

Fylde Water Board Act, 1956

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CHAPTER lxxxvii

An Act to amend the enactments relating to the discharge of compensation water by the Fylde Water Board to confer further powers upon that Board and for other purposes. [2nd August 1956.]

WHEREAS—

(1) By the Fylde Waterworks (Transfer) Act 1897 the Fylde Water Board (hereinafter called "the Board") were constituted and incorporated and were empowered to supply and are supplying water within the boroughs of Blackpool Lytham Saint Annes and Fleetwood and other places all in the county palatine of Lancaster:

(2) By the Fylde Water Board Act 1912 (hereinafter called "the Act of 1912") the Board were authorised to construct three reservoirs (including the Stocks Reservoir) and other works and to take water from the river Hodder and its tributaries:

(3) By the Fylde Water Board Act 1925 (hereinafter called "the Act of 1925") the Board were empowered to enlarge the Stocks Reservoir authorised by the Act of 1912 instead of constructing the three reservoirs authorised by that Act:

(4) The Board are required by section 20 of the Act of 1925 to discharge or permit to flow from the Stocks Reservoir to and into the river Hodder the quantity of compensation water following namely six million five hundred and forty-eight thousand three hundred and eighty-two gallons per day in a regular and continuous flow throughout the twenty-four hours of each day:

(5) With a view to ensuring that the Board shall be and shall continue to be in a position to meet the increasing demands made upon them for the supply of water within the limits of

supply of the Board it is expedient that the obligations of the Board with respect to the discharge of compensation water should be revised as in this Act provided:

(6) It is expedient to alter the rates which the Board may demand and take for a supply of water for sanitary purposes and to make further provision with reference to the finances of the Board:

(7) It is expedient to confer powers on the Board with reference to plumbers executing works in relation to apparatus used in connection with the supply and use of water within the said limits of supply and to confer further powers on the Board with reference to water fittings:

(8) It is expedient that the other provisions in this Act should be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short and
collective
titles.

1.—(1) This Act may be cited as the Fylde Water Board Act 1956.

(2) The Acts specified in Part I of the schedule to this Act and the Orders specified in Parts II and III of that schedule and so much of the Confirmation Acts mentioned in the said Part II as relates to those Orders and this Act may be jointly cited as the Fylde Water Board Acts and Orders 1897 to 1956.

Interpretation.

2.—(1) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby assigned to them (that is to say):—

“ the Act of 1912 ” “ the Act of 1925 ” and “ the Act of 1935 ” mean respectively the Fylde Water Board Act 1912 the Fylde Water Board Act 1925 and the Fylde Water Board Act 1935 ;

“ the Board ” means the Fylde Water Board ;

“ the clerk ” means the clerk to the Board and includes any person duly authorised to discharge temporarily the duties of that office ;

“ enactment ” includes an enactment in this Act or in any general or local Act and any Order or byelaw for the time being in force ;

“ the limits of supply ” means the limits for the time being of the Board for the supply of water ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ revenues of the Board ” has the same meaning as is assigned thereto by section 3 (Interpretation) of the Act of 1925.

(2) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

3. Subsection (1) of section 20 (Compensation water) of the Act of 1925 shall have effect as if for the words “ six million five hundred and forty-eight thousand three hundred and eighty-two gallons per day ” there were substituted the words “ three million gallons per day during the months of October to April and four million gallons per day during the months of May to September ”.

Amendment of enactment relating to compensation water.

4. In addition to the obligations imposed on the Board by section 20 (Compensation water) of the Act of 1925 to discharge or permit to flow from the Stocks Reservoir of the Board compensation water at the specified rates as defined in that section the Board shall if and whenever so required by the Lancashire River Board discharge or permit to flow from the said reservoir additional quantities of water of such amounts and during such periods as the said river board may require but subject to the following conditions :—

Discharge of additional water.

(1) The aggregate additional quantity of water which the Board may be required under this section to discharge shall not in any one year ending on the thirty-first day of December exceed two hundred million gallons ;

(2) The Board shall not be required under this section to discharge any additional quantity of water at a greater rate than sixteen million gallons per day.

5.—(1) The maximum rate which the Board may demand and take under section 25 (Price of water for sanitary purposes) of the Fylde Water Board Act 1899 for a supply of water for sanitary purposes shall be the maximum rate for the time being charged by the Board for a supply of water in bulk under section 57 (Contracts for supplying water in bulk) of the Act of 1912.

Rates for supply of water for sanitary purposes.

(2) Section 4 (Increase of maximum rates and charges for supply of water) of the Fylde Water Board Act 1919 shall have effect as if the reference to the said section 25 were omitted therefrom.

Reduction of
borrowing
powers.

6. The powers of the Board to borrow money under the Act of 1912 the Act of 1925 and the Act of 1935 shall be reduced as mentioned in this section—

- (1) The borrowing powers authorised for the purposes (A) mentioned in subsection (1) of section 58 (Power to borrow) of the Act of 1912 as reduced by section 35 (Reduction of borrowing powers under Acts of 1910 1912 and 1919) of the Act of 1925 shall be further reduced by the sum of nine thousand one hundred and ten pounds fifteen shillings and fourpence ;
- (2) The borrowing powers authorised by section 36 (Power to borrow) of the Act of 1925 for the purposes (a) and (c) mentioned in the table in subsection (1) of that section shall be reduced—
 - (a) as respects the purposes (a) by the sum of four hundred pounds ; and
 - (b) as respects the purposes (c) by the sum of one thousand one hundred pounds ;
- (3) The borrowing powers authorised by section 37 (Power to borrow) of the Act of 1935 for the purposes (a) (c) (d) and (g) mentioned in the table in subsection (2) of that section shall be reduced—
 - (a) as respects the purposes (a) by the sum of thirty-three thousand three hundred and one pounds ;
 - (b) as respects the purposes (c) by the sum of fifteen thousand six hundred and nineteen pounds sixteen shillings and eightpence ;
 - (c) as respects the purposes (d) by the sum of nine thousand four hundred and seventy-three pounds ; and
 - (d) as respects the purposes (g) by the sum of one hundred and eighty pounds.

Cancellation
of borrowing
powers not
required.

7. Where the Board have not borrowed any sum or part of a sum which they are empowered to borrow by any enactment contained in a local Act the Board may if they think fit by resolution declare that the said sum or part thereof shall for the purposes of the Consolidated Loans Fund (Fylde Water Board) Scheme 1930 prepared by the Board and approved by the Minister under section 40 (Consolidated loans fund) of the Act of 1925 be deemed to be borrowing powers which have been cancelled or given up.

Allowance to
chairman,

8. The Board may pay to their chairman for the purpose of enabling him to meet the expenses of his office such allowance as the Board may think reasonable.

9.—(1) As from the appointed day no person without the previous consent of the Board shall execute any work for gain or reward in connection with any water fittings in relation to any premises within the limits of supply unless he is registered by the Board under the provisions of this section. Registration
of plumbers.

(2) Subject to the provisions of this section any person who—

- (a) produces a certificate of registration by the Worshipful Company of Plumbers under the conditions appertaining to the national registration of plumbers or by any other body approved by the Minister for the purpose ; or
- (b) having served an apprenticeship to the plumbing trade shall satisfy the Board of his competence to carry out plumbing work in connection with water fittings ;

and who shall have an established place of business and makes an application in that behalf and furnishes the Board with particulars of his name and place of business shall be registered by the Board in a book kept for that purpose (hereafter in this section referred to as "the register") and on so registering any person the Board shall issue to him a certificate of registration.

(3) (a) If the Board refuse to register any person under the last foregoing subsection they shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(b) Any person aggrieved by the refusal of the Board to register him under the last foregoing subsection may appeal to a magistrates' court.

(c) A notice given under paragraph (a) of this subsection shall state the effect of paragraphs (a) and (b) of this subsection.

(4) (a) The Board may register the name of any employer in the register if he undertakes to accept full responsibility for all work carried out by any person employed by him in connection with any water fittings.

(b) Any employer aggrieved by the refusal of the Board to register him under this subsection may appeal to a magistrates' court.

(5) Any person registered under the foregoing provisions of this section who fails to comply with the enactments of the Board relating to plumbing and water fittings shall be liable to have his registration suspended or cancelled by order of a magistrates' court.

(6) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

(a) he shall within seven days deliver up to the Board his certificate of registration and if he fails to do so he shall be liable to a penalty recoverable on summary conviction not exceeding twenty shillings and to a daily penalty not exceeding ten shillings; and

(b) he shall not again be registered by the Board under this section except in pursuance of a further order of a magistrates' court made on his application.

(7) It shall be the duty of the Board to give effect to any order of the court under this section and in particular to issue any necessary certificate and to make any necessary entry in the register.

(8) For the purposes of this section the expression—

“the appointed day” means such day as may be fixed by resolution of the Board subject to and in accordance with the following provisions of this section;

“daily penalty” means a penalty for each day on which an offence is continued after conviction therefor;

“magistrates' court” has the same meaning as is assigned thereto by section 124 of the Magistrates' Courts Act 1952;

“water fittings” has the same meaning as is assigned thereto by section 59 of the Water Act 1945.

(9) Notwithstanding the foregoing provisions of this section the Board shall enter the name of the North Western Gas Board in the register on the said gas board's undertaking with the Board that the said gas board will employ on any work in connection with water fittings persons competent to carry out plumbing work.

(10) The Board shall cause to be published in a local newspaper circulating within the limits of supply notice—

(a) of the passing of any such resolution and of the date fixed thereby; and

(b) of the general effect of the provisions of this section;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(11) Either—

(a) a copy of any such newspaper containing any such notice; or

(b) a photostatic or other reproduction certified by the clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

10.—(1) In addition to the powers of the Board to make byelaws under section 17 of the Water Act 1945 the Board may in connection with the supply and use of water within the limits of supply make byelaws—

Byelaws as to testing etc. of water fittings.

(a) as to the testing and stamping of taps cocks valves ferrules flushing cisterns and other similar apparatus prior to the installation thereof;

(b) prescribing charges for such testing and stamping;

(c) prescribing in connection with supplies by measure—

(i) the size construction and drainage of meter pits and the type size and strength of meter boxes;

(ii) the limits of inaccuracy of meters and the estimation of consumption where meters are found to be defective;

(iii) the method to be used and the charges to be made for testing the accuracy of meters.

(2) Subsections (3) and (4) of section 17 and sections 19 (other than paragraph (b) of subsection (6) thereof) and 20 of the Water Act 1945 shall apply to byelaws made under this section and such byelaws shall be deemed to be byelaws made under the said section 17.

(3) Any person who forges or counterfeits any stamp or mark used by the Board in pursuance of this section or uses or supplies any water fitting marked with any such stamp or mark knowing it to be forged or counterfeited shall be liable to a penalty not exceeding twenty pounds.

11. The following provisions of the Third Schedule to the Water Act 1945 (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

Incorporation of provisions of Third Schedule to Water Act 1945.

- Section 85 (Summary proceedings for offences);
- Section 86 (Continuing offences and penalties);
- Section 87 (Restriction on right to prosecute);
- Section 88 (Inclusion of several sums in one complaint &c.);
- Section 89 (Appeals and applications to courts of summary jurisdiction);
- Section 90 (Appeals to quarter sessions against decisions of justices).

Incorporation
of provisions
of Act of
1935.

12. The following sections of the Act of 1935 are incorporated with this Act and shall extend and apply to and for the purposes of this Act as if those sections with any necessary modifications were set out in this Act (namely):—

Section 44 (Expenses of execution of Act);

Section 45 (Judges not disqualified);

Section 49 (Inquiries by Minister).

Saving rights
of Duchy of
Lancaster.

13. Nothing in this Act contained shall extend or operate to authorise the Board to interfere in any manner with any land soil water or any manorial rights or any other rights of whatsoever description belonging to Her Majesty in right of Her Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent may be given either unconditionally or subject to such conditions and upon such terms as the said Chancellor shall deem necessary or appropriate) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by Her Majesty Her Heirs and Successors in right of Her said Duchy.

Costs of Act.

14.—(1) The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the revenues of the Board or out of money to be borrowed under this Act for that purpose.

(2) The Board may borrow without the consent of any sanctioning authority the sum requisite for the payment of the said costs charges and expenses and they shall repay the sum so borrowed within such periods as the Board may determine not exceeding five years from the date of borrowing.

(3) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed by this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

(4) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Board may mortgage or charge the revenues of the Board.

SCHEDULE

LOCAL ACTS

PART I

ACTS

Session and chapter	Short title
60 & 61 Vict. c. ccxxxi	Fylde Waterworks (Transfer) Act 1897.
62 & 63 Vict. c. ccxliii	Fylde Water Board Act 1899.
10 Edw. 7 & 1 Geo. 5 c. cxxii	Fylde Water Board Act 1910.
2 & 3 Geo. 5 c. xcvi	Fylde Water Board Act 1912.
9 & 10 Geo. 5 c. xxxv	Fylde Water Board Act 1919.
15 & 16 Geo. 5 c. lv	Fylde Water Board Act 1925.
25 & 26 Geo. 5 c. xci	Fylde Water Board Act 1935.

PART II

ORDERS CONFIRMED BY ACTS

Session and chapter	Short title of Confirmation Act	Order thereby confirmed
4 Edw. 7 c. cxvi	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1904	The Fylde Order 1904.
5 Edw. 7 c. cix	The Local Government Board's Provisional Orders Confirmation (No. 14) Act 1905	The Fylde Order 1905.
20 Geo. 5 c. xlii	The Ministry of Health Provisional Order Confirmation (Fylde Water Board) Act 1930	The Fylde Water Order 1929.
20 & 21 Geo. 5 c. xcii	The Ministry of Health Provisional Orders Confirmation (Fylde Water Board Oldham and Rochdale) Act 1930	The Fylde Water (Road Works) Order 1930.

PART III

OTHER ORDERS

Statutory Instrument or Departmental Order	Number	Short title of order
Departmental Order of Minister of Health	70,293	The Fylde Water Board Order 1925.
Departmental Order of Minister of Health	72,807	The Fylde Water Board Order 1928.
S.I.	906	The Fylde Water Order 1948.
S.I.	1158	The Fylde Water Order 1950.
S.I.	219	The Fylde Water (Trunk Main) Order 1951.
S.I.	631	The Fylde Water Order 1952.
S.I.	1629	The Fylde Water Order 1955.

Table of Statutes referred to in this Act other than those included in the schedule

Short title	Session and chapter
Life Assurance Act 1774	14 Geo. 3 c. 48.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament
LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 9d. net

PRINTED IN GREAT BRITAIN