made under this subsection may be recovered as part of the water rate and, if any question arises as to whether any such charge is reasonable or not, that question shall be referred to the Minister, whose decision shall be final.

- (4) Any ten persons rated to the general rate in a borough or urban district, or any five persons rated to the general rate in a contributory place in a rural district, if aggrieved by the refusal of the local authority to make charges in respect of all water supplied by them under this Act in that borough, district or contributory place, or by their refusal to make such charges as those ratepayers deem reasonable and adequate, may appeal to the Minister, and the Minister may make such order in the matter as he thinks fit.

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127 Power to charge by meter for supply to certain premises and for certain purposes.

- (1) The Minister, on an application made to him by a local authority who are supplying water under this Act for domestic purposes, may fix a maximum charge per thousand gallons for a supply of water by meter, subject to the right of the authority to make such, minimum charge, if any, as he may fix, and, where a maximum charge has been so fixed, the provisions of the two next succeeding subsections shall have effect.
- (2) The local authority may require that all water supplied by them to—
- (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;
 - (b) any public institution;
 - (c) any hospital, sanatorium, school, club, hostel, assembly hall, place of public entertainment, restaurant, hotel, or licensed premises, within the meaning of that expression as used in the Licensing (Consolidation) Act, 1910; or
 - (d) any boarding-house capable of accommodating twelve or more persons, including the persons usually resident therein,
- shall be taken by meter.

- (3) If a person who takes a supply of water for domestic purposes from the local authority otherwise than by meter desires to use any of the water so supplied for operating—
- (a) a water-cooled refrigerating apparatus;
 - (b) any apparatus depending while in use upon a supply of continuously running water; or
 - (c) any apparatus used for softening water which requires water for cleaning, regenerating, motive power or similar purposes,

the authority may require that all water so used shall be taken by meter:

Provided that nothing in this subsection shall apply to an apparatus used for softening water, if one such apparatus only is used, and the water softened thereby can be drawn off into a receptacle at one point only and is used solely for domestic purposes.

- (4) A local authority who propose to make an application to the Minister under this section shall give notice of their proposal in such manner and to such persons, if any, as the Minister may direct, and the Minister shall not decide the application before the expiration of one month from the giving of the notice, and before giving his decision shall take into consideration any representations which may have been received by him.

128 Power to charge for water supplied by stand-pipes, and &c.

- (1) Where a local authority who supply water under this Act have provided a stand-pipe or constructed a well or cistern, from which persons may obtain water, the authority may recover water rates from the owner or occupier of every house within two hundred feet of that stand-pipe, well or cistern, in the like manner as if a supply had been given on the premises :

Provided that, if any such house has, from other sources and within a reasonable distance, a supply of wholesome water sufficient for the domestic purposes of the inmates, no water rate shall be recoverable from the owner or occupier of the house, unless and until water from the stand-pipe, well or cistern is used by inmates of the house.

- (2) Nothing in this section applies to a standpipe, well or cistern which is vested in the local authority by virtue of subsection (1) of section one hundred and twenty-four of this Act, or which has been constructed by them under subsection (3) of that section.

129 Water rates on small tenements may be demanded from the owners.

- (1) Where a local authority supply water under this Act to a house, or to a part of a house occupied as a separate tenement, and the owner thereof is, under subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment, rated instead of the occupier, the owner instead of the occupier shall, if the authority so determine, pay the rate for the supply of water, but nevertheless the rate may be demanded and recovered by them from the occupier and, if it is so recovered, the occupier shall, unless as between himself and the owner he is liable to pay the rate, be entitled to deduct the amount so paid from his rent:

Provided that an occupier shall not be required to pay at any one time any sum in excess of the amount which was due from him on account of rent at, or has become due from him on account of rent since, the date on which he received a demand from the local authority" together with a notice requiring him not to pay rent to his landlord without deducting the sum so demanded.

- (2) An owner of premises to which a determination of the local authority 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 is payable, or before such later date as may be specified by the authority, be entitled to an allowance calculated at the same rate per cent. as the allowance which is made to him in respect of a general rate under paragraph (a) of subsection (1) of section eleven of the Rating and Valuation Act, 1925, as amended by any subsequent enactment.

130 Water rates may be made recoverable half-yearly.

- (1) If a local authority who supply water under this Act so resolve, the water rates shall, notwithstanding anything in the Waterworks Clauses Act, 1847, be payable in advance by half-yearly instalments in respect of the half-years commencing on the first day of April and the first day of October, but 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.
- (2) While such a resolution is in operation, if the person who is, or who but for the provisions of the last preceding 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 either of them has paid any greater proportion of the instalment, he shall be entitled to recover the excess from the local authority, except in so far as he has previously recovered it from an incoming occupier.

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131 Adjustment in respect of Water rate where net annual value of premises is altered.

- (1) Where 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, the amendment shall for the purpose of calculating the amount due in respect of any water rate payable under this Act have effect retrospectively as from the date as from which under the said section it has effect for the purpose of calculating the amount due in respect of any general rate.
- (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 as if it were arrears of the rate.

Byelaws for preventing waste &c. of water: provisions as to meters and other fittings.

132 Byelaws for preventing waste, misuse or contamination of water, and &c.

- (1) A local authority who supply water under this Act may make byelaws for preventing the waste, undue consumption, misuse or contamination of water supplied by them.
- (2) Byelaws under this section may include provisions prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used, and forbidding any arrangements and the use of any water fittings which permit, or are likely to permit, waste, undue consumption, misuse, erroneous measurement or contamination of water.
- (3) If a person contravenes, or fails to comply with, the provisions of any byelaw made under this section, the authority may, without prejudice to their right to take proceedings for a fine, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be repaired, replaced or altered, and shall have the like powers for recovering the expenses properly incurred by them in so doing as they have for recovering water rates.
- (4) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to a railway company and are held or used by them for the purposes of their railway, so long as those fittings do not cause waste, undue consumption, misuse or contamination of water supplied by the local authority:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses, or used in offices not forming part of a railway station.

- (5) The provisions of Part II of this Act with respect to the power of a local authority with the consent of the Minister to relax the requirements of building byelaws shall apply in relation to byelaws made under this section as they apply in relation to building byelaws.
- (6) Subject as hereinafter provided—
 - (a) any byelaw made by a local authority under this section shall cease to have effect on the expiration of ten years from the date on which it was made; and
 - (b) any byelaw made by a local authority under any other enactment which confers power to make byelaws for purposes similar to the purposes of this section shall, if made more than nine years before the date of commencement

of this Act, cease to have effect at the expiration of one year from that date and, if made not more than nine years before that date, cease to have effect at the expiration of ten years from the date on which it was made:

Provided that the Minister may by order extend the period during which any such byelaw is to remain in force.

- (7) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933—
- (a) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation; and
 - (b) if they supply water outside their district, send at least one month before the application is made a copy of the byelaws to the local authority of every district in which any premises to which the byelaws will apply are situate.

133 Power to inspect and test water fittings.

A local authority who supply water under this Act may examine and test any water fittings used in connection with water so supplied by them.

134 Charges for hire of, and repairs to, meters.

- (1) A local authority who supply water under this Act may make a charge for any meter provided by them, and shall have the like powers for recovering any such charges as they have for recovering water rates.
- (2) The local authority shall at their own expense keep any meter let on hire by them to any person in proper order for correctly registering the supply of water and, if they fail so to do, that person shall not be liable to pay rent for the meter while the default continues.

135 Penalty for injuring water fittings, and &c, or for fraudulent use of water.

- (1) If any person wilfully or by culpable negligence injures, or suffers to be injured, any water fittings belonging to a local authority who supply water under this Act, or fraudulently alters the index of any meter for measuring the water supplied by such an authority, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the authority, he shall, without prejudice to any other right or remedy of the authority, be liable to a fine not exceeding five pounds, and the authority may do all such work as is necessary for repairing any injury done, or for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender.
- (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 enabling him fraudulently to abstract or use water, shall be prima facie evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

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136 Register of meter to be evidence.

- (1) Where a local authority supply water under this Act by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.
- (2) Any question arising between the authority 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 material degree—
 - (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 authority, unless it is proved to have begun to register incorrectly to that degree 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 authority or paid by the consumer, as the case may be, and, in the case of an extra payment, may be recovered in the like manner as a water rate.

Power of local authority to require houses to be supplied with water.

137 New houses to be provided with sufficient water supply.

- (1) Where plans of a house are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless—
 - (i) there is put before them a proposal which appears to them to be satisfactory for providing in, or within a reasonable distance of, the house a supply of wholesome water sufficient for the domestic purposes of the inmates; and
 - (ii) they are satisfied that the proposal can and will be carried into effect.

Any question arising under this subsection between a local authority and the person by whom or on whose behalf plans are deposited as to whether the local authority ought to pass the plans may on the application of that person be determined by a court of summary jurisdiction.

- (2) If, after any such plans as aforesaid have been passed, it appears to the local authority that the proposal for providing a supply of water has not been carried into effect, or has not resulted in a supply of wholesome water sufficient for the domestic purposes of the inmates being provided in, or within a reasonable distance of, the house, the authority shall give notice to the owner of the house, prohibiting him from occupying it, or permitting it to be occupied, until the authority, being satisfied that such a supply has been provided, have granted him a certificate to that effect and, until such a certificate has been granted, he shall not occupy the house or permit it to be occupied :

Provided that any person aggrieved by the refusal of the authority to grant such a certificate may apply to a court of summary jurisdiction for an order authorising the occupation of the house and, if the court is of opinion that a certificate ought to have been granted, the court may make an order authorising the occupation of the house, and such an order shall have the like effect as a certificate of the local authority.

- (3) Any person who contravenes the provisions of the last preceding subsection shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

138 Power of local authority to require any occupied house to be provided with sufficient water supply.

- (1) Where a local authority are satisfied—
 - (a) that any occupied house has not, either in the house or within a reasonable distance thereof, a supply of wholesome water sufficient for the domestic purposes of the inmates; and
 - (b) that such a supply ought to be provided by the owner of the house; and
 - (c) that, if such a supply is afforded by the authority or other water undertakers, there will not be payable by the consumer in respect of water supplied any charge in excess of the ordinary charge made in respect of a supply of water for domestic purposes to houses in the area to which such a supply is given,the authority may give notice to the owner requiring him within a time specified therein to provide, or secure the provision of, such a supply.
- (2) Where the local authority are so satisfied as aforesaid with respect to each of two or more houses, and are further satisfied that the needs of those houses can most conveniently be met by means of a joint supply, they may give notice accordingly under the preceding subsection to the owners of all those houses.
- (3) Subject to the provisions of the next succeeding section with respect to appeals, if such a notice as aforesaid is not complied with, the local authority may themselves provide, or secure the provision of, a supply of water to the house or houses in question and may recover any expenses reasonably incurred by them in so doing from the owner of the house, or, where two or more houses are concerned, from the owners of those houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction :

Provided that an owner shall not be required to pay more than twenty pounds in respect of any one house.
- (4) Where any houses with respect to which the local authority are, by reason of notices not having been complied with, in a position to take action under the last preceding subsection are situate within the limits of supply of statutory water undertakers, and the aggregate amount of the water rates which would be payable annually by owners or occupiers of those houses at the rates charged by the undertakers is such that a requisition could be made by those owners or occupiers under section thirty-five of the Waterworks Clauses Act, 1847, or under that section as modified by any enactment regulating the undertaking, the local authority may themselves make such a requisition, and the undertakers shall comply therewith as if it had been made by the owners or occupiers of the houses, and those owners or occupiers shall be deemed to have made the requisition and to have entered into an agreement with the undertakers to take a supply of water for the minimum period mentioned in the said section, or in the said section as so modified.
- (5) Where under this section a supply of water is furnished to a house by the local authority or other statutory water undertakers, water rates may be made on the premises and recovered as if the owner or occupier of the house had demanded and agreed to pay water rates for a supply.
- (6) Where under this section two or more houses in the occupation of different persons are supplied with water by a common pipe belonging to the owners or occupiers of those houses or parts of houses, or to some of them, the local authority may, when necessary, repair or renew the pipe and recover any expenses reasonably incurred by them in

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

so doing from the owners or occupiers of the houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction.

139 Appeal by owner against requirement to provide water supply.

- (1) If a person on whom a notice has been served under subsection (1) of the last preceding section objects to the requirement of the local authority on any of the following grounds, that is to say that:—
- (a) the supply is not required;
 - (b) the time allowed to him for providing the supply is insufficient ;
 - (c) the authority ought themselves to provide a supply of water for the district, or part of the district, in which the house is situate, or to render the existing supply of water wholesome; or
 - (d) part of the expenses of providing the supply, or of rendering the existing supply wholesome, ought to be borne by the authority,
- he may, within twenty-eight days after service on him of the notice, appeal to the Minister and, if he so appeals, the authority shall not take any further steps under the notice until they have been authorised so to do by the Minister.
- (2) Upon an appeal to him under this section the Minister may either disallow the requirement of the local authority or allow it with or without modifications, and, if he allows it, shall order the authority to proceed with the proposed works, or those works as varied by the order, either forthwith or in the event of the works not being executed by the owner or owners within a time limited by the order.
- (3) The Minister may by his order, if he thinks it equitable so to do, apportion the expenses of providing the supply between the owner or owners concerned and the local authority, or may vary any such apportionment which the authority propose to make, so, however, that in no case shall any owner be required to pay more than twenty pounds in respect of any one house.

Provisions for the protection of public from polluted water.

140 Power to close, or restrict use of water from, polluted source of supply.

- (1) If a local authority are of opinion that the water in or obtained from any well, tank or other source of supply not vested in them, being water which is, or is likely to be, used for domestic purposes, or in the preparation of food or drink for human consumption, is, or is likely to become, so polluted as to be prejudicial to health, the authority may apply to a court of summary jurisdiction and thereupon a summons may be issued to the owner or occupier of the premises to which the source of supply belongs, or to any other person alleged in the application to have control thereof.
- (2) Upon the hearing of the summons, the court may make an order directing the source of supply to be permanently or temporarily closed or cut off", or the water therefrom to be used for certain purposes only, or such other order as appears to the court to be necessary to prevent injury or danger to the health of persons using the water, or consuming food or drink prepared therewith or therefrom.

The court shall hear any user of the water who claims to be heard, and may cause the water to be analysed at the cost of the local authority.

- (3) If a person on whom an order is made under this section fails to comply therewith, the court may, on the application of the local authority, authorise them to do whatever may be necessary for giving effect to the order, and any expenses reasonably incurred by the authority in so doing may be recovered by them from the person in default.

141 Power to deal with insanitary cisterns, and &c.

Any well, tank, cistern, or water-butt used for the supply of water for domestic purposes which is so placed, constructed or kept as to render the water therein liable to contamination prejudicial to health, shall be a statutory nuisance for the purposes of Part III of this Act.

General.

142 Interpretation of Part IV.

In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :—

" limits of supply " means, in relation to any statutory water undertakers, the limits within which they are for the time being authorised by or under this or any other Act to supply water;

" statutory water undertakers " means water undertakers being either—

(a) a local authority; or

(b) a company, board, committee or person empowered by or under any Act to supply water;

" water-fittings " includes pipes, meters, cocks, ferrules, valves, soil-pans, waterclosets, baths, cisterns and other similar apparatus used in connection with the supply and use of water.