



# Public Health Act 1936

## 1936 CHAPTER 49

### PART IV

#### WATER SUPPLY.

*Byelaws for preventing waste &c. of water: provisions as to meters and other fittings.*

#### **132 Byelaws for preventing waste, misuse or contamination of water, and &c.**

- (1) A local authority who supply water under this Act may make byelaws for preventing the waste, undue consumption, misuse or contamination of water supplied by them.
- (2) Byelaws under this section may include provisions prescribing the size, nature, materials, strength and workmanship, and the mode of arrangement, connection, disconnection, alteration and repair, of the water fittings to be used, and forbidding any arrangements and the use of any water fittings which permit, or are likely to permit, waste, undue consumption, misuse, erroneous measurement or contamination of water.
- (3) If a person contravenes, or fails to comply with, the provisions of any byelaw made under this section, the authority may, without prejudice to their right to take proceedings for a fine, cause any water fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be repaired, replaced or altered, and shall have the like powers for recovering the expenses properly incurred by them in so doing as they have for recovering water rates.
- (4) Nothing in this section or in any byelaw made thereunder shall apply to any fittings used on premises which belong to a railway company and are held or used by them for the purposes of their railway, so long as those fittings do not cause waste, undue consumption, misuse or contamination of water supplied by the local authority:

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or other houses, or used in offices not forming part of a railway station.

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- (5) The provisions of Part II of this Act with respect to the power of a local authority with the consent of the Minister to relax the requirements of building byelaws shall apply in relation to byelaws made under this section as they apply in relation to building byelaws.
- (6) Subject as hereinafter provided—
- (a) any byelaw made by a local authority under this section shall cease to have effect on the expiration of ten years from the date on which it was made; and
  - (b) any byelaw made by a local authority under any other enactment which confers power to make byelaws for purposes similar to the purposes of this section shall, if made more than nine years before the date of commencement of this Act, cease to have effect at the expiration of one year from that date and, if made not more than nine years before that date, cease to have effect at the expiration of ten years from the date on which it was made:

Provided that the Minister may by order extend the period during which any such byelaw is to remain in force.

- (7) A local authority who propose to apply to the Minister for confirmation of any byelaws made under this section shall, in addition to complying with the requirements of section two hundred and fifty of the Local Government Act, 1933—
- (a) publish in the London Gazette at least one month before the application is made notice of their intention to apply for confirmation; and
  - (b) if they supply water outside their district, send at least one month before the application is made a copy of the byelaws to the local authority of every district in which any premises to which the byelaws will apply are situate.

### **133 Power to inspect and test water fittings.**

A local authority who supply water under this Act may examine and test any water fittings used in connection with water so supplied by them.

### **134 Charges for hire of, and repairs to, meters.**

- (1) A local authority who supply water under this Act may make a charge for any meter provided by them, and shall have the like powers for recovering any such charges as they have for recovering water rates.
- (2) The local authority shall at their own expense keep any meter let on hire by them to any person in proper order for correctly registering the supply of water and, if they fail so to do, that person shall not be liable to pay rent for the meter while the default continues.

### **135 Penalty for injuring water fittings, and &c, or for fraudulent use of water.**

- (1) If any person wilfully or by culpable negligence injures, or suffers to be injured, any water fittings belonging to a local authority who supply water under this Act, or fraudulently alters the index of any meter for measuring the water supplied by such an authority, or prevents any such meter from registering correctly the quantity of water supplied, or fraudulently abstracts or uses water of the authority, he shall, without prejudice to any other right or remedy of the authority, be liable to a fine not exceeding five pounds, and the authority may do all such work as is necessary for repairing any

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injury done, or for securing the proper working of the meter, and may recover the expenses reasonably incurred by them in so doing from the offender.

- (2) For the purposes of this section, if it is proved that a consumer has altered the index of a meter, it shall rest upon him to prove that he did not alter it fraudulently, and the existence of any artificial means under the control of a consumer for preventing a meter from registering correctly, or enabling him fraudulently to abstract or use water, shall be prima facie evidence that he has fraudulently prevented the meter from registering correctly or, as the case may be, has fraudulently abstracted or used water.

### **136 Register of meter to be evidence.**

- (1) Where a local authority supply water under this Act by meter, the register of the meter shall be prima facie evidence of the quantity of water consumed.
- (2) Any question arising between the authority and a consumer with respect to the quantity of water consumed, may, on the application of either party, be determined by a court of summary jurisdiction.
- (3) If the meter on being tested is proved to register incorrectly to any material degree—
  - (a) the meter shall be deemed to have registered incorrectly to that degree since the last occasion but one before the date of the test on which a reading of the index of the meter was taken by the authority, unless it is proved to have begun to register incorrectly to that degree on some later date; and
  - (b) the amount of any refund to be made to, or of any extra payment to be made by, the consumer shall be paid or allowed by the authority or paid by the consumer, as the case may be, and, in the case of an extra payment, may be recovered in the like manner as a water rate.