
STATUTORY INSTRUMENTS

1973 No. 378

WATER SUPPLY, ENGLAND AND WALES

The North West Gloucestershire Water Board Order 1973

Made - - - 29th January 1973

Coming into Operation 27th February 1973

Whereas the Secretary of State for the Environment is empowered by sections 9 and 50 of the Water Act 1945(a) as now vested in him (b) to make an order for the purposes hereinafter appearing but by virtue of the said Act of 1945 the order will not come into operation until the provisions of paragraph 8 of Schedule 1 thereto have been complied with.

Now, therefore, the said Secretary of State, in exercise of the powers hereinbefore recited and of all other powers enabling him in that behalf, hereby orders as follows:—

1.—(1) This order may be cited as the North West Gloucestershire Water Board Order 1973.

(2) The North West Gloucestershire Water Board Orders 1964 to 1972 and this order may be cited together as the North West Gloucestershire Water Board Orders 1964 to 1973.

2. In this order, unless the context otherwise requires—

Interpreta-
tion.

“the Board” means the North West Gloucestershire Water Board;

“the Order of 1964” means the North West Gloucestershire Water Board Order 1964(c);

“the Third Schedule” means the Third Schedule to the Water Act 1945;

“the undertaking” means the water undertaking of the Board as for the time being authorised by any enactment;

and any expression not hereinbefore defined to which a meaning is assigned by the Third Schedule shall have the meaning so assigned.

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this order.

3. The Order of 1964 is hereby amended as follows:—

Order of
1964
amended.

(i) in section 3(3) thereof by substituting for paragraph (a) thereof the following:—

“(a) in section 19 (which relates to power to lay mains) for subsection (1)(b) there shall be substituted the following:

‘(b) in, on or over any land not forming part of a street

(a) 1945 c. 42.

(b) S.I. 1950/142, 1900, 1970/1681 (1950 I, pp. 1348, 1347; 1970 III, p. 5551).

(c) S.I. 1964/1895.

after giving twenty-one days' notice to every owner and occupier of that land with the consent of—

- (i) the highway authority concerned if the main will be laid within two hundred and twenty feet of any highway; and
- (ii) the electricity board or gas board concerned if the main will be laid in, on, or over any land being operational land within the meaning of the Town and Country Planning Act 1962(a) of that board; and
- (iii) the Post Office if the main will be laid in, on, across or over any land being operational land of the Post Office as defined in paragraph 93(4) of Schedule 4 to the Post Office Act 1969(b); and

for the words 'laid down by them whether by virtue of this section or otherwise' there shall be substituted the words 'forming part of the undertaking for the time being of the undertakers.'

(aa) in section 21 (which relates to the power to lay service pipes, etc.) the expression 'street' shall include land laid out for use as a street.

(aaa) in section 42 (which relates to the power of undertakers to require separate service pipes) there shall be inserted at the end of subsection (8) the following:—

'or (d) in the case of two or more houses owned by one person, either solely or jointly with any other person, such houses or either or any of them pass into separate ownership; or

(e) the owner or occupier of any of the houses has caused or permitted interference with the existing service pipe or the stopcock fixed thereto in such a way as to interrupt the supply of water to any other house supplied by such existing service pipe.' "

(ii) by adding immediately after section 51 thereof the following:—

"As to premises deemed to be supplied with water.

52.—(1) Where the owner or occupier of any premises which are not supplied with water by the Board habitually obtains for use in those premises water which has been supplied to other premises by the Board he shall, subject as hereinafter provided, be liable to pay to the Board the same rates or charges as he would be liable to pay if the premises owned or occupied by him were supplied with water by the Board.

(2) This section shall not apply in relation to the use of water in respect of the giving or taking of which proceedings have been instituted under section 65 of the Third Schedule as incorporated with the Order of 1964 and the provisions of the said section 65 as so incorporated shall not apply in relation to the giving or taking of water for which a rate or charge is demanded under this section.

(a) 1962 c. 38.

(b) 1969 c. 48.

Obstructions to stopcocks, valves and identification marks, etc.

53. Where any person has:—

(1) covered over any stopcock or valve or has otherwise obstructed the means of access to any stopcock or valve;

(2) caused or permitted any stopcock or valve to be covered over or the access thereto to be obstructed;

(3) covered over, damaged or removed any identification mark, place, post or board installed by the Board for the location of any stopcock or valve, or any support thereto; or

(4) caused or permitted any such identification mark, plate, post or board or support to be covered over, damaged or removed; any expense incurred by the Board in uncovering the stopcock or valve or removing the obstruction or uncovering, repairing or replacing the identification mark, plate, post, board or support shall be paid to the Board by that person and may be recovered by the Board.

Cutting off supply to unoccupied premises to prevent waste of water.

54. If the undertakers are of the opinion that any premises are unoccupied and after diligent enquiry they are unable readily to gain entry for the purpose of taking action under section 63(1) of the Third Schedule or to communicate with the owner of the premises for the purpose of taking action under section 64(2) thereof, the undertakers may as a preliminary to such action turn off or cut off the water supplied by them to the premises and in such case, without prejudice to the provisions of the said sections, they shall restore the said supply at the request of the owner or (if the premises become occupied) the occupier.

Cutting off service pipe to premises which are demolished, etc.

55. Where any premises are demolished or appear to the Board to be uninhabitable or unlikely again to require a supply of water and the Board have reason to think that waste of water is occurring or is likely to occur they may, after giving notice to the owner and any occupier thereof or (as the case may be) of the site thereof, cut off the communication pipe by which water was supplied to such premises, or so much of the supply pipe as is laid in a highway, and may seal any pipe with which the same is connected, and the expenses reasonably incurred by them in so doing shall be recoverable by them from such owner as aforesaid as a simple contract debt:

Provided that the Board shall not cut off any part of a pipe in pursuance of this section if within 28 days of service of the said notice they are satisfied that a supply of water will again be required from it.

Protection of Board, etc. and insurance.

56.—(1) The Board and its members and officers and servants shall have the like protection as they would have under section 265 of the Public Health Act 1875(a), if the Board were a local authority within the meaning of that section and references in that section to the said Act of 1875 include references to this order.

(2) The Board shall have in respect of insurance against accidents to its members, the like rights and liabilities as are

conferred or imposed on a local authority by section 130 of the Local Government Act, 1948(a).”

Application
of section 94
of Third
Schedule.

4. For the purposes of this order the provisions of section 94 of the Third Schedule (which requires copies of the special Act to be kept by the undertakers in their office, and to be deposited with certain officers) shall apply to the undertaking and are hereby incorporated with this order.

Signed by authority of
the Secretary of State
29th January 1973

J. E. Beddoe,
An Under Secretary
in the Department
of the Environment

(a) 1948 c. 26.