



# Water Act 1945

1945 CHAPTER 42 8 and 9 Geo 6

## PART IV

### POWERS AND DUTIES OF LOCAL AUTHORITIES AND WATER UNDERTAKERS

*Extension of powers and duties of local authorities under the Public Health Act, 1936.*

28 .....<sup>F1</sup>

#### Textual Amendments

F1 S. 28 repealed by [Water Act 1973 \(c. 37\), Sch. 9](#)

#### 29 **Amendment of s. 137 of the Public Health Act, 1936.**

(1) For subsection (1) of section one hundred and thirty-seven of the Public Health Act, 1936 (which requires new houses to be provided with a sufficient water supply) there shall be substituted the following subsection :—

“(1) Where plans of a house are, in accordance with building byelaws, deposited with a local authority, the authority shall reject the plans unless there is put before them a proposal which appears to them to be satisfactory for providing the occupants of the house with a supply of wholesome water sufficient for their domestic use—

- (a) by connecting the house to a supply of water in pipes provided by the local authority or other statutory undertakers; or
- (b) if in all the circumstances it is not reasonable to require the house to be connected as aforesaid, by otherwise taking water into the house by means of a pipe; or

*Changes to legislation: There are currently no known outstanding effects for the Water Act 1945, Cross Heading: Extension of powers and duties of local authorities under the Public Health Act, 1936.. (See end of Document for details)*

- (c) if in all the circumstances neither of the preceding alternatives can reasonably be required, by providing a supply of water within a reasonable distance of the house;

and the authority 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) In subsection (2) of the said section one hundred and thirty-seven for the words “for the domestic purpose of the inmates being provided in, or within a reasonable distance of, the house” there shall be substituted the words “for the domestic purposes of the occupants.”

**Modifications etc. (not altering text)**

- C1** The text of ss. 29, 30(1)–(4), 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**30 Amendment of s. 138 of the Public Health Act, 1936.**

- (1) For subsection (1) of section one hundred and thirty-eight of the Public Health Act, 1936 (which empowers a local authority to require an occupied house to be provided with a sufficient water supply) there shall be substituted the following subsections:—

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Where a local authority are satisfied that any occupied house has not a supply of wholesome water in pipes in the house sufficient for the domestic purposes of the occupants, the local authority may—

- (a) if they are satisfied that in all the circumstances it is reasonable to require the owner of the house to connect it to a supply of water in pipes provided by the local authority or other statutory water undertakers, give notice to the owner requiring him within a time specified therein to connect the house as aforesaid;
- (b) if they are not satisfied that it is reasonable in all the circumstances to require the owner to connect the house as aforesaid, but are satisfied that it is reasonable to require him otherwise to take water into the house by means of a pipe, give notice to the owner requiring him within a time specified therein so to take water into the house.

- (1A) Where a local authority are satisfied that any occupied house has not a reasonable distance thereof a supply of wholesome water sufficient for the domestic purposes of the occupants and that in all the circumstances it is not reasonable to require the owner to connect the house, or to take water into the house as aforesaid, the local authority may give notice to the owner requiring him within a time specified therein to provide a sufficient supply of wholesome water within a reasonable distance of the house.”

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(2) In subsection (2) of the said section, for the words “the preceding subsection” there shall be substituted the words “either of the preceding subsections”.

(3) After the said subsection (2) there shall be inserted the following subsection:—

“(2A) If a person on whom a notice has been served under the preceding provisions of this section objects to the requirement of the local authority, he may, within twenty-eight days after service on him of the notice, appeal to a court of summary jurisdiction and, upon any such appeal, the court may either disallow the requirement of the local authority or allow it with or without modifications.”

(4) In subsection (3) of the said section, for the words “Subject to the provisions of the next succeeding section with respect to appeals, if such notice as aforesaid is not complied with” there shall be substituted the words “If any requirement contained in a notice given under the preceding provisions of this section, including a requirement modified by a court under the last preceding subsection, is not complied with within the time specified in the notice or if the court extends that time, within the time as so extended”.

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**Modifications etc. (not altering text)**

**C2** The text of ss. 29, 30(1)–(4), 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### **31 Other amendments of Public Health Act, 1936.**

The provisions of the Public Health Act, 1936, mentioned in the Fourth Schedule to this Act, being provisions relating to the water supply and matters connected therewith, shall be amended and repealed to the extent specified in the said Schedule

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**Modifications etc. (not altering text)**

**C3** The text of ss. 29, 30(1)–(4), 31 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Water Act 1945, Cross Heading:  
Extension of powers and duties of local authorities under the Public Health Act, 1936..