



Public Health Act 1936

1936 CHAPTER 49

PART IV

WATER SUPPLY.

Power of local authority to require houses to be supplied with water.

137 New houses to be provided with sufficient water supply.

- (1) Where plans of a house are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless—
- (i) there is put before them a proposal which appears to them to be satisfactory for providing in, or within a reasonable distance of, the house a supply of wholesome water sufficient for the domestic purposes of the inmates; and
 - (ii) they are satisfied that the proposal can and will be carried into effect.

Any question arising under this subsection between a local authority and the person by whom or on whose behalf plans are deposited as to whether the local authority ought to pass the plans may on the application of that person be determined by a court of summary jurisdiction.

- (2) If, after any such plans as aforesaid have been passed, it appears to the local authority that the proposal for providing a supply of water has not been carried into effect, or has not resulted in a supply of wholesome water sufficient for the domestic purposes of the inmates being provided in, or within a reasonable distance of, the house, the authority shall give notice to the owner of the house, prohibiting him from occupying it, or permitting it to be occupied, until the authority, being satisfied that such a supply has been provided, have granted him a certificate to that effect and, until such a certificate has been granted, he shall not occupy the house or permit it to be occupied :

Provided that any person aggrieved by the refusal of the authority to grant such a certificate may apply to a court of summary jurisdiction for an order authorising the occupation of the house and, if the court is of opinion that a certificate ought to have

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been granted, the court may make an order authorising the occupation of the house, and such an order shall have the like effect as a certificate of the local authority.

- (3) Any person who contravenes the provisions of the last preceding subsection shall be liable to a fine not exceeding ten pounds and to a further fine not exceeding forty shillings for each day on which the offence continues after conviction therefor.

138 Power of local authority to require any occupied house to be provided with sufficient water supply.

- (1) Where a local authority are satisfied—
- (a) that any occupied house has not, either in the house or within a reasonable distance thereof, a supply of wholesome water sufficient for the domestic purposes of the inmates; and
 - (b) that such a supply ought to be provided by the owner of the house; and
 - (c) that, if such a supply is afforded by the authority or other water undertakers, there will not be payable by the consumer in respect of water supplied any charge in excess of the ordinary charge made in respect of a supply of water for domestic purposes to houses in the area to which such a supply is given,
- the authority may give notice to the owner requiring him within a time specified therein to provide, or secure the provision of, such a supply.
- (2) Where the local authority are so satisfied as aforesaid with respect to each of two or more houses, and are further satisfied that the needs of those houses can most conveniently be met by means of a joint supply, they may give notice accordingly under the preceding subsection to the owners of all those houses.
- (3) Subject to the provisions of the next succeeding section with respect to appeals, if such a notice as aforesaid is not complied with, the local authority may themselves provide, or secure the provision of, a supply of water to the house or houses in question and may recover any expenses reasonably incurred by them in so doing from the owner of the house, or, where two or more houses are concerned, from the owners of those houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction :

Provided that an owner shall not be required to pay more than twenty pounds in respect of any one house.

- (4) Where any houses with respect to which the local authority are, by reason of notices not having been complied with, in a position to take action under the last preceding subsection are situate within the limits of supply of statutory water undertakers, and the aggregate amount of the water rates which would be payable annually by owners or occupiers of those houses at the rates charged by the undertakers is such that a requisition could be made by those owners or occupiers under section thirty-five of the Waterworks Clauses Act, 1847, or under that section as modified by any enactment regulating the undertaking, the local authority may themselves make such a requisition, and the undertakers shall comply therewith as if it had been made by the owners or occupiers of the houses, and those owners or occupiers shall be deemed to have made the requisition and to have entered into an agreement with the undertakers to take a supply of water for the minimum period mentioned in the said section, or in the said section as so modified.
- (5) Where under this section a supply of water is furnished to a house by the local authority or other statutory water undertakers, water rates may be made on the premises and

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recovered as if the owner or occupier of the house had demanded and agreed to pay water rates for a supply.

- (6) Where under this section two or more houses in the occupation of different persons are supplied with water by a common pipe belonging to the owners or occupiers of those houses or parts of houses, or to some of them, the local authority may, when necessary, repair or renew the pipe and recover any expenses reasonably incurred by them in so doing from the owners or occupiers of the houses in such proportions as may be determined by the authority or, in case of dispute, by a court of summary jurisdiction.

139 Appeal by owner against requirement to provide water supply.

- (1) If a person on whom a notice has been served under subsection (1) of the last preceding section objects to the requirement of the local authority on any of the following grounds, that is to say that:—
- (a) the supply is not required;
 - (b) the time allowed to him for providing the supply is insufficient ;
 - (c) the authority ought themselves to provide a supply of water for the district, or part of the district, in which the house is situate, or to render the existing supply of water wholesome; or
 - (d) part of the expenses of providing the supply, or of rendering the existing supply wholesome, ought to be borne by the authority,
- he may, within twenty-eight days after service on him of the notice, appeal to the Minister and, if he so appeals, the authority shall not take any further steps under the notice until they have been authorised so to do by the Minister.
- (2) Upon an appeal to him under this section the Minister may either disallow the requirement of the local authority or allow it with or without modifications, and, if he allows it, shall order the authority to proceed with the proposed works, or those works as varied by the order, either forthwith or in the event of the works not being executed by the owner or owners within a time limited by the order.
- (3) The Minister may by his order, if he thinks it equitable so to do, apportion the expenses of providing the supply between the owner or owners concerned and the local authority, or may vary any such apportionment which the authority propose to make, so, however, that in no case shall any owner be required to pay more than twenty pounds in respect of any one house.