



Rural Water Supplies and Sewerage Act 1944

1944 CHAPTER 26

An Act to make provision as to water supplies, sewerage and sewage disposal in rural localities, and to make expenses incurred by rural district councils in connection with water supply, sewerage and sewage disposal general expenses. [27th July 1944]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1 Government contributions towards expenses of total authorities for rural water supplies and sewerage.

- (1) Subject to such conditions as the Treasury may determine, the Minister of Health (in this Act referred to as " the Minister ") may, in any case in which it appears to him to be desirable so to do, undertake to make a contribution towards the expenses incurred by a local authority at any time after the passing of this Act—
 - (a) in providing a supply, or improving an existing supply, of water in a rural locality ;
 - (b) in making adequate provision for the sewerage, or the disposal of the sewage, of a rural locality :

Provided that the, Minister shall not undertake to make a contribution towards the expenses of making provision for the sewerage, or the disposal of the sewage, of a rural locality unless he is satisfied that the need for making the provision is due to anything done or proposed to be done, whether before or after the passing of this Act, to supply, or increase the supply of, water in pipes in that locality.

- (2) Subject to the provisions of the next succeeding subsection, an undertaking under this section shall provide for the making of the contribution in the form of a lump sum, payable either as a whole on the completion of the works to be executed or of the transaction to be effected for the purposes of the supply of water, or the purposes of

sewerage or sewage disposal, as the case may be, or, in the case of the execution of works, in instalments on the completion of parts of the works.

- (3) Where the expenses incurred by the local authority are expenses in respect of liabilities arising from time to time under a lease or hiring agreement or a contract for the supply of water or for sewage disposal, an undertaking under this section may provide for the making of the contribution in the form of sums payable from time to time, within any period not exceeding twenty years from the date of the undertaking.

In this subsection, the expression " contract for the supply of water " includes any undertaking to make, or guarantee of, payments to a person supplying water given under section one hundred and twenty-three of the Public Health Act, 1936, or under this Act.

- (4) The Minister may withhold, or reduce the amount of, a contribution which he has undertaken to make towards the expenses incurred by a local authority in respect of any works or transaction, if it appears to him either—
- (a) that any of the works have been executed in an unsatisfactory manner ; or
 - (b) that the effectiveness of any of the works is substantially less than as estimated in the proposals submitted to him by the local authority, and that the difference is due to any default, for which the local authority is responsible, in the formulation of the proposals ; or
 - (c) that there has been any default in the carrying out of the transaction.
- (5) Any contributions made by the Minister under this section shall be defrayed out of moneys provided by Parliament, and shall not, in the aggregate, exceed fifteen million pounds.
- (6) Local authorities, for the purposes of this section, shall be—
- (a) the council of any borough or urban or rural district;
 - (b) the council of a county which is for the time being exercising the functions relating to water supply or sewerage or sewage disposal of any such council as aforesaid by virtue of an agreement under section three hundred and twenty, or an order under section three hundred and twenty-two, of the Public Health Act, 1936, or by virtue of a local Act (whether passed before or after the passing of this Act) ;
 - (c) a joint board, or joint committee, constituted by or under any Act (whether public general or local and whether passed before or after the passing of this Act) for the purposes of the provision of a common water supply or common sewerage or common sewage disposal.
- (7) The Rural Water Supplies Act, 1934, shall cease to have effect except as respects undertakings thereunder given before the passing of this Act.

2 Contributions by county councils.

- (1) Where the Minister undertakes under' the preceding section to make a contribution towards expenses incurred by the council of any borough or urban or rural district or by a joint board or joint committee, the council of the county within which the area of the authority to whom the undertaking is given falls, or, where that area falls within more than one county, the councils of each of the counties, shall undertake to make towards those expenses contributions of such amount, and payable at such times and subject to such conditions, as may be agreed between the council and the authority or in default of agreement as may be determined by the Minister :

Provided that, where the amount of any such contribution is determined by the Minister, it shall not, without the consent, of the council of the county, exceed the amount of the contribution which the Minister has himself undertaken to make.

- (2) Where the council of any borough or urban or rural district or a joint board or joint committee submit to the Minister proposals with a view to his undertaking, under the preceding section, to make a contribution towards the expenses incurred by them in carrying out the proposals, they shall—
 - (a) before submitting the proposals to him, transmit for their observations thereon particulars thereof to the council of any county which will, under this section, be bound to undertake to make contributions towards those expenses if the Minister gives the undertaking ; and
 - (b) report to the Minister when they submit the proposals to him, the observations, if any, of any such county council thereon.
- (3) Where, under the preceding section, the Minister withholds, or reduces the amount of, a contribution which he has undertaken to make thereunder towards any such expenses as aforesaid, the council of the county may withhold; or, as the case may be, reduce in the same proportion, the amount of the contributions which they have undertaken under this section to make towards those expenses.

3 Extension of duties of local authorities and joint boards as to water supply.

- (1) Every local authority shall provide a supply of wholesome water in pipes to every rural locality in their district in which there are houses or schools, and shall take the pipes affording that supply to such point or points as will enable the houses or schools to be connected thereto at a reasonable cost:

Provided that—

- (a) this subsection shall not require a local authority to do anything which is not practicable at a reasonable cost ; and
 - (b) if any question arises under this subsection as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be carried in order to enable houses or schools to be connected to them at a reasonable cost, the Minister, if requested so to do by the council of the county or by ten or more local government electors in the district of the local authority, shall, after consulting the local authority, and, where the request was made by local government electors, after consulting also the council of the county, if any, determine that question and the local authority shall give effect to his determination.
- (2) The Public Health Act, 1936, shall have effect as if the obligations imposed by the preceding subsection were part of the obligations imposed on local authorities by section one hundred and eleven of that Act, and expressions to which a meaning is assigned by section three hundred and forty-three of that Act have the same meanings for the purposes of this section.
- (3) The obligations of any joint board constituted under the Public Health Act, 1875, or, before the passing of this Act, under the Public Health Act, 1936, for the purpose of discharging the functions relating to water supply of two or more local authorities shall, as respects rural localities within the district of the board, include the obligations which are imposed on local authorities by virtue of the preceding provisions of this

section as respects rural localities within their respective districts, and the enactments and orders relating to any such board shall have effect accordingly.

4 Amendment of s.322 of the Public Health Act, 1936.

Where—

- (a) the Minister has made an order under subsection (2) of section three hundred and twenty-two of the Public Health Act, 1936, declaring a council or joint board to be in default; and
- (b) that council or board has failed to comply with any requirement thereof within the time limited thereby for compliance with that requirement; and
- (c) the Minister is satisfied that that requirement is a requirement connected with the supply of water in, or with the sewerage or the disposal of the sewage of, a rural locality,

the power of the Minister under subsection (3) of that section shall extend to the making of an order transferring to himself functions of the body in default, notwithstanding that the body in default is such a body as is mentioned in paragraph (i) of that subsection.

5 Duty of statutory water undertakers to accept guarantees from local authorities.

- (1) The provisions of this section shall have effect in any case where the owners or occupiers of any premises in a rural locality can require statutory water undertakers to bring water to that locality if the aggregate amount of the water rates which will be payable annually in respect of those premises will not be less than a prescribed fraction of the cost to be incurred by the undertakers in complying with the requisition, and if the owners or occupiers of those premises agree to take a supply of water for a prescribed period.
- (2) If, in any such case as aforesaid, the aggregate amount of the water rates which would be payable annually in respect of any premises in the locality is not sufficient to enable a valid requisition to be made by the owners and occupiers of those premises, the local authority of the district in which the locality is situate may undertake that, until the water rates paid for any year in respect of premises in that locality amount to a sum which would have enabled such a requisition to be made, the authority will make good to the undertakers in each year the difference between that sum and the amount of the water rates actually paid in respect of premises in that locality, and, thereupon, the undertakers shall lay any necessary mains and bring water to that locality.
- (3) Any two or more local authorities may combine for the purposes of giving such an undertaking as aforesaid.
- (4) If the undertakers, after tender to them of an undertaking which satisfies the preceding provisions of this section, do not before the expiration of three months lay the necessary mains and bring water to the locality in question, they shall, unless they show that the failure was due to unavoidable accident or other unavoidable cause, be liable on summary conviction to a fine not exceeding fifty pounds and to a further fine not exceeding five pounds for each day on which their default continues after conviction therefor.
- (5) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" local authority " means the council of a borough, urban district or rural district ;

" prescribed " means prescribed by the enactments regulating the undertaking in question ;

" statutory water undertakers " means any company, local authority, board, committee or other persons or person supplying water under any enactment;

" enactment " means an enactment in an Act of Parliament whether public general, local or private and a provision in an order confirmed by or made under an Act of Parliament.

6 Sewerage, sewage disposal and water supply expenses to be general expenses.

Notwithstanding anything in section three hundred and eight of the Public Health Act, 1936, all expenses incurred (whether before or after the passing of this Act) by a rural district council in connection with sewers or sewage disposal works or a supply of water shall, in so far as they fall to be defrayed out of rates made in respect of periods beginning after the end of March, nineteen hundred and forty-five, be general expenses.

7 Application to Scotland.

This Act shall apply to Scotland subject to the following modifications :—

(1) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State ;

(2) in the application of section one—

for subsections (5) and (6) the following subsections shall be respectively substituted :—

“(5) Any contributions made by the Secretary of State, under this section shall be defrayed out of moneys provided by Parliament and shall not, in the aggregate, exceed six million three hundred and seventy-five thousand pounds.

(6) Local authorities for the purposes of this section shall be—

(a) the council of any burgh or county ;

(b) a combination of any such councils whether constituted under the Public Health (Scotland) Act, 1897, or otherwise for the purposes of the provision of a common water supply or of works in regard to sewerage ;”

(3) in the application of section three—

(i) the expression " local authority " means a county or town council or a combination of any such councils whether constituted under the Public Health (Scotland) Act, 1897, or otherwise for the purposes of the provision of a common water supply, or any board or any trustees or other body constituted under a local Act for the purposes of the provision of a water supply ;

(ii) proviso (b) to subsection (1) shall have effect as if any reference to the council of the county were omitted ;

(iii) for subsection (2) the following subsection shall be substituted:—

“(2) The obligations imposed by this section shall, for the purposes of section one hundred and forty-seven of the Public Health (Scotland) Act, 1897 (which makes-provision for refusal or neglect of a local authority), be deemed to be imposed by that Act”.

(iv) subsection (3) shall not apply ;

(4) sections two, four, five and six shall not apply.

8 Short title, extent and repeals.

(1) This Act may be cited as the Rural Water Supplies and Sewerage Act, 1944.

(2) This Act shall not extend to Northern Ireland.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that the repeal of provisions of the Public Health Act, 1936, shall not affect any expenses in so far as they are defrayed out of rates made in respect of periods ending before the first day of April, nineteen hundred and forty-five.

SCHEDULE

Section 8.

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Geo. 5. c. 7.	The Rural Water Supplies Act, 1934	The whole Act except as respects undertakings thereunder given before the passing of this Act.
26 Geo.5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	<p>In section twelve, the words " of works of sewerage, sewage disposal or water supply, or " and the word " other ".</p> <p>In section three hundred and eight, paragraphs (a) and (b) of subsection (1), subsection (2) and, in subsection (3), the words " and, if those expenses were incurred in respect of separate undertakings for supplying water, those undertakings shall for the purposes of this Act and of the Local Government Act, 1933, be deemed to be one undertaking ".</p>