



# Fire Services Act 1947

## 1947 CHAPTER 41

### *Supply of water for fire-fighting.*

#### **13 Duty of fire authorities to ensure supply of water for firefighting.**

A fire authority shall take all reasonable measures for ensuring the provision of an adequate supply of water, and for securing that it will be available for use, in case of fire.

#### **14 Supply of water by statutory undertakers.**

- (1) For the purposes of the last foregoing section, a fire authority may enter into an agreement with statutory water undertakers for the taking by the undertakers, on such terms as to payment or otherwise as may be specified in the agreement, of such measures as may be so specified for securing that an adequate supply of water will be available in case of fire; and no water undertakers shall unreasonably refuse to enter into any agreement proposed by a fire authority under this subsection.

Any question whether statutory water undertakers have unreasonably refused to enter into an agreement under this subsection shall be determined by the Minister of Health.

- (2) Without prejudice to the generality of the last foregoing subsection, a fire authority, if satisfied that the existing supply of water provided by any statutory water undertakers for domestic and industrial purposes would be likely to be inadequate in case of fire, may enter into an agreement with the undertakers under the last foregoing subsection for the provision of such additional supply of water as may be specified in the agreement.
- (3) Sections thirty-two to thirty-four of the Third Schedule to the Water Act, 1945 (which require undertakers at the expense of the fire authority to provide hydrants) shall apply to all statutory water undertakers, and shall so apply in substitution for any other provision having effect for the purposes of those sections by virtue of any enactment; and—
- (a) undertakers shall at the expense of the fire authority cause the situation of every fire hydrant provided by the undertakers to be plainly indicated by a

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*Status: This is the original version (as it was originally enacted).*

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notice or distinguishing mark, which may be placed on any wall or fence adjoining a street or public place;

- (b) where any such hydrant is damaged as the result of any use made of it, with the authority of the undertakers, not being a use for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act, the fire authority shall not be liable for the cost of repairing or replacing the hydrant incurred as the result of the damage
- (4) Section thirty-eight of the Third Schedule to the Water Act, 1945 (which provides for penalties for breaches of obligations under Part VIII of that Schedule) shall apply to any breach of an obligation of undertakers under subsection (1) or (3) of this section or under an agreement entered into in pursuance of the said subsection (1).
- (5) Any person who uses a fire hydrant, otherwise than for fire-fighting purposes or for any other purposes of a fire brigade maintained in pursuance of this Act or for any purpose authorised by the undertakers or other persons to whom the hydrant belongs, or who damages or obstructs any fire hydrant, otherwise than in consequence of its use for any such purpose as aforesaid, shall be liable on summary conviction to a fine not exceeding ten pounds.
- (6) The Secretary of State may, after consultation with the Central Fire Brigades Advisory Council constituted under this Act, make regulations providing for uniformity in fire hydrants provided by statutory water undertakers and in the notices or marks indicating their situation; and in any case to which regulations under this subsection apply such undertakers shall not be deemed to have complied with their obligations under subsection (3) of this section and the enactments therein referred to unless the hydrants, notices or marks provided by them conform with the regulations.
- (7) In this and the next following section the expression " statutory water undertakers " has the same meaning as in the provisions of the Water Act, 1945, other than Part II thereof; and references in this section to any provision of the Third Schedule to that Act shall include references to any other provision of that Schedule (whether as to the giving of notices, the enforcement of obligations, or otherwise) ancillary thereto.

## **15 Provision of water supply otherwise than by statutory undertakers.**

- (1) A fire authority shall for the purposes of the last but one foregoing section have power by agreement—
- (a) to secure the use, in case of fire, of water under the control of any person other than statutory water undertakers;
  - (b) to improve the access to any such water;
  - (c) to lay and maintain pipes and to carry out other works in connection with the use of such water in case of fire.
- (2) Subject to any agreement under the last foregoing subsection, a fire authority may use for fire-fighting purposes any convenient and suitable supply of water, but shall be liable to pay reasonable compensation therefor:

Provided that nothing in this subsection shall affect the duty of undertakers to whom section forty-two of the Waterworks Clauses Act, 1847 or section thirty-six of the Third Schedule to the Water Act, 1945, applies to supply water for the said purposes without compensation or payment.

**16 Notice to be given of proposed works affecting water supply and fire hydrants.**

- (1) Where a person proposes to carry out any works for the purpose of supplying water to any part of the area of a fire authority, he shall give notice in writing thereof to the fire authority, and the notice shall be given—
  - (a) not less than fourteen days before the works are begun, in any case where the works are proposed to be carried out to comply with a requirement imposed under any enactment other than the Water Act, 1945;
  - (b) not less than six weeks before the works are begun, in any other case.
- (2) At least seven days before any works which affect any fire hydrant are begun, the authority or person by whom the works are to be executed shall give notice in writing to the fire authority:

Provided that where in a case of emergency it is not practicable for notice to be given at the time required by the foregoing provisions of this subsection, those provisions shall be deemed to have been complied with if the notice is given as early as may be.