

SCHEDULES

SCHEDULE 3

PROVISIONS AS TO BREAKING OPEN STREETS AND LAYING COMMUNICATION AND SUPPLY PIPES

PART II

PROVISIONS AS TO LAYING COMMUNICATION AND SUPPLY PIPES, ETC.

- 4 (1) A water authority may in any street within their limits of supply lay such service pipes with such stopcocks and other fittings as they deem necessary for supplying water to premises within the said limits, and may from time to time inspect, repair, alter or renew and may at any time remove any service pipe laid in a street whether by virtue of this section or otherwise:

Provided that before exercising any of the powers conferred by this paragraph, the authority shall, except in cases of emergency arising from defects in any existing pipes, plant or works, give not less than 72 hours' notice to the persons having control or management of the street

- (2) Where a service pipe has been lawfully laid in, on or over any land not forming part of a street, the authority may from time to time enter upon that land and inspect, repair, alter, renew or remove the then existing pipe or lay a new pipe in substitution therefor, but shall pay compensation for any damage done by them.

Any dispute as to the amount of compensation to be paid under this sub-paragraph shall be determined by arbitration.

- 5 An owner or occupier of any premises within the limits of supply who desires to have a supply of water for his domestic purposes from the waterworks of the authority shall, subject as hereinafter provided, comply with the following requirements:

- (a) he shall give to the authority 14 days' notice of his intention to lay the necessary supply pipe ; and
- (b) he shall lay the supply pipe at his own expense, having first obtained, as respects any land not forming part of a street, the consent of the owners and occupiers thereof:

Provided that, where any part of the supply pipe is to be laid in a street, he shall not himself break open the street or lay that part of the pipe.

- 6 (1) Upon receipt of such a notice as is referred to in the last foregoing paragraph, the authority shall, within 14 days after the person by whom the notice was given has laid a supply pipe in accordance with the provisions of the last foregoing paragraph, lay the necessary communication pipe and any part of the supply pipe which is to be laid in a street and shall connect the communication pipe with the supply pipe:

Provided that, where any part of the supply pipe is to be laid in a street, they may elect to lay a main in the street for such distance as they think fit in lieu of a supply pipe, and in that case shall lay a communication pipe from that main and connect it with the supply pipe.

- (2) The whole, or such part as the water authority may think fit, of the expenses reasonably incurred by the authority in executing the work which they are required or authorised by this paragraph to execute shall be repaid to them by the person by whom the notice was given and may be recovered by them from him:

Provided that, if under the provisions of this paragraph the authority lay a main in lieu of part of a supply pipe, the additional cost incurred in laying a main instead of a supply pipe shall be borne by them.

- (3) Notwithstanding anything in the foregoing provisions of this paragraph, an authority to whom such a notice as aforesaid is given may, within seven days after the receipt thereof, require the person giving the notice either to pay to them in advance the cost of the work, as estimated by their engineer, or to give security for payment thereof to their satisfaction, and, where they make such a requirement, the period of 14 days referred to in sub-paragraph (1) of this paragraph shall not commence to run, until the requirement has been complied with.

If any payment so made to the authority exceeds the expenses which under the foregoing provisions of this paragraph they would be entitled to recover from the person giving the notice, the excess shall be repaid by them, and, if and so far as those expenses are not covered by the payment, they may recover the balance from him.

- 7 (1) Subject to the provisions of this paragraph the authority may require the provision of a separate service pipe for each house supplied, or to be supplied by them, with water.
- (2) If, in the case of a house already supplied with water but not having a separate service pipe, the authority give notice to the owner of the house, requiring the provision of such a pipe, the owner shall within three months lay so much of the required pipe as will constitute a supply pipe and is not required to be laid in a street, and the authority shall, within 14 days after he has done so, lay so much of the required pipe as will constitute a communication pipe or a supply pipe to be laid in a street and make all necessary connections.
- (3) If an owner upon whom a notice has been served under the last foregoing sub-paragraph fails to comply therewith, the authority may themselves execute the work which he was required to execute.
- (4) The expenses reasonably incurred by the authority in executing the work which they are required by sub-paragraph (2) to execute, or which they are empowered by the last foregoing sub-paragraph to execute, shall be repaid to them by the owner of the house and may be recovered by them from him, but without prejudice to the rights and obligations as between themselves, of the owner and the occupier of the house.
- (5) Where two or more houses are being supplied with water by a single service pipe, the authority shall not require the provision of separate service pipes for those houses until either—
- (a) the existing supply pipe becomes so defective as to require renewal, or is no longer sufficient to meet the requirements of the houses ; or
 - (b) the houses are, by structural alterations to one or more of them, converted into a larger number of houses.

- 8 Where any premises which are within the limits of supply abut on, or are situated near to, any street which is, as to the whole or a part of its width, outside those limits, the authority may for the purpose of supplying water to the owner or occupier of those premises exercise with respect to the whole width of the street the like powers of laying, inspecting, repairing, altering, renewing and removing service pipes with any necessary stopcocks and fittings and of breaking open the street for that purpose as are exercisable by them with respect to streets within the said limits, subject however to the like conditions and obligations.
- 9 (1) On every service pipe laid after 16th May 1946 the authority shall, and on every service pipe laid before that date the authority may, fit a stopcock enclosed in a covered box, or pit, of such size as may be reasonably necessary.
- (2) Every stopcock fitted on a service pipe after 16th May 1946 shall be placed in such position as the authority deem most convenient:
- Provided that—
- (a) a stopcock in private premises shall be placed as near as is reasonably practicable to the street from which the service pipe enters those premises ;
 and
- (b) a stopcock in a street shall, after consultation with the highway authority concerned, be placed as near to the boundary thereof as is reasonably practicable.