

CHAPTER xix.

An Act to make better provision with respect to the laying and maintenance of pipes for the supply of water within the limits of supply of the Rickmansworth and Uxbridge Valley Water Company and for purposes connected therewith. A.D. 1937.

[29th April 1937.]

WHEREAS the Rickmansworth and Uxbridge Valley Water Company (hereinafter called "the Company") are by the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1936 authorised to construct and maintain waterworks and to supply water within the limits in the counties of Hertford Middlesex and Buckingham thereby prescribed:

And whereas under the Acts and Orders relating to the Company owners or occupiers of dwelling-houses requiring from the Company a supply of water for domestic purposes (other than the owners or occupiers in certain events of dwelling-houses the annual value of which does not exceed ten pounds) are entitled and required to provide lay and maintain communication pipes for the purpose of such supply:

And whereas under the Acts and Orders relating to the Company the Company may supply water for other than domestic purposes on such terms and conditions as the Company think fit and may supply water by meter either for domestic or other purposes

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and may also by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street within the limits of supply execute such works on behalf of such owner or occupier subject to the expenses incurred by the Company in so doing being repaid by the owner or occupier:

And whereas it is expedient that communication pipes and apparatus laid prior to the commencement of this Act for obtaining supplies of water from the service mains of the Company shall to the extent mentioned in this Act be transferred to the Company and that the Company shall be exclusively entitled to provide and lay to the extent mentioned in this Act any further communication pipes and apparatus for the purposes of supplies of water from their service mains:

And whereas it is expedient to provide that the communication pipes and apparatus for the purposes of such supplies of water shall to the extent mentioned in this Act be maintained repaired and renewed by the Company exclusively and at their own cost:

And whereas it is expedient that the other provisions of this Act be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and 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:—

Short and collective titles.

1.—(1) This Act may be cited as the Rickmansworth and Uxbridge Valley Water Act 1937.

(2) The Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1936 and this Act may together be cited as the Rickmansworth and Uxbridge Valley Water Acts and Orders 1884 to 1937.

Commencement of Act.

2. This Act shall come into force on the twenty-ninth day of September nineteen hundred and thirty-seven

which date is in this Act referred to as "the commencement of this Act." A.D. 1937.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

"the Company" means the Rickmansworth and Uxbridge Valley Water Company;

"the Act of 1900" "the Order of 1906" "the Order of 1917" "the Act of 1928" and "the Act of 1936" respectively mean the Rickmansworth and Uxbridge Valley Water Act or Order of those respective years; 63 & 64 Vict. c. ccxlii. 18 & 19 Geo. 5. c. xlix. 26 Geo. 5. & 1 Edw. 8. c. lvi.

"the limits of supply" means the limits within which the Company are for the time being authorised to supply water;

"street" means—

(*a*) any road square court alley highway lane cul de sac thoroughfare or passage within the limits of supply; or

(*b*) any place within the limits of supply laid out for any such purpose;

(whether the same be or be not dedicated to public use) Provided that the word "street" where used in this section and in section 4 of this Act shall mean only a street (as hereinbefore defined) in which a service main is for the time being laid;

"service main" means a service main of the Company but does not include—

(i) any main or pipe forming part of the conduit or line of pipes authorised by section 25 (Power to make waterworks) of the Rickmansworth Waterworks Act 1884; or 47 & 48 Vict. c. xvii.

(ii) the through main laid by the Company in part of the former parish of Harrow-on-the-Hill under the powers conferred by section 4 (Extension of limits of supply) of the Act of 1900; or

(iii) so much of the main or line of pipes authorised by section 7 (Power to construct

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work) of the Order of 1906 as is situate outside the limits of supply; or

(iv) any main or pipe laid or maintained by the Company under the powers conferred by section 16 (Power to lay connecting mains) of the Act of 1936;

"service pipe" means so much of any pipe for supplying water from a service main to any house building or premises as is subject to water pressure from such main;

"stopcock" means a stopcock which is fitted on a service pipe and of which every part is situate in a street;

"communication pipe" means so much of any service pipe as extends from a service main to—

(*a*) the stopcock or stopcocks (if any) fitted on such pipe; or

(*b*) where a stopcock is not fitted on such pipe the point at which such pipe passes the boundary of the street or the point in or under the street at which such pipe enters any house building or premises whichever of those points is the nearer to the service main;

and includes the ferrule at the junction of such pipe with such service main and where there is a stopcock fitted on such pipe includes also the stopcock and the box (if any) containing the stopcock and any cover to such box;

"supply pipe" means so much of any service pipe as is not a communication pipe;

"consumer" means in relation to any supply of water which the Company are required to furnish the person entitled to require and requiring the supply but does not include any authority body or person entitled to require and requiring a supply of water for distribution by such authority body or person;

"water rate" has the same meaning as in the Waterworks Clauses Act 1847.

10 & 11 Vict. c. 17.

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Existing communication pipes transferred to Company.

4. On the commencement of this Act so much of every service pipe as constitutes a communication pipe not then the property of the Company shall by virtue of this Act become transferred to the Company without payment therefor and as from the commencement of this Act all communication pipes so transferred to the Company shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes as if they had been laid by the Company under the provisions of this Act:

Provided that if at any time after the commencement of this Act a stopcock is fitted on a communication pipe so transferred to the Company on which a stopcock was not fitted immediately before the commencement of this Act the foregoing provisions of this section shall as from the date of such fitting cease to apply to so much of such communication pipe as lies between the stopcock and—

(*a*) the boundary of the street; or

(*b*) the point in or under the street at which the service pipe enters any house building or premises;

whichever is the nearer to the service main with which such communication pipe is connected and on and from the last-mentioned date that portion of such communication pipe shall by virtue of this Act be transferred from the Company to and belong to the person in whom the supply pipe connected with such communication pipe was immediately before that date vested and shall for all purposes (including the maintenance repair renewal and removal thereof) become part of such supply pipe as if the said stopcock had been fitted at the commencement of this Act.

New communication pipes to be laid by Company.

5.—(1) After the commencement of this Act the Company shall notwithstanding anything in any Act or Order relating to them have the exclusive right of—

(*a*) providing and laying any communication pipe which is to be connected with any service main; and

(*b*) executing any works for connecting such communication pipe with the service main.

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(2) Where any consumer being the owner or occupier of any dwelling-house or part of a dwelling-house within the limits of supply shall have—

(*a*) required the Company to provide a supply of water to such premises for domestic purposes; and

(*b*) laid the supply pipe; and

(*c*) paid or tendered the portion of the water rate in respect of such premises which shall be payable in advance;

the Company shall provide and lay with all reasonable dispatch the communication pipe requisite for furnishing such supply and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main:

Provided that if the Company so require the consumer shall deposit with the Company before they commence to lay such communication pipe and other apparatus such a sum as the Company may deem reasonably necessary to meet the expense of providing laying and connecting the same.

If the Company refuse or neglect to provide and lay any communication pipe pursuant to the provisions of this subsection they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day during which such refusal or neglect shall continue and such penalties shall be recoverable in a summary manner.

(3) The cost incurred by the Company in providing laying and connecting any communication pipe and other apparatus pursuant to the last preceding subsection shall be borne by the consumer and the amount of such cost or so much (if any) thereof as shall not be covered by any sum deposited with the Company as aforesaid (as the case may be) shall on the completion of the laying and connecting of such communication pipe and other apparatus be repaid to the Company by the consumer and shall be recoverable summarily as a civil debt or in any court of competent jurisdiction.

(4) Where any person not being a consumer to whom subsection (2) of this section applies desires a supply of water from the Company for any purpose and the Company agrees to furnish such supply the Company shall on such terms and conditions as may be agreed with the person desiring the supply provide and lay the communication pipe requisite for furnishing the supply and any other necessary and proper apparatus including a stopcock with a suitable box and cover and shall connect the communication pipe with the service main Provided that the cost incurred by the Company in providing laying and connecting such communication pipe and other apparatus shall be borne by the person desiring the supply and the amount of such cost shall on the completion of the laying and connecting of such communication pipe and other apparatus be repaid to the Company by that person and shall be recoverable summarily as a civil debt or in any court of competent jurisdiction.

(5) All communication pipes and other apparatus provided and laid by the Company pursuant to the provisions of this section shall belong to the Company and the rights and obligations of the Company with reference to the maintenance repair renewal and removal of pipes laid by them shall extend and apply to all such communication pipes and apparatus.

(6) Sections 44 to 47 of the Waterworks Clauses Act 1847 so far as they relate to any pipe which constitutes or forms part of a communication pipe shall cease to apply within the limits of supply.

Separate service pipes may be required.

6.—(1) The Company shall not be bound to supply with water more than one house or building or part of a house or building occupied as a separate tenement by means of the same service pipe and they may if they think fit require that a separate service pipe be laid into each house or building or part of a house or building occupied as a separate tenement and supplied or intended to be supplied by them with water and that such service pipe shall be laid from a service main of the Company or from such point between the service main and the house or building or part of a house or building as the Company may determine.

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(2) If the Company require a separate service pipe to be laid as aforesaid they shall provide and lay with all reasonable dispatch so much of such separate service pipe as constitutes a communication pipe and may recover the cost of so doing from the owner of the house or building or part of a house or building to which the service pipe is required to be laid.

If the Company fail to comply with the provisions of this subsection they shall be liable to forfeit to the consumer a sum of five pounds and a further sum of forty shillings for every day during which such failure shall continue and such penalties shall be recoverable in a summary manner.

(3) If the owner of any house or building or part of a house or building occupied as a separate tenement which is supplied with water by the Company and to which the Company shall have required a separate service pipe to be laid pursuant to subsection (1) of this section shall for a period of three months after the receipt of notice from the Company requiring him so to do fail to provide and lay so much of the separate service pipe as constitutes a supply pipe the Company may themselves do the work necessary in that behalf and recover the cost of so doing from such owner.

(4) Any cost recoverable by the Company from any owner under the provisions of this section shall be recoverable summarily as a civil debt or in any court of competent jurisdiction.

(5) Where a house or building was at the passing of the Act of 1936 divided into two or more parts occupied as separate tenements but was then and is at the commencement of this Act supplied by one service pipe only the Company shall not require a separate service pipe to be laid into each such part of the house or building unless and until the service pipe by which the house or building is supplied becomes defective or requires renewal or unless and until the house or building is structurally altered so as to comprise a larger number of parts occupied as separate tenements than the number of parts so occupied at the passing of the Act of 1936.

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(6) Where a house or building belonging to one owner is divided into two or more parts each of which is occupied as a separate tenement and the owner agrees with the Company in writing to pay the water rates in respect of every part of the house or building so occupied as a separate tenement then so long as the owner duly pays the water rates in respect of every such separate part of the house or building the Company shall not require a separate service pipe to be laid into each such separate part of the house or building.

Maintenance of communication pipes.

7. Notwithstanding anything in any other Act—

(*a*) any person other than the Company who immediately before the commencement of this Act was responsible for the maintenance repair and renewal of or entitled to remove any service pipe shall on the commencement of this Act cease to be responsible for the maintenance repair or renewal of or to be entitled to remove so much of such pipe as constitutes a communication pipe transferred to the Company by virtue of this Act; and

(*b*) after the commencement of this Act no person other than the Company shall be responsible for the maintenance repair renewal or removal of so much of any service pipe as constitutes a communication pipe transferred to the Company as aforesaid or laid by the Company pursuant to this Act.

Extension of Company's powers to break up streets.

8. The powers and obligations of the Company with reference to the opening and breaking up and reinstatement of streets whether within or beyond the limits of supply for the purpose of laying pipes shall extend and apply to the laying maintaining repairing renewing and removing by them of communication pipes and other apparatus under the provisions of this Act.

Restriction on powers of other persons to break up streets.

9. After the commencement of this Act no person other than the Company shall be entitled to open or break up any street within the limits of supply for laying any communication pipe or any apparatus fitted thereon or for maintaining repairing renewing or

A.D. 1937. removing any communication pipe transferred by this Act to or laid by the Company or any apparatus fitted on any such communication pipe Provided that nothing in this section shall affect the provisions of section 153 of the Public Health Act 1875 or section 30 of the Tramways Act 1870.

38 & 39 Vict. c. 55. 33 & 34 Vict. c. 78.

As to laying and maintenance of supply pipes.

10.—(1) The powers of laying pipes conferred by sections 48 to 52 of the Waterworks Clauses Act 1847 and the provisions of those sections with reference to such pipes shall within the limits of supply apply to the supply pipe for any supply of water which the Company shall after the commencement of this Act be required or agree to furnish and shall not apply to a communication pipe as defined in this Act.

(2) For the purpose of complying with any obligation under this Act or the Waterworks Clauses Act 1847 or the Waterworks Clauses Act 1863 to maintain repair renew or remove any supply pipe within the limits of supply or any apparatus fitted thereon the person for the time being liable to repair the same shall after the commencement of this Act have the like power to open the ground and to open or break up the pavement of any street as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of such pipes as are referred to in those sections.

26 & 27 Vict. c. 93.

(3) Except as in this Act otherwise expressly provided nothing in this Act shall alter or affect any right or obligation of any person—

(*a*) to provide lay maintain repair renew or remove any supply pipe; or

(*b*) to open the ground or open or break up the pavement of any street for any such purpose;

which would have existed if this Act had not been passed.

Company to connect supply pipes with communication pipes.

11.—(1) Notwithstanding anything in any Act or Order relating to the Company the Company shall have the exclusive right of executing any works on any communication pipe for connecting therewith any supply pipe laid after the commencement of this

Act and on the request of a consumer the Company shall (subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes) execute on any such communication pipe any work which shall be necessary to connect therewith the supply pipe of such consumer.

(2) The cost incurred by the Company in executing any work under this section shall be borne by the consumer and the amount of such cost shall on the completion of the work be repaid to the Company by the consumer and shall be recoverable summarily as a civil debt or in any court of competent jurisdiction.

As to London Traffic Area. 14 & 15 Geo. 5. c. 34.

12. In the application to the Company of subsections (3) and (4) of section 4 (Closing of streets for works) of the London Traffic Act 1924 the words " making altering repairing or disconnecting service connections " in that subsection (4) shall be construed as including laying connecting maintaining repairing altering renewing or disconnecting and removing communication pipes and supply pipes.

As to stopcocks.

13.—(1) Any stopcock fitted on a communication pipe at any time after the commencement of this Act shall be placed as near as reasonably practicable to the point at which such pipe passes the boundary of the street or the point in or under the street at which such pipe enters any house building or premises whichever of those points is the nearer to the service main.

(2) The box containing any such stopcock shall not be larger than is reasonably necessary.

As to Company's obligation to supply water.

14. Nothing in this Act shall impose on the Company any obligation to furnish a supply of water to which they were not subject immediately before the commencement of this Act.

Amendment and repeal.

15.—(1) After the commencement of this Act section 13 (Maintenance of common pipe) and section 15 (Power to undertakers to repair communication pipes) of the Order of 1917 and section 22 (Power to Company to lay communication pipes) of the Act of 1928 shall respectively have effect as if the expression " common pipe " in the said section 13 and the expression

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"communication pipe" in the said sections 15 and 22 meant a "supply pipe" as defined in this Act.

(2) The following sections are hereby repealed:—

Order of 1917—

Section 14 (As to communication pipes).

Act of 1928—

Section 21 (Company to connect communication pipes with mains).

Act of 1936—

Section 20 (As to communication pipes);

Section 21 (Separate communication pipes may be required).

For protection of electricity undertakers.

45 & 46 Vict. c. 56.

62 & 63 Vict. c. 19.

16. Nothing in this Act shall—

(i) extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 or of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 apply except in accordance with and subject to the provisions of those sections; or

(ii) prevent or affect the exercise by any such undertakers or by the Company of any rights or powers under those provisions.

For protection of Postmaster-General.

17. Nothing in this Act shall affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926.

Costs of Act.

18. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company and may in whole or in part be charged against revenue.

Printed by Eyre and Spottiswoode Limited
for
Sir William Richard Codling, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

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