



# Water Act 1989

## 1989 CHAPTER 15

### PART II

#### WATER SUPPLY AND SEWERAGE SERVICES

### CHAPTER II

#### WATER SUPPLY

##### *Constancy and pressure of water supplies*

#### **51 Duty as respects constant supply and pressure**

- (1) Subject to the following provisions of this section, it shall be the duty of a water undertaker to cause the water in such of its water mains and other pipes as—
  - (a) are used for providing supplies of water for domestic purposes; or
  - (b) have fire-hydrants fixed on them,to be laid on constantly and at such a pressure as will cause the water to reach to the top of the top-most storey of every building within the undertaker's area.
- (2) Nothing in subsection (1) above shall require a water undertaker to provide a supply of water at a height greater than that to which it will flow by gravitation through its water mains from the service reservoir or tank from which that supply is taken; and for the purposes of this section a water undertaker shall be entitled to choose the service reservoir or tank from which any supply is to be taken.
- (3) Nothing in subsection (1) above shall impose any duty on a water undertaker to maintain the constancy or pressure of any supply of water during any period during which it is reasonable for that supply to be cut off or reduced for the purposes of the carrying out of any necessary works.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (4) The Secretary of State may by order modify the application of the preceding provisions of this section in relation to any water undertaker; but the Secretary of State shall not make such an order except—
- (a) in accordance with Schedule 7 to this Act; and
  - (b) on an application made in accordance with that Schedule by the Director or by the water undertaker in relation to which the order is made.
- (5) A water undertaker may—
- (a) require that any premises consisting in—
    - (i) any building or part of a building the supply of water to which need not, in accordance with provision contained in or made under this Act, be constantly laid on under pressure; or
    - (ii) any relevant house to which water is required to be delivered at a height greater than 10.5 metres below the draw-off level of the service reservoir or tank from which a supply of water is being provided by the undertaker to those premises,
 shall be provided with a cistern which has a float-operated valve and is fitted on the pipe by means of which water is supplied to those premises; and
  - (b) in the case of such a house as is mentioned in paragraph (a)(ii) above, require that the cistern shall be capable of holding sufficient water to provide an adequate supply to the house for a period of twenty-four hours.
- (6) If, where a water undertaker provides a supply of water to any premises, the consumer, after having been required to do so by notice served on him by the undertaker, fails before the end of the period specified in the notice, being a period of not less than twenty-eight days beginning with the day after the service of the notice—
- (a) to provide a cistern in accordance with a requirement under subsection (5) above; or
  - (b) to put any such cistern and its float-operated valve into good repair,
- the water undertaker may itself provide a cistern, or execute any repairs necessary to prevent waste of water, and may recover the expenses reasonably incurred by it in doing so from the owner of the premises.
- (7) The power of the Secretary of State to make an order under subsection (4) above shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and such an order may—
- (a) require the payment of compensation by a water undertaker to persons affected by the order;
  - (b) make different provision for different cases, including different provision in relation to different persons, circumstances or localities; and
  - (c) contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.
- (8) The obligations of a water undertaker under this section shall be enforceable under section 20 above by the Secretary of State; and, in addition, where a water undertaker is in breach of a duty under this section the undertaker shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to a fine.

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- (9) In any proceedings against any water undertaker for an offence under subsection (8) above it shall be a defence for that undertaker to show that it took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
- (10) In this section “relevant house” means—
- (a) a house the erection of which is commenced on or after the transfer date; or
  - (b) a house in relation to which any such requirement as is mentioned in subsection (5) above could have been imposed under any enactment having effect immediately before the transfer date in relation to the person who was supplying water to that house immediately before that date.