

SCHEDULES

SCHEDULE 1

Section 5.

PROVISIONS RELATING TO METERS ETC.

Power to impose conditions of new supply

- 1 (1) Where at any time on or after the coming into force of this paragraph any water undertakers are required, for the purpose of enabling them to furnish a supply of water for domestic purposes to any premises, to connect to any main or service pipe, any pipe which has not previously been so connected, they may make it a condition of complying with that requirement either—
- (a) that a meter for use in determining the amount of any charges which have been or may be fixed in relation to those premises by reference to volume has been installed and connected either by the undertakers or in accordance with specifications approved by them; or
 - (b) that the plumbing of the premises is in accordance with specifications approved by the undertakers for the purpose of ensuring that it will be reasonably practicable for such a meter to be so installed and connected.
- (2) The power conferred on water undertakers by this paragraph shall be exercisable in relation to any premises even if the undertakers have no immediate intention, when the power is exercised, of fixing charges in relation to those premises by reference to volume.
- (3) Specifications approved by any water undertakers under this paragraph may be approved in relation to particular premises or, by being published in such manner as the undertakers think appropriate, in relation to premises generally or to any description of premises.
- (4) Nothing in this paragraph shall entitle any water undertakers to require the alteration or removal of any plumbing installed before the coming into force of this paragraph.
- (5) In this paragraph—
“main”, “service pipe” and “a supply of water for domestic purposes” have the same meanings as in Schedule 3 to the Water Act 1945; and
“plumbing” includes any supply pipe within the meaning of that Schedule.

Power to carry out works and enter premises

- 2 (1) Subject to the following provisions of this paragraph, where—
- (a) any water undertakers have fixed any charges in relation to any premises by reference to volume or have given notice of their intention of so fixing any charges within the period specified in the notice; and
 - (b) there is either—

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- (i) a service pipe which is connected with the undertakers' main and by which a supply of water is or could be provided to those premises or to any building in which those premises are contained; or
- (ii) a drain or private sewer which connects those premises with a public sewer,

the undertakers shall have power to carry out any works specified in sub-paragraph (2) below, and any person authorised by the undertakers may enter those premises for any of the purposes specified in sub-paragraph (3) below.

- (2) The works mentioned in sub-paragraph (1) above are, in relation to any premises—
- (a) works consisting in the installation and connection of any meter for use in determining the amount of any charges which have been or may be fixed in relation to the premises;
 - (b) where the premises consist of a house which is one of two or more houses to which the supply of water is by a single service pipe, works consisting in the installation and connection, for any purpose connected with the installation or connection of such a meter, of a separate service pipe, or part of a service pipe, for that house;
 - (c) works for the purpose of maintaining, repairing, disconnecting or removing any meter which has been installed on those premises for use in determining the amount of any charges which have been or may be fixed in relation to the premises or of maintaining, repairing, disconnecting or removing any pipes or apparatus installed in the course of any works specified in this paragraph; and
 - (d) any other works appearing to the undertakers to be necessary or expedient for any purpose connected with the carrying out of any works specified in paragraph (a), (b) or (c) above, including the installation and connection of any pipes or other apparatus on the premises and the alteration or removal of any of the plumbing of the premises.
- (3) The purposes mentioned in sub-paragraph (1) above are, in relation to any premises—
- (a) the carrying out on those premises of any survey for the purpose of ascertaining—
 - (i) whether the carrying out of any works by virtue of paragraph (a) or (b) of sub-paragraph (2) above is practicable;
 - (ii) whether it is necessary or expedient for any purpose connected with the carrying out of any works by virtue of either of those paragraphs for any other works to be carried out; or
 - (iii) how any works specified in that sub-paragraph should be carried out;
 - (b) the carrying out of any works so specified;
 - (c) the inspection, examination or testing of any meter on those premises or of any pipes or apparatus installed in the course of any works carried out for any purpose connected with the installation, connection, testing, maintenance or repair of any meter on the premises;
 - (d) the ascertainment from any meter of the volume of water supplied to, or of effluent discharged from, those premises.
- (4) A notice given for the purposes of sub-paragraph (1)(a) above may relate to particular premises or to any description of premises and shall be given—

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- (a) by publishing the notice in the locality in which the premises to which it relates are situated in such manner as appears to the undertakers appropriate for bringing it to the attention of the persons likely to be affected by it; and
 - (b) by sending a copy of the notice to the Secretary of State.
- (5) Without prejudice to any power exercisable by virtue of a warrant under paragraph 3 below, no person shall make an entry into any premises by virtue of this paragraph except—
 - (a) at a reasonable time and after seven days' notice of the intended entry has been given to the occupier of the premises; and
 - (b) on production of a duly authenticated document showing that person's authority.
- (6) An authorised person who exercises any power in relation to any premises by virtue of this paragraph or of a warrant under paragraph 3 below—
 - (a) may take with him such other persons as may be necessary; and
 - (b) on leaving any premises which he has entered in or for the purpose of exercising that power, shall leave them as effectually secured against trespassers as he found them.
- (7) A person shall be treated for the purposes of sub-paragraph (6)(b) above, and for the purposes of paragraphs 4(1) and 6(4) below, as exercising a power in relation to any premises by virtue of this paragraph notwithstanding that he, or the person he accompanies, has failed (whether by virtue of the waiver of the requirement by the occupier of the premises or otherwise) to comply with any requirement imposed by virtue of sub-paragraph (5) above.
- (8) In this paragraph—
 - “drain” and “public sewer” have the same meanings as in the Public Health Act 1936 and “private sewer” shall be construed accordingly;
 - “house”, “main” and “service pipe” have the same meanings as in Schedule 3 to the Water Act 1945; and
 - “plumbing” includes any supply pipe within the meaning of that Schedule.
- (9) Without prejudice to the power of any water undertakers to impose a condition under paragraph 1 above in a case where they have exercised their power under section 42 of the said Schedule 3 to require the provision of a separate service pipe, nothing in that paragraph shall be construed as authorising any water undertakers to impose any such condition where they are required to connect any pipe installed under this paragraph to a main or service pipe.

Entry in execution of a warrant

- 3 (1) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—
 - (a) that there are reasonable grounds for the exercise in relation to any premises of a power conferred by paragraph 2 above on a person authorised by any water undertakers; and
 - (b) that one or more of the conditions specified in sub-paragraph (2) below is satisfied in relation to those premises,

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the justice may by warrant authorise the undertakers, by any authorised person, to exercise the power in relation to those premises in accordance with the warrant and, if need be, by force.

- (2) The conditions mentioned in sub-paragraph (1)(b) above are—
- (a) that the exercise of the power in relation to the premises has been refused;
 - (b) that such a refusal is reasonably apprehended;
 - (c) that the premises are unoccupied;
 - (d) that the occupier is temporarily absent from the premises;
 - (e) that the case is one of urgency; or
 - (f) that an application for admission to the premises would defeat the object of the proposed entry.
- (3) A justice of the peace shall not issue a warrant under this paragraph by virtue only of being satisfied that the exercise of a power in relation to any premises has been refused, or that a refusal is reasonably apprehended, unless he is also satisfied—
- (a) that notice of the intention to apply for the warrant has been given to the occupier of the premises; or
 - (b) that the giving of such a notice would defeat the object of the proposed entry.
- (4) Every warrant under this paragraph shall continue in force until the purposes for which the warrant was issued have been fulfilled.

Offence of disclosing information by person exercising powers

- 4 (1) Subject to sub-paragraph (2) below, if any person who has made an entry into any premises by virtue of paragraph 2 above, or of a warrant under paragraph 3 above, discloses to any other person—
- (a) any information obtained by him on those premises with regard to the water supplied to, or effluent discharged from, those premises; or
 - (b) where those premises consist in a factory or workplace, any information obtained by him on the premises with regard to any manufacturing process or trade secret,
- he shall be guilty of an offence.
- (2) Sub-paragraph (1) above shall not apply to a disclosure of any information which is made by any person—
- (a) in the performance of his duties; or
 - (b) in connection with the investigation of any criminal offence or for the purposes of any civil or criminal proceedings or of any arbitration.
- (3) A person guilty of an offence under this paragraph shall be liable—
- (a) on conviction on indictment, to a fine;
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.

Obstruction of person exercising power

- 5 Any person who intentionally obstructs a person who is exercising any power by virtue of paragraph 2 above, or of a warrant under paragraph 3 above, to carry out any works or enter any premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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Expenses of installation etc.

- 6 (1) Subject to sub-paragraphs (2) and (3) and to paragraph 7(6) below, where any meter is installed on any premises by or at the request of any water undertakers, then, notwithstanding any agreement to the contrary between the undertakers and any other person, the undertakers shall bear—
- (a) the expenses of installing and connecting the meter;
 - (b) any expenses incurred in maintaining, repairing or removing the meter in accordance with any requirements of the undertakers; and
 - (c) any expenses incurred in carrying out any works for purposes connected with the installation and connection of the meter or with the maintenance, repair or removal of the meter in accordance with any such requirements.
- (2) Sub-paragraph (1) above shall not require any water undertakers to bear, or prevent any water undertakers from recovering from any other person—
- (a) any expenses incurred for the purpose of enabling a condition imposed under paragraph 1 above to be satisfied;
 - (b) any sums to which they are entitled by virtue of subsection (4) of section 42 of Schedule 3 to the Water Act 1945 (owner of premises to bear cost of provision of separate service pipe required by undertakers);
 - (c) any expenses incurred in consequence of the exercise by the occupier of any premises of any option to be charged by the undertakers in relation to any premises by reference to volume rather than by reference to other matters, except, in the case of expenses falling within paragraph (a) above, where the condition could not have been imposed but for the exercise by the undertakers of their power by virtue of paragraph (a), (b) or (d) of section 4(1) of the Water Act 1981 (separation of common water service pipes) to require the provision of a separate service pipe to any premises.
- (3) The occupier of any premises where any water undertakers install or have installed a meter shall in all cases bear so much of the expenses referred to in sub-paragraph (1) above as is attributable to compliance with a request made by him in accordance with any regulations under section 5(2) of this Act for the positioning, in a place other than that reasonably proposed by the undertakers, either of the meter or of any pipe or apparatus installed for the purpose of facilitating the use of the meter.
- (4) Without prejudice to the preceding provisions of this paragraph, where a person authorised by any water undertakers carries out any works or enters any premises by virtue of paragraph 2 above, or of a warrant under paragraph 3 above, the undertakers shall make good, or pay compensation for, any damage caused by that person or by any person accompanying him, by or in connection with the carrying out of the works or the entry or with the performance of any duty to secure the premises against trespassers.

Offences of tampering with meters etc.

- 7 (1) If any person—
- (a) so interferes with a meter used by any water undertakers in determining the amount of any charges fixed in relation to any premises as intentionally or recklessly to prevent the meter from showing, or from accurately showing, the volume of water supplied to, or of effluent discharged from, those premises; or

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- (b) carries out any works which he knows are likely to affect the operation of such a meter or which require the disconnection of such a meter,
 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person shall not be guilty of an offence under sub-paragraph (1) above in respect of anything done by him with the consent of the undertakers who use the meter.
- (3) Where an application is made to any water undertakers for a consent for the purposes of sub-paragraph (2) above the undertakers—
- (a) shall give notice of their decision with respect to the application as soon as reasonably practicable after receiving it; and
 - (b) may make it a condition of giving any consent that they themselves should carry out so much of any works to which the application relates as is specified in the notice of their decision;
- but on such an application the undertakers shall not refuse their consent, or impose any such condition as is mentioned in paragraph (b) above, unless it is reasonable to do so.
- (4) Where any water undertakers have given a notice to any person imposing any such condition as is mentioned in sub-paragraph (3)(b) above, then, unless that person notifies the undertakers that the carrying out of the works to which the condition relates is no longer required, the undertakers—
- (a) shall carry out those works as soon as reasonably practicable after giving the notice; and
 - (b) may recover from that person any expenses reasonably incurred by them in doing so.
- (5) Any person who suffers any loss or damage in consequence of any failure by any water undertakers—
- (a) to comply with any obligation imposed on them by this paragraph; or
 - (b) to exercise reasonable care in the performance of the duty imposed by sub-paragraph (4)(a) above,
- shall be entitled to recover compensation from the undertakers.
- (6) Water undertakers who carry out any works made necessary by the commission of an offence under sub-paragraph (1) above shall be entitled to recover the reasonable expenses of carrying out those works from the person who committed the offence.

Duty of undertakers to inform other undertakers of meter readings

- 8 (1) Where—
- (a) different services, facilities or rights are performed, provided or made available in relation to the same premises by different water undertakers;
 - (b) one of those undertakers has obtained a reading from a meter used in determining the amount of any charges fixed in relation to those premises;
 - (c) the charges in relation to those premises of another of those water undertakers are fixed by reference to any matter to which the reading is relevant; and
 - (d) those other undertakers have agreed to bear a reasonable proportion of the expenses of obtaining the reading together with the reasonable expenses of the disclosure of the reading to them,

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it shall be the duty of the undertakers who obtained the reading to disclose the reading to the other undertakers.

- (2) Any water undertakers who suffer any loss or damage in consequence of any breach of the duty imposed by sub-paragraph (1) above shall be entitled to recover compensation from the undertakers whose breach caused the loss or damage.

Arbitration

- 9 Any dispute between any water undertakers and any person—
- (a) as to the imposition of a condition under paragraph 1 above;
 - (b) as to the exercise of any power under paragraph 2 above to carry out any works;
 - (c) as to whether the undertakers or that person should bear any expenses under paragraph 6 or 7 above;
 - (d) as to the terms to be contained in any agreement for the purposes of paragraph 8(1)(d) above or as to the construction of any such agreement;
 - (e) as to whether the undertakers should pay any compensation under paragraph 6, 7 or 8 above; or
 - (f) as to the amount of any expenses to be borne by any person under paragraph 6 or 7 above or under any such agreement or as to the amount of any such compensation,

shall be referred to the arbitration of a single arbitrator appointed by agreement between the undertakers and that person or, in default of agreement, by the Secretary of State.